



# NRC NEWS

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## ATOMIC SAFETY AND LICENSING BOARD DENIES CITIZENS OVERSIGHT'S REQUEST FOR HEARING ON SAN ONOFRE LICENSE AMENDMENT

The NRC's Atomic Safety and Licensing Board today denied Citizens Oversight's request for a hearing to challenge Southern California Edison's proposal to amend some of the "technical specifications" governing the San Onofre Nuclear Generating Station. The Board is a quasi-judicial panel of three judges who are independent of the Commissioners and of the NRC staff.

The Board ruled that Citizens Oversight had failed to articulate any challenges or "contentions" that meet the NRC's legal threshold for convening an evidentiary hearing. The issue dates back to Aug. 16, 2012, when the NRC issued a notice that Southern California Edison had asked to amend San Onofre's licenses. The notice gave members of the public 60 days to file a challenge, and Citizens Oversight filed on Oct. 17, 2012, requesting an evidentiary hearing.

Citizens Oversight, the NRC Staff, and Southern California Edison then submitted legal briefs. On Dec. 5, 2012, the Board heard oral arguments from these parties on whether or not Citizens Oversight's request for an evidentiary hearing met the NRC legal criteria. The [webcast](#) of the oral argument will be available through Feb. 5, 2013. Copies of the pleadings in this proceeding, as well as the oral argument transcript, are available through the NRC's [Electronic Hearing Docket](#), in the folder entitled "San Onofre 50-361&50-362-LA."

The Board's [ruling](#) found that none of Citizens Oversight's contentions satisfied the admissibility criteria of the NRC's hearing regulations. The Board denied Citizens Oversight's first objection – that the proposed amendments would "relocate" or remove some technical specifications from public view and allow Edison to change them without prior public or NRC review – because binding precedent issued by NRC Commissioners in 2001 found that such a relocation was legally proper. The remainder of Citizens Oversight's contentions were denied because they dealt with existing license provisions that were unaffected by the proposed license amendments. Citizens Oversight can appeal the Board's decision to the Commissioners.

The Board's decision today deals solely with Citizens Oversight's request for hearing. A separate Atomic Safety and Licensing Board of three different judges is considering a hearing request filed by Friends of the Earth, which argues that the NRC's Confirmatory Action Letter to Southern California Edison should be treated as a license amendment entitling FOE to an evidentiary hearing. Briefs are being submitted to that Board in December and January and a decision is not expected until after that time.

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