

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

E. Roy Hawkens, Chairman
Dr. Anthony J. Baratta
Dr. Gary S. Arnold

In the Matter of

SOUTHERN CALIFORNIA EDISON CO.

(San Onofre Nuclear Generating Station, Units
2 and 3)

Docket Nos. 50-361-CAL, 50-362-CAL

ASLBP No. 13-924-01-CAL-BD01

February 22, 2013

ORDER
(Setting Oral Argument)

On November 8, 2012, the Commission in CLI-12-20 referred to the Atomic Safety and Licensing Board Panel (ASLBP) a portion of the June 18, 2012 intervention petition filed by Friends of the Earth (Petitioner) challenging a Confirmatory Action Letter (CAL) issued by the NRC to Southern California Edison Company (SCE) on March 27, 2012.¹

Pursuant to this Board's briefing schedule,² (1) Petitioner filed its opening brief on January 11, 2013;³ (2) SCE and the NRC Staff each filed answering briefs on January 30,

¹ See Southern Cal. Edison Co. (San Onofre Nuclear Generating Station, Units 2 and 3), CLI-12-20, 76 NRC __, __ slip op. at 5 (Nov. 8, 2012). The Commission referred the following two issues to the ASLBP: (1) whether the CAL issued to SCE constitutes a de facto license amendment that is subject to a hearing opportunity; and (2) whether Petitioner's hearing request meets the agency's standing and contention admissibility requirements. See id.

² See Licensing Board Order (Granting in Part and Denying in Part Petitioner's Motion for Clarification and Extension) (Dec. 20, 2012) (unpublished).

³ See Opening Brief of Petitioner Friends of the Earth (Jan. 11, 2012).

2013;⁴ and (3) Petitioner filed its reply brief on February 13, 2013.⁵

This Board will hear oral argument in this case on Friday, March 22, 2013 in the ASLBP's Rockville Hearing Room, located on the third floor of Two White Flint North, 11555 Rockville Pike, Rockville, Maryland. For the benefit of the public, this adjudicative proceeding will be simultaneously webcast on the NRC's website. The link to the live webcast will be available on the NRC's website and provided in a subsequent order. This webcast will also be archived for ninety (90) days after the proceeding for public viewing.

The Board will hear argument from: (1) counsel for Petitioner; (2) counsel for SCE; and (3) counsel for the NRC Staff.⁶ Unless changed by subsequent order, the argument will commence at 10:00 AM Eastern Standard Time (EST).

In a subsequent order, we will provide information on how the argument will be structured, how much time will be allotted to each participant, and any topical areas and specific questions upon which the Board will want the participants to focus.

Members of the public and representatives of the media are welcome to attend and observe this adjudicative proceeding. However, signs, banners, posters, and displays are

⁴ See [SCE's] Brief on Issues Referred by the Commission (Jan. 30, 2013); NRC Staff's Answering Briefing in the San Onofre Nuclear Generating Station CAL Proceeding (Jan. 30, 2013).

⁵ See Reply Brief of Petitioner Friends of the Earth (Feb. 13, 2013). We also received (1) an amicus brief from the Natural Resources Defense Council (NRDC) in support of Petitioner, see [NRDC's] Amicus Response in Support of Friends of the Earth (Jan. 18, 2013), and (2) an amicus brief from the Nuclear Energy Institute (NEI) in support of SCE and the NRC Staff. See Amicus Curiae Brief of the [NEI] in Response to the NRC [ASLBP's] Briefing Schedule (Jan. 30, 2013).

⁶ Only the authorized representatives of Petitioner, SCE, and the NRC Staff who have entered an appearance pursuant to 10 C.F.R. § 2.314 will be permitted to participate. No technical expert or member of the public will be permitted to speak for, or on behalf of, any participant.

prohibited in accordance with NRC policy. See Procedures for Providing Security Support for NRC Public Meetings/Hearings. 66 Fed. Reg. 31,719 (June 12, 2001).

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

E. Roy Hawkens, Chairman
ADMINISTRATIVE JUDGE

Issued at Rockville, Maryland
this 22nd day of February 2013.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
SOUTHERN CALIFORNIA EDISON CO.)
)
) Docket Nos. 50-361-CAL
(San Onofre Nuclear Generating Station -) 50-362-CAL
Units 2 and 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **ORDER (Setting Oral Argument)** have been served upon the following persons by Electronic Information Exchange and by electronic mail as indicated by an asterisk*.

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San Onofre Nuclear Generating Station, Units 2 and 3, Docket Nos. 50-361 and 50-362-CAL
ORDER (Setting Oral Argument)

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[Original signed by Brian Newell _____]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 22nd day of February, 2013