

Congress of the United States
House of Representatives
Washington, DC 20515-0549

June 21, 2019

The Honorable Kristine Svinicki
Chairwoman
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Chairman Svinicki,

Thank you for agreeing to meet with me in the coming weeks regarding the San Onofre Nuclear Generating Station (SONGS), located in my Congressional district. I look forward to a thorough discussion of the Nuclear Regulatory Commission's (NRC) decisions regarding safety at SONGS. While I am sure that our conversation will be valuable, it is my understanding that Southern California Edison (SCE) may plan to resume the loading of spent fuel canisters prior to our meeting. With this in mind, I feel it is important that I voice my concern with the NRC's repeated decisions that fail to maximize safety and transparency at SONGS.

The NRC's mission statement clearly affirms that the Commission has a responsibility to provide "adequate protection of public health and safety."¹ As I look back at recent incidents at SONGS, I see a record that demands greater NRC intervention. That record includes the following:

- Falsified fire safety recordkeeping.²
- Failed backup power systems.³
- Backlash against employees who reported poor safety practices.⁴
- An NRC review that found SCE's corrective actions had "not resulted in sustained and measurable improvement" of human performance onsite.⁵
- Unexpected degradation of new steam generators, an incident that was incorrectly dismissed as minor.⁶
- A radioactive leak that resulted in the shutdown of a reactor.⁷
- The discovery of loose bolts in spent fuel canisters.⁸

¹ About NRC. *U.S. Nuclear Regulatory Commission*. <https://www.nrc.gov/about-nrc.html>.

² Woodall, Bernie. 14 Jan. 2008. "So. Calif. nuclear plant worker faked fire checks." *Reuters*.

³ Douglass, Elizabeth. 31 July 2008. "San Onofre under scrutiny." *Los Angeles Times*.

⁴ Sisson, Paul. 17 Nov. 2008. "SAN ONOFRE: Workers allege retaliation for raising safety concern." *San Diego Union-Tribune*.

⁵ Bermudez, Esmerelda. 5 Feb. 2012. "San Onofre nuclear power plant incidents draw attention." *Los Angeles Times*.

⁶ Sewell, Abby and Ken Bensinger. 13 July 2013. "How San Onofre's new steam generators sealed nuclear plant's fate." *Los Angeles Times*.

⁷ Bermudez, Esmerelda. 5 Feb. 2012. "San Onofre nuclear power plant incidents draw attention." *Los Angeles Times*.

⁸ Sforza, Terry. 29 Mar. 2018. "Here's how the bolt on the container of nuclear waste at San Onofre may have been shaken loose." *Orange County Register*.

- A “near-miss” incident that could have resulted in the 18-foot drop of a spent fuel canister.⁹

These incidents still loom large in the consciousness of my constituents who live near SONGS. They hear about how the most recent “near-miss” was caused by deficiencies in SCE’s training, equipment, procedures, and oversight, and they see how the incident fits into a larger pattern of behavior.

I would like to be able to tell my constituents that they should be comforted to know that the NRC is genuinely committed to protecting their safety. However, a review of your recent record fails to provide that comfort. After you found SCE had committed a Level II violation, a violation level that NRC Region IV Administrator Scott Morris called “uncommon,” you only assessed a \$116,000 civil penalty on a company with assets totaling more than \$56 billion.¹⁰ In response to unplanned scratching on the surface of the spent fuel canisters at SONGS, you required SCE to visually inspect only eight of the 29 loaded canisters onsite, despite the minimal incremental cost of additional inspections.¹¹ Finally, you have decided it is unnecessary to assign a full-time inspector to SONGS while being aware of the dubious record at the site and knowing how such an action would help to rebuild the public trust.

Further, your justification for refusing to assign a full-time inspector to SONGS does not seem to account for the unique loading campaign that SCE intends to conduct. In your June 17, 2019, letter to me, you state that canister loading activities “are usually limited in duration.” However, NRC Region IV staff has confirmed that SCE will be carrying out an ongoing, accelerated decommissioning that is significantly different than the process by which most utilities transfer spent fuel. NRC Region IV staff has acknowledged that the accelerated decommissioning presents unique challenges and can be more difficult than a standard decommissioning.¹²

Given the noteworthy nature of the spent fuel transfer campaign at SONGS, I urge you to assign an inspector to SONGS at all times that fuel transfer activities are taking place. Please respond to the following questions related this proposed inspection regime:

- Do you have the statutory authority to assign an inspector to SONGS at all times that fuel transfer activities are taking place? If you do not, please describe the authorities you would need in order to do so.
- Do you have funding available to assign an inspector to SONGS at all times that that fuel transfer activities are taking place? If you do not, please provide the estimated cost of this inspection regime.

⁹ Nikolewski, Rob. 10 Aug. 2018. “Incident with waste canister at San Onofre nuclear plant prompts additional training measures.” *San Diego Union Tribune*.

¹⁰ 2018 Annual Report. *Edison International*.

¹¹ <https://www.edison.com/content/dam/eix/documents/investors/corporate-governance/eix-sce-2018-annual-report.pdf>

¹¹ NRC Region IV Phone Call with Congressional Staff. 31 May 2019.

¹² *Ibid.*

Each incident at SONGS listed in this letter was thought to be the last after they became public. You have a responsibility to take every action available to minimize the chance of future incidents. I would be incredibly disappointed if history repeats itself.

I look forward to further discussion at our meeting.

Sincerely,

A handwritten signature in blue ink that reads "Mike Levin". The signature is written in a cursive style with a long horizontal flourish at the end.

MIKE LEVIN
Member of Congress