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18 February 2013

Elmo E. Collins, Regional Administrator, Region IV  
U.S. Nuclear Regulatory Commission  
1600 East Lamar Blvd.  
Arlington, Texas 76011-4511

Re: Amending Confirmatory Action letter (CAL)  
San Onofre Nuclear Generating Station

Dear Mr. Collins:

This letter requests the Nuclear Regulatory Commission (NRC) amend the 27 March 2012 Confirmatory Action Letter (CAL) to require Southern California Edison (SCE) to determine the cause of tube wear experienced in the Unit 2 steam generators at the San Onofre Nuclear Power Plant (S.O. Nuclear).

Specifically, page 2 ¶ 1 of the CAL beginning after the heading "Actions for Unit 2" should be amended to read:

Actions for Units 2 and 3

1. Southern California Edison Company (SCE) will determine the causes of steam generator tube wear in Units 2 and 3. SCE will determine the causes of the tube-to-tube interactions that resulted in steam generator wear in Unit 2 and 3.

The remaining language in the existing CAL under "Actions for Unit 2" should be deleted for the following reasons. Implementing actions to prevent loss of integrity in Unit 2 steam generators due to the causes of tube wear in Unit 3 generators assumes, without investigation, that the cause of wear in Unit 2 steam generators is the same as the cause in Unit 3. Implementing actions to prevent loss of integrity in the Unit 2 steam generators due to the causes of tube wear in Unit 3 may not be sufficient to eliminate idiosyncratic wear in the Unit 2 steam generators.

Unit 2 and Unit 3 generators were constructed separately, and Unit 3 experienced welding defects at construction. Indeed, SCE has acknowledged there were “manufacturing differences” between the Unit 2 and Unit 3 steam generators.<sup>1</sup>

Moreover, the Unit 2 steam generators should not be restarted until after the cause of wear in the Unit 2 steam generators is determined. This request is based on simple logic and required prudence. The language in the CAL is defective and must be changed. You have a mandatory duty to make this change based on your duty to insure S.O. Nuclear is operated safely.

In order for you to properly fulfill your official duties you must require SCE to determine the cause of the excessive wear in the Unit 2 steam generators. Your failure to act will cause us to seek an order from the United States District Court in San Diego requiring you to properly fulfill your official duties. See, e.g. *Cheney v. United States Dist. Court For D.C.* 542 U.S. 367, 334 F.3d 1096 (2004)

The NRC has shown time and again in the public proceedings a tendency to manipulate the facts and procedures to favor SCE. Most recently, it appears that NRC facilitators allowed SCE to hijack the 12 February 2013 NRC “Category 3” S.O. Nuclear meeting in Capistrano Beach, California, in which hundreds of laborers were bussed in from San Diego.

On 12 February 2013, hundreds of San Diego laborers were induced to take what they were told was a bus ride for jobs from their homes in San Diego to Capo Beach Church in Capistrano Beach, CA. Jobs at the San Onofre Nuclear power plant were supposedly at stake. The bus trip was coordinated by S.O. Nuclear contract employer Shaw Stone Webster (SSW) who works at S.O. Nuclear under contract SCE -- S.O. Nuclear’s primary owner. San Diego Gas & Electric is a co-owner. The trip was coordinated by SSW’s Dave DeSeguirant (949-368-2693) Tom Lemmon of the San Diego Building Trades Council distributed CostCo debit cards and goodie bags to the laborers to promote the trip.

On 12 February 2013 the Capo Beach Church was the site of the Nuclear Regulatory Commission’s (NRC) Category 3 meeting to discuss the NRC’s current regulatory oversight status of S.O. Nuclear. According to the NRC the purpose of the meeting was to discuss the status of its inspection and technical evaluation of SCE’s 3 October 2012, response for Unit 2 to the 27 March 2012, NRC Confirmatory Action Letter. Note, it was not to discuss the Unit 3 steam generators. SCE proposed to restart the Unit 2 steam generators in its 3 October 2012 letter.

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<sup>1</sup> SCE contends the manufacturing differences in the Unit 2 steam generators resulted in less wear. However, the question is not whether there was more wear in Unit 3 steam generators than Unit 2. The question is why was there more than usual wear in the Unit 2 generators.



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A more accurate description of the purpose of the 12 February 2013 NRC meeting at the Capo Beach Church was to discuss the restart of the Unit 2 steam generators.

The NRC is generally regarded to be more of a protector of SCE, than a protector of public safety. For example, the NRC has refused to request that SCE determine the cause of tube wear in the Unit 2 steam generators. Unit 2 steam generators have been shut down due to excessive tube wear since January 2012. Luring hundreds of workers with the prospect of jobs, CostCo cards, and goodie bags to a NRC public meeting – a meeting dubbed as a discussion of the status of inspection and technical evaluation of the causes of the outage at S.O. Nuclear -- is troubling. The NRC and SCE officials have closely coordinated NRC public meetings to manipulate public opinion to support a restart of San Onofre.

What role did NRC officials play in the use of the Bus-Trip-for-Jobs to influence public opinion to support a SONGS restart? Were NRC “facilitators” clued in ahead of time to steer the NRC microphone to bus trip organizers?

Please let us know within 10 days of the date of this letter if you will amend the CAL as requested. Your failure to amend as requested will cause us to seek judicial relief as stated above.

Very truly yours,

*/s/ Michael J. Aguirre*

Michael J. Aguirre

*/s/ Maria C. Severson*

Maria C. Severson