

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

April 11, 2013

ORDER  
(Adopting Transcript Corrections)

On March 22, 2013, we held an oral argument<sup>1</sup> in the Atomic Safety and Licensing Board Panel's (ASLBP's) Rockville, Maryland Hearing Room on the issues referred by the Commission in CLI-12-20.<sup>2</sup>

On April 5, 2013, the parties to this proceeding -- Friends of the Earth, Southern California Edison Company, and the NRC Staff -- filed a joint motion for correction of the March 22 oral argument transcript.<sup>3</sup>

---

<sup>1</sup> See Licensing Board Order (Setting Oral Argument) (Feb. 22, 2013) at 2 (unpublished).

<sup>2</sup> In CLI-12-20, the Commission referred to the ASLBP the following two issues, which arose from the June 18, 2012 intervention petition filed by Petitioner challenging a Confirmatory Action Letter (CAL) issued by the NRC to SCE on March 27, 2012: (1) whether the CAL constitutes a de facto license amendment that is subject to a hearing opportunity, and if yes, (2) whether Petitioner's hearing request meets the agency's standing and contention admissibility requirements. 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).

<sup>3</sup> See Joint Motion for Correction of Transcript of March 22, 2013 Oral Argument (Apr. 5, 2013).

Pursuant to 10 C.F.R. § 2.327(d), this Board adopts the corrections proposed by the parties as presented in Appendix A to this Order, and we also adopt several additional corrections identified in Appendix B to this Order.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

---

E. Roy Hawkens, Chairman  
ADMINISTRATIVE JUDGE

Issued at Rockville, Maryland  
this 11th day of April 2013.

**APPENDIX A****ADOPTED CORRECTIONS TO THE TRANSCRIPT OF THE ORAL ARGUMENT HELD ON  
MARCH 22, 2013 (DOCKET NO. 50-361-CAL/50-362-CAL)**

<b>Page</b>	<b>Line</b>	<b>Delete</b>	<b>Insert</b>
6	20	"concludes and"	"concludes that it"
6	25	"In order"	"In our order"
7	7	"if wishes"	"if it wishes"
7	19	"is not"	"is not to"
9	11	"issues"	"issues regarding"
9	20	"also the NRC"	"also with the NRC"
9	20	"My left"	"To my left"
10	8	"a Request for"	"Request for"
10	15	"recert"	"restart"
12	5	"oOne?"	"one?"
12	7	"an"	"the"
13	7	"us"	"SCE's announcement"
13	14	"believe the"	"believe that the"
13	16	"that we have voluntary"	"that it would be a voluntary"
14	8	"precedence"	"precedent"
15	7	"If"	"These"
17	21	"conceived"	"conceded"
18	9	"	[no insert]
18	12	[no deletion]	[insert quotation mark at the end of sentence]
18	18	"	[no insert]
18	19	"Unite"	"Unit"
18	20	[no deletion]	[insert quotation mark at the end of sentence]
20	16	[delete period after "CAL"]	[insert comma after "CAL" and change uppercase T to lowercase in "this"]
20	24	"MR. AYRES"	"JUDGE HAWKENS"
22	3	"stuck"	"shut"
23	5	"I think"	"I see"
24	4	[delete period after "I'm sorry"]	[insert dash between "I'm sorry" and "if you need to make a change..."]
26	13	"figured"	"triggered"
27	13	"in that instance"	[insert "and that is" after "others" and before "the Commission"]
28	2	[no deletion]	[insert commas on either side of "as I read it"]
28	4	[no deletion]	[insert comma after "next step"]
28	5	[no deletion]	[insert comma after "proceeding"]
28	13	[no deletion]	[insert comma after "Judge"]
30	25	"they're"	"you're"
31	2	"decision"	"position"
33	19	[delete period after "conclusions"]	[insert comma after "conclusions"]
36	8	"Results are"	"Results in"

Page	Line	Delete	Insert
36	13	“how do”	“how far do”
41	18	“ASOP”	“ASLB”
43	12	“called”	“culled”
44	5	“deducting”	“deducing”
44	14	[delete comma after “triggering”]	[insert dashes before and after “triggering”]
46	18	[no deletion]	[insert comma after “that”]
46	19	[no deletion]	[insert comma after “us”]
48	19	[delete comma after “that”]	[insert dash after “that”]
48	21	[delete comma after second “tubes”]	[insert dash after the second “tubes” on line 21]
51	13	“whether restart”	“whether Edison’s restart”
53	6	“rights.”	“rights”
53	7	“And”	“until”
53	25	“has already”	“is already”
54	19	“if they know it”	“if it knows it”
59	10	“Can’t make a”	“It can’t make a”
59	12	“eminent”	“imminent”
59	18	“3 or”	“3, or”
60	9	“precedent the”	“precedent that”
60	13	“of referred issue”	“of the referred issue”
62	5	“is clearly”	“was clearly”
66	22	“was well before”	“was submitted well before”
64	3	“at restart”	“at the restart”
64	18	“de factor”	“de facto”
65	10	“is if by”	“is that if by”
66	24	“you’ve indicated”	“you’ve just indicated”
68	13	“submit amendment. And it’s a formal”	“submit an amendment, then it’s a formal”
68	25	“barr”	“bar”
69	7	“are submitting application”	“aren’t submitting an application”
70	14	“statement”	“statements”
70	20	“tubing”	“tube”
71	11	“contact for AVBs”	“contact force between the AVBs”
72	6	“mixed”	“next”
72	16	“assessment”	“assessments”
74	11	“or”	“are”
74	21	“every time the inspections”	“every time we do the routine inspections”
75	24	“, it”	“. It”
75	25	“generator or tube”	“generator tube”
76	3	“fueling”	“refueling”
76	5	“conservative.”	“conservative here.”
76	5	“have five month period where”	“have a five month period”
76	8	“paragraph”	“paragraph of”
76	25	“eight criterion C2”	“eighth criterion in (c)(2)”
77	6	“or”	“where”
77	19	“an”	“any”

Page	Line	Delete	Insert
78	3	"this"	"the"
78	19	"we have"	"you have"
78	25	"under the 50.59"	"under 50.59"
79	3	"is a"	"is it a"
79	4	"method."	"method?"
79	9	"we are okay"	"you're okay"
80	2	"value"	"volume"
80	9	"fitting"	"thinning"
80	22	"going to go"	"going to go the"
80	23	"would do"	"would then be able to do"
80	25	"procedural"	"proceduralized"
81	4	"we knew we"	"we automatically knew we"
81	7	"were already screened"	"were screened"
81	10	"directed coolant"	"the reactor coolant"
81	16	"And I mentioned"	"And as I mentioned"
81	19	"their"	"the"
83	1	"state before"	"state, and I believe this was before"
83	17	"Your Honor"	"In general"
83	24	"for power"	"at full power"
83	25	"do 100"	"do a 100"
84	12	"in our"	"without a"
84	13	"had raised a"	"agrees to"
85	15	"that"	"then"
86	13	"every utility has"	"other utilities have"
86	14	"to take"	"taken"
86	19	"slight, quick clarification"	"slight clarification"
86	22	"in"	[no insert]
86	23	"our tech"	"of that standard tech"
87	3	"analogous what"	"analogous to what"
87	14	"in"	"at"
87	16	"Okay. Also had a no"	"But they also had a no"
88	8	"CAL"	"CALs"
88	19	"could"	"did"
88	23	"power. We're using to"	"power. We're choosing to. We're choosing to"
88	24	"it"	"we"
89	7	"agree"	"don't believe"
89	24	"We are not"	"I don't believe we are"
90	5	"seven"	"70"
90	9	"that at"	"that both at"
91	6	"taking"	"doing"
91	10	"I like in"	"I liken"
91	11	"the first line that we"	"to the first time that we"
91	16	"power, we're not"	"power, and we're not"
91	17	"yet. We"	"yet, we"
92	5	"at"	"that"
92	16	"organizations"	"the regulations"
95	5	"Criteria for"	"Criteria 14 for"

Page	Line	Delete	Insert
95	17	ADB	AVB
96	2	"Yes. I don't"	"Again, I don't"
96	3	"in describing"	"in describing the"
96	5	"wearing"	"wear"
96	8	"assessments which"	"assessments, which"
96	9	"program. We"	"program, we"
97	6	"indeed"	"instead"
97	16	"different analysis. We're talking"	"different analyses. You're talking"
97	19	"really different"	"really two different"
98	17	"or"	"for"
98	18	"if U tube steam"	"If there are U tube steam"
98	24	"possibility for in plane"	"possibility in a laboratory for in plane"
99	2	"Those were cases of out plane FEI"	"I believe those were cases of out of plane FEI"
99	9	"if"	"is"
99	24	"credit"	"product"
100	1	"ADB content"	"AVB contact"
100	2	"ADB content"	"AVB contact,"
100	3	"fraction we"	"fraction, we"
100	14	"had high void"	"had relatively high void"
100	15	"you get"	"we have"
100	18	"have seen"	"assume"
100	19	"presuming"	"presumably"
101	6	"Although that sequence"	"Although does that sequence"
101	7	"makes sense"	"make sense"
102	2	"out right"	"out one right"
102	3	"against on the"	"against us on the"
102	4	"presumably we'll be enlisting a license"	"presumably there'll be a notice of license"
105	14	"in"	"and"
106	12	"Unit"	[no insert]
108	11	"period"	"hearing"
109	23	"that"	"the"
110	19	"whether"	"with their"
111	21	"that"	"the"
112	7	"barr"	"bar"
113	12	"there"	"they"
113	14	"Do you mean now right"	"You may now run"
113	15	"has"	"is"
114	3	"a"	[no insert]
114	8	"Honor. And that's your word"	"Honor, as you're aware."
115	13	"and behalf"	"and on behalf"
116	21	"end to"	"ended"
117	20	"analysis and"	"analysis aside and"
119	10	"give correct"	"that said give corrective"
119	22	"in"	"a"
122	12	"And"	"No and"
124	18	"the same"	"is saying"

<b>Page</b>	<b>Line</b>	<b>Insert</b>	<b>Delete</b>
126	22	"says as"	"has"
126	25	"They"	"The"
131	11	"but"	"that"
131	16	"or"	"and"
132	3	"licensee"	"licensing"
132	4	"or"	"are"
133	13	"would not"	"are not going to"
134	5	"trying"	"declining"
134	20	"would"	"have"
134	21	"issue"	"issued"
134	24	"would"	"have"
136	24	"any of these 50.59"	"the 50.59 ones which"
137	24	"59(f)"	"58 F 3rd 284"
138	9	"an act of"	"in fact a"
140	2-3	"an option"	"adoption"
141	1	"of"	[no insert]
142	14	"to"	"and"

**APPENDIX B****ADDITIONAL CORRECTIONS TO THE TRANSCRIPT OF THE ORAL ARGUMENT HELD ON  
MARCH 22, 2013 (DOCKET NO. 50-361-CAL/50-362-CAL)**

<b>Page</b>	<b>Line</b>	<b>Delete</b>	<b>Insert</b>
5	19	"processing"	"proceeding"
12	20	[no deletion]	[insert ". When and" after "event" and before "if"]
29	25	"site"	"cite"
34	11	"definitely"	"definitively"
73	14	"JUDGE HAWKENS"	"JUDGE BARATTA"
88	13-14	"couldn't get there from there."	"ain't gonna get there from here."
101	10	"admissibility."	"admissibility"?
113	15	"power?"	"power."
123	8	[no deletion]	[insert period after "enforcement"]
136	19	"JUDGE BARATTA"	"JUDGE ARNOLD"
144	12	"Standard"	"standards in"
145	18	"59.50"	"50.59"
147	2	[no deletion]	[insert period after "case"]

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 (Adopting Transcript Corrections)** have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate  
Adjudication

U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Mail Stop - T-3 F23  
Washington, DC 20555-0001

E. Roy Hawkens  
Chief Administrative Judge  
E-mail: [roy.hawkens@nrc.gov](mailto:roy.hawkens@nrc.gov)

Anthony J. Baratta  
Administrative Judge  
Email: [anthony.baratta@nrc.gov](mailto:anthony.baratta@nrc.gov)

Gary S. Arnold  
Administrative Judge  
Email: [gary.arnold@nrc.gov](mailto:gary.arnold@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop O-16C1  
Washington, DC 20555-0001

Hearing Docket  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

Southern California Edison Company  
Douglas Porter, Esq.  
Director and Managing Attorney  
Generation Policy and Resources  
Law Department  
2244 Walnut Grove Ave., GO1, Q3B, 335C  
Rosemead, CA 91770  
Email: [douglas.porter@sce.com](mailto:douglas.porter@sce.com)

Counsel for Licensee  
Morgan, Lewis & Bockius, LLP  
1111 Pennsylvania, Ave. N.W.  
Washington, D.C. 20004  
Paul M. Bessette, Esq.  
Kathryn M. Sutton, Esq.  
Stephen J. Burdick, Esq.  
Steven P. Frantz, Esq.  
William E. Baer, Jr.  
Mary Freeze, Legal Secretary  
Lena M. Long, Legal Secretary  
E-mail: [pbessette@morganlewis.com](mailto:pbessette@morganlewis.com)  
[sburdick@morganlewis.com](mailto:sburdick@morganlewis.com)  
[ksutton@morganlewis.com](mailto:ksutton@morganlewis.com)  
[wbaer@morganlewis.com](mailto:wbaer@morganlewis.com)  
[sfrantz@morganlewis.com](mailto:sfrantz@morganlewis.com)  
[mfreeze@morganlewis.com](mailto:mfreeze@morganlewis.com)  
[llong@morganlewis.com](mailto:llong@morganlewis.com)

San Onofre Nuclear Generating Station, Units 2 and 3, Docket Nos. 50-361 and 50-362-CAL  
**ORDER (Adopting Transcript Corrections)**

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop - O-15 D21  
Washington, DC 20555-0001  
Edward Williamson, Esq.  
David Roth, Esq.  
Catherine Kanatas, Esq.  
David Cylkowski, Esq.  
Jeremy Wachutka, Esq.  
Email: [edward.williamson@nrc.gov](mailto:edward.williamson@nrc.gov)  
[david.roth@nrc.gov](mailto:david.roth@nrc.gov)  
[catherine.kanatas@nrc.gov](mailto:catherine.kanatas@nrc.gov)  
[david.cylkowski@nrc.gov](mailto:david.cylkowski@nrc.gov)  
[jeremy.wachutka@nrc.gov](mailto:jeremy.wachutka@nrc.gov)

OGG Mail Center: [ogcmailcenter@nrc.gov](mailto:ogcmailcenter@nrc.gov)

Friends of the Earth  
Ayres Law Group  
1707 L St., NW  
Suite 850  
Washington, D.C. 20036  
Richard E. Ayres, Esq.  
Jessica L. Olson, Esq.  
Kristin L. Hines, Esq.  
Email: [ayresr@ayreslawgroup.com](mailto:ayresr@ayreslawgroup.com)  
[olsonj@ayreslawgroup.com](mailto:olsonj@ayreslawgroup.com)  
[hinesk@ayreslawgroup.com](mailto:hinesk@ayreslawgroup.com)

Natural Resources Defense Council  
Geoffrey H. Fettus, Esq.  
1152 15<sup>th</sup> Street, NW  
Suite 300  
Washington, DC 20005  
Email: [gfettus@nrdc.org](mailto:gfettus@nrdc.org)

[Original signed by Herald M. Speiser \_\_\_\_\_]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 11<sup>th</sup> day of April, 2013