

September 30, 2005

Mr. Harold B. Ray
Executive Vice President
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

SUBJECT: SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 1 ISSUANCE OF
AMENDMENT TO ELIMINATE REQUIREMENTS TO PROVIDE MONTHLY
OPERATING REPORTS AND ANNUAL OCCUPATIONAL RADIATION
EXPOSURE REPORTS (TAC NO. L60569)

Dear Mr. Ray:

The Commission has issued the enclosed Amendment No. 164 to Facility Operating License No. DPR-13 for San Onofre Nuclear Generating Station, Unit 1. The amendments consist of changes to the Permanently Defueled Technical Specifications (PDTs) in response to your application dated December 27, 2004.

The amendments delete PDTs D6.9.1.2, "Occupational Radiation Exposure Report" and PDTs D6.9.1.1, "Annual Reports."

A copy of our related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

J. C. Shepherd, Project Engineer
Nuclear Material Safety
and Safeguards
Division of Waste Management
and Environmental Protection

Docket No: 50-155

Enclosures:

1. Amendment No 164 to DPR-13
2. Safety Evaluation

cc w/encls: See next page

September 30, 2005

Mr. Harold B. Ray
Executive Vice President
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

SUBJECT: SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 1 ISSUANCE OF
AMENDMENT 164 TO ELIMINATE REQUIREMENTS TO PROVIDE MONTHLY
OPERATING REPORTS AND ANNUAL OCCUPATIONAL RADIATION
EXPOSURE REPORTS (TAC NO. L60569)

Dear Mr. Ray:

The Commission has issued the enclosed Amendment No. 164 to Facility Operating License No. DPR-13 for San Onofre Nuclear Generating Station, Unit 1. The amendments consist of changes to the Permanently Defueled Technical Specifications (PDTs) in response to your application dated December 27, 2004.

The amendments delete PDTs D6.9.1.2, "Occupational Radiation Exposure Report" and PDTs D6.9.1.1, "Annual Reports."

A copy of our related Safety Evaluation is also enclosed. The Notice of Issuance will be included in the Commission's next biweekly *Federal Register* notice.

Sincerely,

/RA/

J. C. Shepherd, Project Engineer
Nuclear Material Safety
and Safeguards
Division of Waste Management
and Environmental Protection

Docket No: 50-155

Enclosures:

1. Amendment No 164 to DPR-13
2. Safety Evaluation

cc w/encls: See next page

DISTRIBUTION:

DCD r/f RidsOgcMailCenter

ML052510702

OFFICE	DWMEP:PM	DWMEP:LA	OGC	DWMEP:SC	DWMEP:DD
NAME	JShepherd	CBurkhalter	STreby	JBuckley for CCraig	DGillen
DATE	9 / 20 /05	9 / 20 /05	9 /27 /05	9/29/05	9/30/05

OFFICIAL RECORD COPY

SOUTHERN CALIFORNIA EDISON COMPANY

SAN DIEGO GAS AND ELECTRIC COMPANY

DOCKET NO. 50-206

SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 164
License No. DPR-13

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Southern California Edison Company, et al., dated December 27, 2004, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

Enclosure 1

2. Accordingly, the license is amended by changes to the Permanently Defueled Technical Specifications as indicated in the attachment to this license amendment, and paragraph of Facility Operating License No. DPR-13 is hereby amended to read as follows:

(2) Permanently Defueled Technical Specifications

The Permanently Defueled Technical Specifications, as revised through Amendment No. 164, are hereby incorporated in the license. Southern California Edison Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Daniel M. Gillen, Deputy Director
Decommissioning Directorate
Division of Waste Management and
Environmental Protection
Office of Nuclear Materials Safety
And Safeguards

Attachment: Changes to the Technical Specifications

Date of Issuance: September 30, 2005

ATTACHMENT TO LICENSE AMENDMENT NO. 164

FACILITY OPERATING LICENSE NO. DPR-13

DOCKET NO. 50-206

Replace the following pages of the Permanently Defueled Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

D6.9-1

INSERT

D6.9-1

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR MATERIAL SAFETY AND
SAFEGUARDS RELATED TO AMENDMENT NO. 164 TO FACILITY OPERATING LICENSE

NO. DPR-13

SOUTHERN CALIFORNIA EDISON COMPANY

SAN DIEGO GAS AND ELECTRIC COMPANY

SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 1

DOCKET NO. 50-206

1.0 INTRODUCTION

By application dated December 27, 2004 (Accession No. ML043640280), Southern California Edison Company (the licensee), requested changes to the Technical Specifications (TSs) for San Onofre Nuclear Generating Station (SONGS), Unit 1. The proposed changes will delete PDTS D6.9.1.2, "Occupational Radiation Exposure Report" and Permanently Defueled Technical Specifications (PDTS) D6.9.1.1 "Annual Reports" as described in the Notice of Availability published in the *Federal Register* on June 23, 2004 (69 FR 35067). Corresponding amendment requests for Units 2 and 3 (ML0436404090) were approved by the Office of Nuclear Reactor Regulation (ML051310289).

2.0 REGULATORY EVALUATION

The U.S. Nuclear Regulatory Commission's (NRC or the Commission) regulatory requirements related to the content of TS are set forth in Section 50.36, "Technical specifications" of Title 10 of the *Code of Federal Regulations* (10 CFR). The regulation requires that TS include items in five specific categories, including (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. However, the regulation does not specify the particular requirements to be included in a plant's TSs.

The Commission has provided guidance for the content of TS in its "Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors" (58 FR 39132, July 22, 1993). The criteria were subsequently incorporated into 10 CFR 50.36 (60 FR 36593, July 19, 1995). While the criteria specifically apply to LCOs, the Commission indicated that the intent of these criteria may be used to identify the optimum set of administrative controls in TS. Addressing administrative controls, 10 CFR 50.36 states that they are "the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner." The specific content of the administrative controls section of the TS is, therefore, related to those programs and reports that the Commission deems essential for the safe operation of the facility, which are not adequately covered by regulations or other regulatory requirements.

Accordingly, the NRC staff may determine that specific requirements, such as those associated with this change, may be removed from the administrative controls in the TS if they are not explicitly required by 10 CFR 50.36(c)(5) and are not otherwise necessary to obviate the possibility of an abnormal situation or event giving rise to an immediate threat to the public health and safety.

Licensees are required by TS to submit annual occupational radiation exposure reports (ORERs) to the NRC. The NRC included data from the ORERs in its annual publication of NUREG-0713, "Occupational Radiation Exposure at Commercial Nuclear Power Reactors and Other Facilities," through the year 1997, but no longer includes the data in that or other reports.

3.0 TECHNICAL EVALUATION

3.1 Monthly Operating Reports

Because Unit 1 is permanently shutdown, it does not submit monthly reports; occupational exposure information is submitted annually. The NRC staff interacted with licensees, industry organizations, and other stakeholders during the development of the Consolidated Data Entry (CDE) program (currently being developed and maintained by the Institute of Nuclear Power Operation), regarding the use of an industry database like CDE to provide data. These discussions also involved the related Revision 1 to Technical Specification Task Force (TSTF)-369, "Removal of Monthly Operating Report and Occupational Radiation Exposure Report." As described in Section 4.0 of this safety evaluation, the licensee is making a regulatory commitment to continue to provide information to the NRC with its annual submittal in accordance with 10 CFR 20.2206. As noted in the change to the Units 2 and 3 reporting requirements (§ 1.0 above), this submittal will support the apportionment of station doses to differentiate between operating and shutdown units. Should a licensee fail to satisfy the regulatory commitment to voluntarily provide the information, the NRC could obtain the information through its inspection program (similar to the process described in NRC Inspection Procedure 71150, "Discrepant or Unreported Performance Indicator Data") with the licensee being charged for the time spent by the NRC staff.

The only significant changes resulting from the adoption of TSTF-369 are that the information will be provided in a site-wide report that differentiates between operating and shutdown units instead of a separate report for Unit 1. The public will continue to have access to the data through official agency records accessible through the Agency wide Document Access and Management System. Therefore, the NRC staff finds it acceptable that PDTS D6.9.1.2 is being deleted and that monthly operating reports (MOR)s will no longer be submitted by the licensee.

3.2 Occupational Radiation Exposure Reports

The information that the NRC staff needs regarding occupational doses is provided by licensees in the reports required under 10 CFR Part 20. The data from the Part 20 reports are sufficient to support the NRC trending programs, radiation related studies, and preparation of reports such as NUREG-0713. Accordingly, the NRC's limited use of the ORER submitted pursuant to the existing TS requirements no longer warrants the regulatory burden imposed on licensees. Therefore, the NRC staff finds it acceptable that it is being deleted and the ORER will no longer be submitted by the licensee.

4.0 VERIFICATIONS AND COMMITMENTS

In order to efficiently process incoming license amendment applications, the NRC staff requested each licensee requesting the changes addressed by TSTF-369 using the consolidated line item process to address the following plant-specific regulatory commitment.

- 4.1 Each licensee should make a regulatory commitment to provide to the NRC using an industry database the operating data (for each calendar month) that is described in Generic Letter 97-02, "Revised Contents of the Monthly Operating Report," by the last day of the month following the end of each calendar quarter. The regulatory commitment will be based on use of an industry database (e.g., the industry's Consolidated Data Entry program, currently being developed and maintained by the Institute of Nuclear Power Operations).

Because SONGS Unit 1 is decommissioning, this commitment does not apply.

- 4.2 For sites possessing both operating and shutdown reactors, licensees should make a regulatory commitment to provide information to the NRC annually (e.g., with its annual submittal in accordance with 10 CFR 20.2206) to support the apportionment of station doses to differentiate between operating and shutdown units. The data will provide the summary distribution of annual whole body doses as presented in Appendix B of NUREG-0713 for each reactor type and for operating and shutdown units.

The SONGS site includes Unit 1, which is a shutdown unit co-located with the operating units (Units 2 and 3). The licensee has made a regulatory commitment to provide information to the NRC annually to support the apportionment of the station doses and personnel to differentiate between operating and shutdown units.

The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitments can be provided by the licensee's administrative processes, including its commitment management program. The NRC staff has agreed that Nuclear Energy Institute 99-04, Revision 0, "Guidelines for Managing NRC Commitment Changes," provides reasonable guidance for the control of regulatory commitments made to the NRC staff (see Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000). The NRC staff notes that this amendment establishes a voluntary reporting system for the operating data that is similar to the system established for the Reactor Oversight Process Performance Indicator (ROP PI) program. Should the licensee choose to incorporate a regulatory commitment into the final safety analysis report or other document with established regulatory controls, the associated regulations would define the appropriate change-control and reporting requirements.

5.0 STATE CONSULTATION

In accordance with the Commission's regulations, the California State official was notified of the proposed issuance of the amendment. The State official had no comments.

6.0 ENVIRONMENTAL CONSIDERATION

The amendment relates to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: J. Shepherd
W. Reckley (Units 2 and 3 precedent)

Date: September 30, 2005

cc w/enclosure:

Chairman, Board of Supervisors
County of San Diego
1600 Pacific Highway, Room 335
San Diego, CA 92101

Gary L. Nolff
Power Projects/Contracts Manager
Riverside Public Utilities
2911 Adams Street
Riverside, CA 92504

Eileen M. Teichert, Esq.
Supervising Deputy City Attorney
City of Riverside
3900 Main Street
Riverside, CA 92522

Raymond Waldo, Vice President,
Nuclear Generation
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

David Spath, Chief
Division of Drinking Water and
Environmental Management
California Department of Health Services
P.O. Box 942732
Sacramento, CA 94234-7320

Michael R. Olson
San Onofre Liaison
San Diego Gas & Electric Company
P.O. Box 1831
San Diego, CA 92112-4150

Ed Bailey, Chief
Radiologic Health Branch
State Department of Health Services
P.O. Box 997414 (MS 7610)
Sacramento, CA 95899-7414
Mayor, City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672

James D. Boyd, Commissioner
California Energy Commission
1516 Ninth Street (MS 34)
Sacramento, CA 95814

Douglas K. Porter, Esq.
Southern California Edison Company
2244 Walnut Grove Avenue
Rosemead, CA 91770 James D. Boyd,
Commissioner
California Energy Commission
1516 Ninth Street (MS 34)
Sacramento, CA 95814

J. T. Reilly, Director, Engineering
& Technical Services
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

Daniel P. Breig, Station Manager
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

A. Edward Scherer
Southern California Edison
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

Brian Katz, Vice President, Nuclear
Oversight and Regulatory Affairs
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92764-0128

Mayor, City of San Clemente
100 Avenida Presidio
San Clemente, CA 92672