



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 18, 2011

Mr. Peter T. Dietrich
Senior Vice President and
Chief Nuclear Officer
Southern California Edison Company
San Onofre Nuclear Generating Station
P.O. Box 128
San Clemente, CA 92674-0128

SUBJECT: SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3 -
REQUEST FOR ADDITIONAL INFORMATION REGARDING APPLICATION
FOR PREEMPTION AUTHORITY (TAC NOS. ME7118 AND ME7119)

Dear Mr. Dietrich:

By letter dated August 23, 2011, Southern California Edison (SCE) submitted a request for stand-alone preemption authority, for the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3. In that letter, SCE requested preemption authority under 42 U.S.C. 2201a, to provide relief from compliance with certain State and local firearms laws as they pertain to the SONGS site security plan.

The Nuclear Regulatory Commission staff is reviewing the submittal and has determined that additional information is needed to complete its review. The specific questions are provided in the enclosed request for additional information (RAI). We request that you provide your response to the RAI within 30 days of the date of this letter.

Please contact me at (301) 415-4032 if you have any questions on this issue.

Sincerely,

A handwritten signature in cursive script that reads "James R. Hall".

James R. Hall, Senior Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-361 and 50-362

Enclosure:
As stated

cc w/encl: Distribution via Listserv

REQUEST FOR ADDITIONAL INFORMATION

REGARDING PREEMPTION AUTHORITY

SOUTHERN CALIFORNIA EDISON COMPANY

SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3

DOCKET NOS. 50-361 AND 50-362

By letter dated August 23, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11241A148), Southern California Edison (SCE, the licensee) submitted a request for stand-alone preemption authority, for the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3. Portions of the letter dated August 23, 2011, contain sensitive unclassified non-safeguards information (security-related), and have been withheld from public disclosure. In that letter, SCE requested preemption authority under 42 U.S.C. 2201a, to provide relief from compliance with certain State and local firearms laws as they pertain to the SONGS site security plan. The Nuclear Regulatory Commission (NRC) staff is reviewing the submittal and has determined that the additional information requested below is needed to complete its review.

The Energy Policy Act of 2005, Section 653, amended the Atomic Energy Act by adding the new section 161A (42 U.S.C. § 2201a), which grants the NRC certain limited authority regarding the regulation of firearms at NRC-licensed facilities. To codify and implement this authority, the NRC published in the *Federal Register* a proposed rule to revise Title 10 of the *Code of Federal Regulations* (10 CFR) Part 73, entitled "Enhanced Weapons, Firearms Background Checks, and Security Event Notifications," dated February 3, 2011 (76 FR 6200). However, the final rule is not expected to be effective until late 2012, so in the interim, the NRC staff is considering individual licensee applications for preemption authority, subject to Commission approval.

1. Please identify and provide the specific state laws or regulations for which the licensee is requesting stand-alone preemption authority.
 - a. State the legal provisions contained within the California Business and Professions Code, Division 3, Chapter 11.5, Private Security Services regarding security officer training and certification that necessitates stand-alone preemption authority.
 - b. State the legal provisions contained within the California Penal Code, Title 2, Chapter 1, Article 4, Section 12072 (a) regarding restrictions on firearms purchases per month that necessitates stand-alone preemption authority.
 - c. State the legal provisions contained within the California Penal Code, Title 2, Chapter 2.3, Articles 1 thru 3, Sections 12275 thru 12289.5, regarding restrictions and registration requirements on semi-automatic assault weapons and high-capacity magazines that necessitates stand-alone preemption authority.

Enclosure

2. Please describe the type and caliber of firearms and/or ammunition feeding devices for which stand-alone preemption is requested. This description must be sufficiently detailed to support a conclusion that the identified firearms and/or ammunition feeding devices are listed under Section 161A and meet the criteria described in the Firearms Guidelines.

3. Please describe the impact that the identified state laws or regulations will have on the licensee's physical protection program if stand-alone preemption authority is not granted by the Commission. This description should focus on impacts to the licensee's capability to provide "high assurance" as required by 10 CFR 73.55(b)(1) and/or how these laws or regulations would prohibit the transfer, receipt, possession, transport, import, and use of firearms and/or ammunition feeding devices listed under Section 161A.

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/RA/

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