



Sukhee Kang, Mayor

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April 30, 2012

The Honorable Gregory Jaczko
Chairman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Jaczko:

The disaster at the Fukushima Daiichi Nuclear Power Plant in Japan has renewed world-wide concern regarding the safety of commercial nuclear power. The City of Irvine is located 22 miles north of the San Onofre Nuclear Generating Station (SONGS) and is home to 220,000 people. Irvine has a workday population of nearly 350,000. A 50-mile radius around the San Onofre Plant extends into five California counties. This area includes the three most populous California counties – Los Angeles, San Diego and Orange Counties – as well as San Bernardino and Riverside Counties.

The City is fortunate to have Federal elected officials who are well informed and active in the Nation's ongoing discussion about nuclear power.

After careful deliberation, on behalf of the citizens of the City of Irvine and my City Council colleagues, the Irvine City Council requests the following:

- Support for Senator Feinstein's April 20, 2011 letter to you requesting that the Nuclear Regulatory Commission (NRC) examine "seismic and tsunami hazards, operational issues, plant security, emergency preparedness, spent fuel storage options and other elements of a nuclear power plant's 'design basis' within the scope of the relicensing process." While we are aware that the NRC used best possible science of that era during the SONGS Unit 2 and 3 licensing process in 1982 and 1983, respectively, much has been learned and modern technologies have been developed since SONGS was licensed. In addition to the effects of age-related degradation of the facility. We agree with Senator Feinstein that: "These new threats logically should be considered in a relicensing process, just as they would be in the licensing of a new nuclear power plant in the United States."

All pertinent information should be taken into account before relicensing is considered. This includes the need for permanent off-site storage solution for spent nuclear fuel to be identified as a condition for relicensing. The continued accumulation of spent fuel on site presents a significant hazard that must be solved at the federal level and a solution implemented before continuing to generate more spent fuel. In California, researchers have recently found new faults close to nuclear power plants, and tsunami experts have learned that submarine landslides can

generate local tsunamis far larger than previously believed.

Accordingly, we ask that the NRC adopt the following positions:

- Mindful that Senators Feinstein and Boxer have called upon the NRC to swiftly adopt the "Near-term Task Force Recommendations for Enhancing Reactor Safety in the 21st Century," *we urge the NRC implement the recommendations without delay. For SONGS, special care should be given to reevaluating seismic and flooding hazards.*
- *Expand the Emergency Planning Zone to 50 miles.* The current 10-mile radius is inadequate. We acknowledge the focused effort of the current Inter-jurisdictional Emergency Planning Committee, as we have remained involved as a nearby agency. We also acknowledge that there may be different emergency planning needs at differing distances from SONGS. However, increased strategic emergency planning efforts to include vicinity communities that are clearly part of evacuation plans and potentially within plume zones should be incorporated into an expanded Emergency Planning Zone. The "Recommendations for Enhancing Reactor Safety in the 21st Century" provides only a cursory discussion of Fukushima which required additional protections up to *and beyond* a 16-mile (20 kilometer) area.
- *Revise the risk/benefit analysis that the NRC uses to ensure that it adequately assesses public risk levels.* There have been important lessons learned regarding human performance, and unforeseen human error. We acknowledge that there is a *Human Reliability Analysis* component in the NRC's high-level Probabilistic Risk Assessment. We also acknowledge that the NRC emphasizes employee training, certification and management, and believe that SONGS employees are earnest in their desire to safely conduct their daily duties. Management, by SCE in this case, is a critical component here.

We have learned that human error contributed to catastrophic nuclear plant failures and exacerbated conditions following failure. Recent years-long human performance and safety culture issues at SONGS bring urgency to our concerns. Human performance and safety culture issues at SONGS took at least four years to address – and included willful violations. These issues were placed on the Regulatory Response Action Matrix. There were multiple letters from NRC and SCE, multiple NRC staff reviews, and at least two independent assessments before changes were made showing sustained improved performance to NRC's satisfaction as of the September 6, 2011 closure of the "chilling effect" letter. In its March 4, 2009 Annual Assessment letter, the NRC made a number of specific disturbing findings:

- "Known performance problems have persisted and new performance problems have emerged"
- "Ineffective use of human error prevention techniques"
- "The effectiveness of your initiatives has not been evident and this annual assessment is the third cycle where substantive cross-cutting issues were identified in human performance and problem identification and resolution."

We acknowledge that regular assessment, monitoring and correction to maintain an effective feedback loop is important to safely operate a nuclear power facility. We also recognize the transparency within which NRC conducts this monitoring. However, this does not reduce our concerns related to human performance – especially management and safety culture issues. There are 440 commercial nuclear power plants worldwide, with 104 in the United States. Not included among those are three nuclear generating stations that experienced catastrophic failure well short of their expected 40-year life – related in part to human performance.

- We urge you to require utilities to move spent fuel rods to dry cask storage as soon as those rods can be safely moved. The storage of spent fuel rods on site at SONGS continues to be of concern to the Irvine City Council and is an area we believe that the NRC can take more immediate action. Our understanding is that the spent fuel rods stored in dry cask storage at Fukushima Daiichi were unaffected by the tsunami. Although movement of spent fuel away from the community will require many federal agencies to reach agreement, we believe the movement to dry cask storage is an area of regulation within the authority of the NRC.
- We request that the NRC withhold permission to restart San Onofre Nuclear Generating Station Units 2 and 3 (both shut down since January 31, 2012 because of excessive and inexplicable wear of steam generators) until the NRC provides full assurance that Units 2 and 3 will not exhibit any of the current vibration, corrosion, and degradation problems during the remaining 10 years of licensed operations.

On behalf of the citizens of Irvine and my elected colleagues, I respectfully request that your agency respond to the above requests. As representatives of the people we serve, it is our City Council's duty to be informed and to act upon our knowledge. Where we cannot exercise authority, we will advocate for the public's best interest. We appreciate the role of the NRC as the government agency that ensures that commercial nuclear power plants operate safely.

Sincerely,



Sukhee Kang
Mayor

cc: Irvine City Council
Sean Joyce, City Manager
Senator Barbara Boxer
Senator Dianne Feinstein
Congressman John Campbell