

**BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION**

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| In the Matter of |) | |
| |) | |
| SOUTHERN CALIFORNIA EDISON COMPANY |) | Docket Nos. |
| |) | San Onofre 50-361 and 50-362-LA |
| (San Onofre Nuclear Generating Station) |) | |
| |) | October 17, 2012 |

**PETITION TO INTERVENE AND REQUEST FOR HEARING
BY CITIZENS OVERSIGHT**

I. INTRODUCTION

The licensee (Southern California Edison Company, "SCE") submitted a license amendment request (LAR) for San Onofre Nuclear Generating Station ("SONGS"), Units 2 and 3, dated July 29, 2011, requesting approval to convert the Current Technical Specifications ("CTS") to be consistent with the most recently approved version of the Standard Technical Specifications ("STS") for Combustion Engineering Plants, NUREG-1432.

Pursuant to 10 C.F.R. § 2.309, Petitioner hereby petitions to intervene and requests a hearing in the NRC proceeding to amend the operating license for SCE's San Onofre plant. The outcome of the current proceeding could jeopardize the Petitioner's interests, which are detailed below in Section II. Petitioner sets forth its contentions in Section IV.

II. STANDING

Citizens Oversight, Inc. is a nonprofit (501(c)3) organization incorporated in Delaware, and with primary offices in California. Among its missions, Citizens Oversight (or Citizens Oversight Projects, "COPS") seeks to ensure the public has an opportunity to influence the outcome of government and corporate decisions that affect the lives of many people.

Under the Atomic Energy Act (AEA), the Commission must grant a hearing on a license amendment application upon "the request of any person whose interest may be affected by the

proceeding, and shall admit any such person as a party to such proceeding.” 42 U.S.C. § 2239(a)(1)(A). To support the request, a petitioner must provide the Commission with information regarding “(1) the nature of the petitioner’s right under the governing statutes to be made a party; (2) the nature of the petitioner’s property, financial, or other interest in the proceeding; and (3) the possible effect of any decision or order on the petitioner’s interest.” *Entergy Nuclear Vermont Yankee, L.L.C., and Entergy Nuclear Operations, Inc. (Vermont Yankee Nuclear Power Station)*, 60 N.R.C. 548, 552 (2004) (citing 10 C.F.R. § 2.309(d)(1)). “The NRC generally uses judicial concepts of standing in interpreting this regulation.” *Entergy Nuclear Vermont Yankee*, 60 N.R.C. at 552. Thus, a petitioner may intervene if it can specify facts showing “that (1) it has suffered or will suffer a distinct and palpable harm constituting injury-in-fact within the zone of interests arguably protected by the governing statutes, (2) the injury is fairly traceable to the action being challenged, and (3) the injury will likely be redressed by a favorable determination.” *Id.* at 552–53. In determining whether a petitioner has met the requirements for establishing standing, the Commission “construe[s] the petition in favor of the petitioner.” *Id.* at 553.

Member organizations such as COPS may intervene on behalf of their members if they can “demonstrate that the licensing action will affect at least one of [their] members, . . . identify that member by name and address, and . . . show that [they are] authorized by that member to request a hearing on his or her behalf.” *Id.* Raymond Lutz, a member and founder of COPS, resides at 1010 Old Chase Ave, El Cajon, CA 92020, and is a ratepayer of the San Diego Gas and Electric, a unit of Sempra Energy, which is 20% owner of SONGS. SONGS is operated and primarily owned by SCE (78.21%) but is partly owned by Sempra Energy (20%) and the City of Riverside (1.79%).

Furthermore, Mr. Lutz is concerned about the safety of the plant, particularly in light of the continuing plant shutdown after the emergency shutdown on January 31, 2012, apparently due to design errors of SCE and Mitsubishi Heavy Industries, and is still being investigated.

Mr. Lutz therefore has standing to intervene in his own right: he has met the requirements for injury-in-fact, causation, and redressability, and his concerns fall within the zone of interests protected by the AEA and implementing regulations.

This is the first attempt to intervene in any processing of applications by the NRC. Mr. Lutz is not an attorney and is not well practiced in the traditions and customs of such an attempt, COPS and Mr. Lutz requests additional discretion and broad interpretation so as to allow COPS and Mr. Lutz to engage with the NRC and the licensee on these issues.

III. TIMELINESS

The balance of the criteria under 10 C.F.R. § 2.309(c)(1) weigh heavily in favor of considering the petition. Each criterion is examined below.

Good cause. Petitioner has shown good cause to become a party to the current San Onofre license amendment proceeding. Petitioner has an interest in the outcome of the proceeding because whether the licensee is required to fully correct the safety risks could profoundly affect their health, safety, environmental quality, and economic well-being.

Mr. Lutz is an electrical engineer with Master's degree from San Diego State University, and has also has run quality assurance departments in private industry related to electromechanical systems similar in nature to the vast majority of devices at SONGS. Mr. Lutz can provide important expert assistance to the NRC in understanding and correcting changes to the operating license which are currently proposed. Furthermore, Mr. Lutz has worked and generated testing standards as part of the "Test Strategy Development" team at prior employment. He has participated in national and international standards organizations and participated as a member of the Technical Advisory Group (TAG) to standards bodies sanctioned by the United Nations.

Nature of Petitioner's rights under the Atomic Energy Act to be made a party to the proceeding. Under the Atomic Energy Act (AEA), the Commission must grant a hearing in a proceeding upon "the

request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.” 42 U.S.C. § 2239(a)(1)(A). As described in section II, above, and in the attached declaration, Petitioner’s members have economic, aesthetic, health, safety, and environmental interests, and interests in open and transparent government and corporate decision making, that they wish to safeguard. Proposed changes to the operating license put the plant at risk both from an operational and financial standpoint.

Nature and extent of Petitioner’s property, financial or other interest in the proceeding.

Petitioner’s interests in the proceeding are fully described in the attached declaration and in section II, above.

Possible effect of any order that may be entered in the proceeding on the Petitioner’s interests.

Any order issued by the NRC in this proceeding will have potentially fundamental effects on the interests of Petitioner and its members, such as Mr. Lutz, who live in Southern California. Petitioner’s interests, described in Section II, in the health and physical safety of its members, such as Mr. Lutz and the economic well-being, and environmental quality of the area surrounding San Onofre are all potentially threatened by the current situation at the plant, where a radioactive release has already occurred.

Extent to which Petitioner’s interests will be represented by existing parties. Petitioner’s interests will not be represented by either the licensee or the NRC staff.

Extent to which the Petitioner’s participation may reasonably be expected to assist in developing a sound record. If granted, a hearing on Petitioner’s contentions would provide an opportunity to assure the public that the NRC has conducted an adequate assessment of the safety of the proposed changes to the operating license.

IV. CONTENTIONS

CONTENTION 1

Petitioner contends that removing surveillance frequencies from the operating license document obfuscates the minimum requirements, may introduce human error, and limits review by the public.

BASES FOR CONTENTION

1. In the current License Amendment Request, many of the discrete changes proposed can be grouped together into one larger purpose: to remove surveillance frequency specifications (typically specified by the maximum time between inspections) from the operating license document and instead refer to a companion document, which is under the control of the licensee, where the surveillance frequencies are then specified.

2. The companion document is envisioned to be dynamic, in that the license/operator can change the surveillance frequencies based on a "Surveillance Frequency Control Program" (SFCP) as described by the document "Risk-Informed Method for Control of Surveillance Frequencies" (<http://pbadupws.nrc.gov/docs/ML0713/ML071360456.pdf>) instead of specifying fixed frequencies in the Technical Specifications. According to this document (Page 5):

Technical Specifications Initiative 5B and TSTF-425 propose to relocate the Surveillance Frequencies for most Surveillance Requirements to a licensee-controlled program using an NRC-approved methodology for control of the Surveillance Frequencies. The Surveillance Requirements themselves would remain in Technical Specifications.

3. The surveillance intervals previously specified in the Technical Specifications are maximum test intervals that can elapse before structures, systems and components (SSC) are tested. Testing SSCs more frequently is not disallowed by the license, and may improve safety, particularly for unanticipated failure mechanisms.

4. It is argued by the licensee that increasing the test intervals can increase overall safety for a number of reasons, such as reducing wear and tear on the SSC, the exposure to workers to radiation during the test, reducing the risk of radiation related accidents, and many more.

5. Reducing cost to perform the surveillances is also no doubt a factor in pushing for such a program, since it is likely that the surveillance intervals will more likely be increased rather than decreased, resulting in fewer surveillances and trusting in the Probability Risk Assessment analysis and identified failure mechanisms.

6. Petitioner claims that moving surveillance frequency specifications completely out of the Technical Specification document makes it difficult for the public and other organizations to review the surveillance frequencies in use and to provide useful feedback to correct assumptions made by operators.

7. The clear conclusion from a number of recent nuclear power plant surveys ((a) Rasumssen, 1980 "What can be learned from human error reports?" In K. Duncan, M. Gruneberg & D. Wallis (Eds.), *Changing in Working Life*, London, 1980; (b) *An Analysis of Root Causes in 1983 Significant Event Reports*. INPO 84-027. Atlanta, GA: Institute of Nuclear Power Operations, 1984; and (c) *A Maintenance Analysis of Safety Significant Events*. Nuclear Utility Management and Human Resources Committee, Maintenance Working Group, Atlanta, CA, Institute of Nuclear Power Operations, 1985) is that maintenance-related omissions constitute a substantial proportion of the human failure root causes in significant event reports. According to *Human Error* (Reason, James, Cambridge University Press, 1990, Page 239), "these involved such things as forgetting to set valves in the appropriate position, not removing tools or other objects, and leaving out necessary steps in either preventative or corrective maintenance schedules." Therefore, there is a concern that the operators will opt to decrease the surveillance frequencies (increase the time between surveillances) to reduce cost while ignoring the fact that many surveillances will be omitted or incorrectly performed by leaving out necessary steps.

8. The SFCP will be subject to a failure modes at the knowledge based level. According to Koriat, Lichenstein & Fischhoff "Reasons for confidence" *Journal of Experimental Psychology: Human Learning and Memory*, (1980), problem solvers and planners (such as those implementing the SFCP using Probability Risk Assessment (PRA) techniques) are likely to be overconfident in evaluating the correctness of their knowledge.

9. Furthermore, according to Fischhoff, Slovic, and Lichtenstein in "Fault trees: Sensitivity of estimated failure probabilities to problem representation" *Journal of Experimental Psychology: Human Perception and Performance*, (1978), it is very difficult to conceive of all failure scenarios and the estimated failure rates greatly depended on the problem presentation, which further brings into question the applicability of PRA and the likelihood that risk scenarios will underestimate the risk, and therefore allow surveillances to be improperly reduced in frequency.

10. The petitioner asserts that moving the surveillance frequencies to a secondary document obfuscates the requirements for the licensee, and increases the complexity of the surveillance program as a whole. As many human errors can be tied to increases in complexity, this change decreases the inherent safety of the Technical Specifications document.

11. The petitioner asserts that moving the surveillance frequencies to a secondary document makes it more difficult for the surveillance frequencies to be understood by the public and outside technical experts who are attempting to perform needed review of operational safety. Even if the surveillance frequencies are allowed to vary somewhat, the license technical specification should contain absolute limits of required surveillance. Specifications could easily include the original specification and a not-to-exceed time period.

12. The petitioner asserts that allowing the licensee free-rein to reduce the surveillance frequencies so as to reduce cost will not improve safety at the plant, and therefore, objects to the relocation of these to a licensee-controlled document. These specifications must be provided in the

main license document so as to provide a single place where all information about the license can be obtained.

13. Petitioner contends that surveillances must be split into two major categories, and the surveillance frequencies increased (less time delay) for critical operational parameters. There are logically two classes of surveillances:

CLASS 1: Measurements of critical operational parameters to allow the Nuclear Power Plant ("NPP") to continue to safely operate.

CLASS 2: Tests of backup and safety equipment that is not necessary for the normal operation of the plant but are standing ready in case an emergency might unfold.

14. It is our observation that surveillance frequencies of critical operational parameters (CLASS 1) are far too low (infrequent) to allow operators to -- through those surveillances -- catch an ongoing failure of the plant. For example, checking leakage from the steam generators only once every 72 hours is ridiculously infrequent. A leak can progress quickly within only a matter of hours during a Steam Generator Tube Rupture (SGTR), and if the operator waits for 72 hours to detect that failure, the plant will certainly be experiencing a full Loss of cooling Accident (LOCA).

15. This fact was clearly brought out in the recent steam generator failure on January 31, 2012, when the leak expanded 40% from about 75 gal/day rate to 104 gal/day within an hour. Waiting for 72 hours to check if there is LEAKAGE from the primary side of the steam generator to the secondary side, as stated in the technical specification, is clearly unsafe, and would allow the leakage to expand (by extrapolation) to 2,880%. Attachment 1 Vol 7 (Chapter 3.4 Reactor Coolant System (RCS)) - Page 351 - CTS SR 3.4.13.2 requires verifying that primary to secondary LEAKAGE is ≤ 150 gallons per day through any one SG every 72 hours. ITS SRs 3.4.13.1 and 3.4.13.2 require similar surveillances and specify the periodic Frequencies as "In accordance with the Surveillance Frequency Control Program."

COPS finds these ridiculously infrequent inspections of critical operational measurements to be in stark contrast to the safety implications implied by ignoring these critical parameters for the time intervals specified.

16. In contrast, surveillance frequencies of SSC in CLASS 2 above can be reasonably decreased in frequency since it is only necessary to check that these systems have not deteriorated due to time, corrosion, lack of maintenance, etc. and are not involved in the critical normal operation of the plant. However, COPS is still concerned that Probability Risk Assessment (PRA) techniques cannot adequately address unforeseen failure mechanisms, even for these systems nor for human error such as leaving a valve closed or tools in the area.

17. Petitioner therefore claims that

- a) all surveillances should be classified as either class 1 or class 2
- b) Increase substantially the surveillance frequencies for all items in class 1.
- c) Include normal and absolute maximum inspection delays for Class 2 surveillances in

the license document.

CONTENTION 2

Petitioner contends there are a number of mistakes and other problems in the LAR, as follows.

17. Attachment 1 Vol 7 (Chapter 3.4 Reactor Coolant System (RCS)), Page 99, the proposed change is to reduce SG level from 25% to 20%. This significantly reduces the level for reactor trip. Proposal under consideration is to change 25% to 20% in two places here. This is the reverse of most changes also proposed in the LAR that go from 25% to 50%, and petitioner contends this is a mistake. 20% should be 50%. This proposed change is a reduction of the level of water in the steam generator to allow the reactor to run. COPS objects to this loosening of licensee requirement and puts the plant in severe danger.

The text is:

Each OPERABLE loop consists of two RCPs providing forced flow for heat transport to an SG that is OPERABLE. SG, and hence RCS loop, OPERABILITY with regard to SG water level is ensured by the Reactor Protection System (RPS) in MODES 1 and 2. A reactor trip places the plant in MODE 3 if any SG level is \leq [25]% as sensed by the RPS. The minimum water level to declare the SG OPERABLE is [25].

The bracketed values should be 50% and not 25%.

18. The operational license has a severe internal inconsistency. On one hand, it says there can be no pressure boundary leakage at all, due to material degradation.

From Technical Specification:

No pressure boundary LEAKAGE is allowed, being indicative of material deterioration. LEAKAGE of this type is unacceptable as the leak itself could cause further deterioration, resulting in higher LEAKAGE. Violation of this LCO could result in continued degradation of the RCPB. LEAKAGE past seals and gaskets is not pressure boundary LEAKAGE.

Definition from 10 CFR 50.2 (definitions)

Reactor coolant pressure boundary means all those pressure-containing components of boiling and pressurized water-cooled nuclear power reactors, such as pressure vessels, piping, pumps, and valves, which are:

- (1) Part of the reactor coolant system, or
- (2) Connected to the reactor coolant system, up to and including any and all of the following:
 - (i) The outermost containment isolation valve in system piping which penetrates primary reactor containment,
 - (ii) The second of two valves normally closed during normal reactor

operation in system piping which does not penetrate primary reactor containment,

(iii) The reactor coolant system safety and relief valves.

For nuclear power reactors of the direct cycle boiling water type, the reactor coolant system extends to and includes the outermost containment isolation valve in the main steam and feedwater piping.

But then, in the operating license, it allows significant leakage to occur, up to 150 gallons per day through any one SG:

3.4 REACTOR COOLANT SYSTEM (RCS)

3.4.13 RCS Operational LEAKAGE

LCO 3.4.13 RCS operational LEAKAGE shall be limited to:

- a. No pressure boundary LEAKAGE;
- b. 1 gpm unidentified LEAKAGE;
- c. 10 gpm identified LEAKAGE; and
- d. 150 gallons per day primary to secondary LEAKAGE through any one Steam Generator (SG).

Attachment 1 Vol 7 (Chapter 3.4 Reactor Coolant System (RCS)) Page 351 - CTS SR 3.4.13.2 requires verifying that primary to secondary LEAKAGE is \leq 150 gallons per day through any one SG every 72 hours.

19. Petitioner contends that the definition of pressure boundary or the technical specification regarding leakage must be revised to achieve internal consistency. Now, the document is inconsistent because it first says no leakage is allowed, and then it allows leakage of up to 150 gal/day which is then released into the environment. Petitioner contends that the original intention of this specification is to allow some leakage "past seals and gaskets" because this is not considered pressure boundary leakage,

and would likely result in radioactive water collecting in containment building sumps, but to disallow pressure boundary leakage due to material degradation.

20. The Augmented Inspection Team Report regarding the January 31, 2012 emergency shutdown (S:DRS\REPORTS\SONGS 2012007 AIT-GEW, ADAMS Accession No.: ML12188A748) stated that (page 5, underlining added):

On January 31, 2012, Unit 3 control room operators received an alarm that indicated a primary-to-secondary reactor coolant leak from steam generator 3E0-88. The alarm received was from the main condenser air ejector radiation monitors, which continuously samples from a vent line for the purpose of rapidly identifying steam generator tube leaks. Although the leak rate was small, it increased enough in a short period of time for the licensee to perform a rapid shutdown. The estimated leak rate was 75 gallons per day. The facility license allows full power operation with a steady state leak rate of less than 150 gallons per day.

The leak during this event was due to material deterioration, and not leaks "past seals and gaskets," and therefore is not allowed at all per the technical specifications, i.e. "No pressure boundary LEAKAGE is allowed." The steam generator tubes are part of the pressure boundary. COPS contends that the license actually specifies that "no pressure boundary leakage is allowed" due to material degradation. The steam generator tube failures and unusual wear is material degradation, and not leakage from seals and gaskets. Therefore, the statement in the AIT report, stating that the release was less than the amount allowed by the license was incorrect. This case exemplifies the fact that the license document is unclear and confusing, to the point that NRC's own report does not understand it.

21. Therefore, petitioner contends that the specification must be improved to eliminate any confusion, and furthermore, that the confusion must be settled using the more conservative conclusion, i.e. "No pressure boundary LEAKAGE". Leakage due to degradation of steam generator tubes can

rapidly increase into a much more significant SGTR accident. To allow any leakage from these tubes as a part of standard operating procedure is patently unsafe.

To be specific, the wording in the license is proposed as follows:

3.4 REACTOR COOLANT SYSTEM (RCS)

3.4.13 RCS Operational LEAKAGE

LCO 3.4.13 RCS operational LEAKAGE shall be limited to:

- a. No pressure boundary LEAKAGE due to material degradation.
- b. 10 gpm identified LEAKAGE past welds, seals and gaskets; and
- d. 150 gallons per day primary to secondary LEAKAGE through any one Steam Generator (SG) past welds, seals and gaskets.

22. Petitioner objects to change to the license which incorrectly allows a single Atmospheric Dump Valve (ADV). Attachment 1 Vol 10 (Chapter 3.7 Plant Systems) - ML11251A10, Page 99 - ADV - Atmospheric Dump Valve

The ISTS LCO 3.7.4 is being changed from "Two ADV lines shall be OPERABLE" to "One ADV line per required steam generator shall be OPERABLE." The ISTS is written such that there are two ADV lines per SG. SONGS has just one ADV line per SG and in MODE 4 SONGS could have one SG being utilized for heat removal. If the LCO required two ADV lines to be OPERABLE, SONGS would be in an ACTION unnecessarily. Therefore, the LCO was changed to require one ADV line per required steam generator. Also, due to SONGS just having one ADV line per steam generator, the Completion Time for ACTION A was changed from 7 days to 72 hours. These changes are also consistent with the SONGS Units 2 and 3 CTS.

We object to this design deficiency in the SONGS plant. This points out a design deficiency of

SONGS compared with other plants.

On page 101: This part was deleted: "Two ADV lines per steam generator are required to meet single failure assumptions following an event rendering one steam generator unavailable for Reactor Coolant System (RCS) heat removal."

Page 102: "The design must accommodate the single failure of one ADV to open on demand; (following deleted:) thus, each steam generator must have at least two ADVs. (end delete)

Since the design must accommodate the single failure of one ADV, how is this accomplished if there is only one ADV per SG? Petitioner contends this change is unsafe and petitioner therefore objects to this change to the license which incorrectly allows a single ADV.

23. Petitioner contends the exclusion area specified in the technical specifications is insufficiently protected. Interstate 5 to the east penetrates the exclusion area and may subject many thousands of people to a radiation release in the event of an accident. An accessible beach exists to the west of the plant with no signage warning the public that ingress to the area may subject them to higher than specified radiation in the event of an emergency.

24. According to 10 CFR 50.02:

Exclusion area means that area surrounding the reactor, in which the reactor licensee has the authority to determine all activities including exclusion or removal of personnel and property from the area. This area may be traversed by a highway, railroad, or waterway, provided these are not so close to the facility as to interfere with normal operations of the facility and provided appropriate and effective arrangements are made to control traffic on the highway, railroad, or waterway, in case of emergency, to protect the public health and safety. Residence within the exclusion area shall normally be prohibited. In any event, residents shall be subject to ready removal in case of necessity. Activities unrelated to operation of the reactor may be permitted in an exclusion area

under appropriate limitations, provided that no significant hazards to the public health and safety will result.

25. An interview with Tom Amabile at the Sr. Emergency Services Coordinator, Office of Emergency Services, County Operations Center in San Diego revealed that there is no means to control traffic on the freeway short of redirecting it at the 405 and 78 interchanges, and this would take "two to three hours" to deploy and secure the exclusion area. Contrary to the definition of an exclusion area, there is no means for licensee to stop traffic on the freeway in the event of a SGTR or LOCA, events that can progress within minutes and may require the complete shutdown of the freeway. Licensee should be required to install gates and turn-arounds to allow that traffic be completely stopped on the freeway and rerouted to other roads.

26. See <http://www.copswiki.org/w/pub/Common/M1295/SanOnofreExclusionZone.pdf> for a diagram and satellite view of the exclusion area.

27. Petitioner contends that exclusion gates be installed on the freeway in the vicinity of the plant, perhaps a mile in each direction, which could be instantly activated and allow traffic to be redirected back on the opposite side of the freeway, so as to comply with the license requirements.

28. Petitioner contends that since the public is freely allowed within the specified exclusion area, calculations regarding likely exposure to the public due to releases of radiation must be modified to reflect the worst case likely scenario, which is persons on the beach next to the seawall and only a short distance from the containment buildings or a person stuck on the freeway changing a tire right next to the plant, and within the exclusion area boundaries.

29. Furthermore, Petitioner contends that signage must be placed at the boundary of the exclusion area, on all public roads and along the beach, that the area they are entering is within the radiation exclusion area and they may be subjected to higher-than-allowable radiation standards in that area.

30. Attachment 1 Vol 7 (Chapter 3.4 Reactor Coolant System (RCS)) (ADAMS ML11251A100), Page 510 - This paragraph doesn't make much sense. This is probably an artifact of the change of eliminating the option to repair steam generator tubes, which is not an option for this plant. Why would any tube that satisfies the repair criteria not be plugged. Plus "Repair Criteria" should be "Plug Criteria", and if a tube satisfies the repair criteria but is not plugged, probably does NOT have tube integrity.

During an SG inspection, any inspected tube that satisfies the Steam Generator Program repair criteria is removed from service by plugging. If a tube was determined to satisfy the repair criteria but was not plugged, the tube may still have tube integrity.

Petitioner suggests that the second sentence in this paragraph be deleted.

CONTENTION 3

31. Petitioner contends that the licensee may attempt to claim that the current LAR also applies to the recent request by licensee to operate SONGS Unit 2 at reduced power output (70%) to avoid fluid-elastic instability and excessive steam velocity that resulted from design changes to the steam generators during the steam generator replacement project. The matter of operating Unit 2 or Unit 3 after the emergency shutdown on January 31, 2012, and after the discovery of severe steam generator tube wear is distinct from the changes proposed in the current LAR and the scope of the LAR must not be allowed to encompass those very important concerns. Petitioner furthermore contends that a new LAR must be processed to allow the plant to operate in a reduced-power configuration so that the NRC and the public can review their proposal in detail.

V. CONCLUSION

For the foregoing reasons, Petitioner has demonstrated that it has standing and that its contention should be admitted. The Petitioner should be permitted to intervene in this proceeding and is

entitled under 10 C.F.R. §2.309 to a hearing on its contentions.

Respectfully submitted,

/s/ Raymond Lutz

Raymond Lutz

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