



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

January 5, 2016

EA-14-140

Mr. Thomas J. Palmisano
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 AND THE
INDEPENDENT SPENT FUEL STORAGE INSTALLATION - ISSUANCE OF
AMENDMENTS AND CONFIRMATORY ORDER MODIFYING LICENSES FOR
PREEMPTION AUTHORITY (CAC NOS. MF2663 AND MF2664)**

Dear Mr. Palmisano:

The U.S. Nuclear Regulatory Commission (NRC, "the Commission") has issued the enclosed confirmatory order and conforming Amendment No. 232 to Facility Operating License No. NPF-10 and Amendment No. 225 to Facility Operating License No. NPF-15 for San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, respectively. The confirmatory order and enclosed conforming amendments are in response to a letter from Southern California Edison (SCE or the licensee) dated August 28, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13242A277), as supplemented by letters dated December 31, 2013, May 15, 2014, and February 10, 2015 (ADAMS Accession Nos. ML14007A496, ML14139A424, and ML15044A047, respectively).

The enclosed confirmatory order and conforming amendments permit security personnel at SONGS to transfer, receive, possess, transport, import, and use certain firearms and large capacity ammunition feeding devices not previously permitted to be owned or possessed under Commission authority, notwithstanding certain local, State, or Federal firearms laws, including regulations that prohibit such actions.

A copy of the related safety evaluation is provided in Enclosure 3. The notice of issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

T. Palmisano

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The confirmatory order, provided in Enclosure 4, has been forwarded to the Office of the Federal Register for publication.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott W. Moore", with a stylized, cursive script.

Scott W. Moore, Acting Director
Office of Nuclear Material Safety and Safeguards

Docket Nos. 50-361, 50-362, and 72-41

Enclosures:

1. Amendment No. 232 to NPF-10
2. Amendment No. 225 to NPF-15
3. Safety Evaluation
4. Confirmatory Order

cc w/encls: Distribution via Listserv



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

SOUTHERN CALIFORNIA EDISON COMPANY

SAN DIEGO GAS AND ELECTRIC COMPANY

THE CITY OF RIVERSIDE, CALIFORNIA

DOCKET NO. 50-361

SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 232
License No. NPF-10

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Southern California Edison Company, et al. (SCE or the licensee), dated August 28, 2013, as supplemented by letters dated December 31, 2013, May 15, 2014, and February 10, 2015, 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, as supplemented, 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.

2. Accordingly, by Amendment No. 232, Facility Operating License No. NPF-10 is hereby amended to authorize revision to the "San Onofre Nuclear Generating Station Security Plans," as set forth in the Southern California Edison Company application dated August 28, 2013, and supplemented by letters dated December 31, 2013, May 15, 2014, and February 10, 2015, and as evaluated in the NRC staff's safety evaluation dated December 31, 2015. This license amendment is effective as of the date of its issuance and shall be implemented within 20 days.
3. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C(2) of Facility Operating License No. NPF-10 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 232, 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.

4. In addition, paragraph 2.E of Facility Operating License No. NPF-10 is hereby amended with additional language to read as follows:

Pursuant to NRC's Order EA-13-092, dated June 5, 2013, NRC reviewed and approved the license amendment 232 that permitted the security personnel of the licensee to possess and use certain specific firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use.

FOR THE NUCLEAR REGULATORY COMMISSION



Andrew Persinko, Acting Director
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Attachment:
Changes to the Facility
Operating License No. NPF-10
and Technical Specifications

Date of Issuance: January 5, 2016



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

SOUTHERN CALIFORNIA EDISON COMPANY

SAN DIEGO GAS AND ELECTRIC COMPANY

THE CITY OF RIVERSIDE, CALIFORNIA

DOCKET NO. 50-362

SAN ONOFRE NUCLEAR GENERATING STATION, UNIT 3

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 225
License No. NPF-15

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Southern California Edison Company, et al. (SCE or the licensee), dated August 28, 2013, as supplemented by letters dated December 31, 2013, May 15, 2014, and February 10, 2015, 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, as supplemented, 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.

2. Accordingly, by Amendment No. 225, Facility Operating License No. NPF-15 is hereby amended to authorize revision to the "San Onofre Nuclear Generating Station Security Plans," as set forth in the Southern California Edison Company application dated August 28, 2013, and supplemented by letters dated December 31, 2013, May 15, 2014, and February 10, 2015, and as evaluated in the NRC staff's safety evaluation dated December 31, 2015. This license amendment is effective as of the date of its issuance and shall be implemented within 20 days.
3. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C(2) of Facility Operating License No. NPF-15 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 225, 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.

4. In addition, paragraph 2.E of Facility Operating License No. NPF-15 is hereby amended with additional language to read as follows:

Pursuant to NRC's Order EA-13-092, dated June 5, 2013, NRC reviewed and approved the license amendment 225 that permitted the security personnel of the licensee to possess and use certain specific firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use.

FOR THE NUCLEAR REGULATORY COMMISSION



Andrew Persinko, Acting Director
Division of Decommissioning, Uranium Recovery
and Waste Programs
Office of Nuclear Material Safety
and Safeguards

Attachment:
Changes to the Facility
Operating License No. NPF-15
and Technical Specifications

Date of Issuance: January 5, 2016

ATTACHMENT TO LICENSE AMENDMENT NO. 232

TO FACILITY OPERATING LICENSE NO. NPF-10

AND LICENSE AMENDMENT NO. 225

TO FACILITY OPERATING LICENSE NO. NPF-15

DOCKET NOS. 50-361 AND 50-362

Replace the following pages of the Facility Operating License Nos. NPF-10 and NPF-15 with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Facility Operating License No. NPF-10

REMOVE

3
9

INSERT

3
9

Facility Operating License No. NPF-15

REMOVE

3
8

INSERT

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8

- (3) SCE, pursuant to the Act and 10 CFR Part 70, to possess at any time special nuclear material that was used as reactor fuel, in accordance with the limitations for storage, as described in the Final Safety Analysis Report, as supplemented and amended;
 - (4) SCE, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required; and possess any byproduct, source and special material as sealed neutron sources that was used for reactor startup;
 - (5) SCE, pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (6) SCE, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of San Onofre Nuclear Generating Station, Units 1 and 2 and by the decommissioning of San Onofre Nuclear Generating Station Unit 1.
- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Deleted
 - (2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 232, 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.

- E. SCE shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21 is entitled: "San Onofre Nuclear Generating Station Security, Training and Qualification, and Safeguards Contingency Plan, Revision 2" submitted by letter dated May 15, 2006. SCE shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The SONGS CSP was approved by License Amendment No. 225, as supplemented by a change approved by License Amendment No. 231.

Pursuant to NRC's Order EA-13-092, dated June 5, 2013, NRC reviewed and approved the license amendment 232 that permitted the security personnel of the licensee to possess and use certain specific firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use.

- F. This license is subject to the following additional condition for the protection of the environment:

Before engaging in activities that may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, SCE shall provide a written notification of such activities to the NRC Office of Nuclear Reactor Regulation and receive written approval from that office before proceeding with such activities.

- G. DELETED

- H. SCE shall notify the Commission, as soon as possible but not later than one hour, of any accident at this facility which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission.

- I. SCE shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

- J. Deleted

*On September 29, 1983, the Safeguards Contingency Plan was made a separate, companion document to the Physical Security Plan pursuant to the authority of 10 CFR 50.54.

- (3) SCE, pursuant to the Act and 10 CFR Part 70, to possess at any time special nuclear material that was used as reactor fuel, in accordance with the limitations for storage, as described in the Final Safety Analysis Report, as supplemented and amended;
 - (4) SCE, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required; and possess any byproduct, source and special material as sealed neutron sources that was used for reactor startup;
 - (5) SCE, pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (6) SCE, pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of San Onofre Nuclear Generating Station, Units 1 and 2 and by the decommissioning of San Onofre Nuclear Generating Station Unit 1.
- C. This license shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Deleted
 - (2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 225, 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.

Report. These exemptions are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Therefore, these exemptions are hereby granted. The facility will operate, to the extent authorized herein, in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission.

- E. SCE shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21 is entitled: "San Onofre Nuclear Generating Station Security, Training and Qualification, and Safeguards Contingency Plan, Revision 2" submitted by letter dated May 15, 2006. SCE shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The SONGS CSP was approved by License Amendment No. 218, as supplemented by a change approved by License Amendment No. 224.

Pursuant to NRC's Order EA-13-092, dated June 5, 2013, NRC reviewed and approved the license amendment 225 that permitted the security personnel of the licensee to possess and use certain specific firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use.

- F. This license is subject to the following additional condition for the protection of the environment:

Before engaging in activities that may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, SCE shall provide a written notification of such activities to the NRC Office of Nuclear Reactor Regulation and receive written approval from that office before proceeding with such activities.

- G. DELETED

- H. SCE shall notify the Commission, as soon as possible but not later than one hour, of any accident at this facility which could result in an unplanned release of quantities of fission products in excess of allowable limits for normal operation established by the Commission.

- I. SCE shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

*On September 29, 1983, the Safeguards Contingency Plan was made a separate, companion document to the Physical Security Plan pursuant to the authority of 10 CFR 50.54.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 232 TO FACILITY OPERATING LICENSE NO. NPF-10
AMENDMENT NO. 225 TO FACILITY OPERATING LICENSE NO. NPF-15
SOUTHERN CALIFORNIA EDISON COMPANY
SAN DIEGO GAS AND ELECTRIC COMPANY
THE CITY OF RIVERSIDE, CALIFORNIA
SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3
SAN ONOFRE INDEPENDENT SPENT FUEL STORAGE INSTALLATION
DOCKET NOS. 50-361, 50-362, AND 72-41

1.0 INTRODUCTION

By submittal dated August 28, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13242A277), as supplemented by letters dated December 31, 2013, May 15, 2014, and February 10, 2015 (ADAMS Accession Nos. ML14007A496, ML14139A424, and ML15044A047, respectively), Southern California Edison (SCE or the licensee) requested that the U.S. Nuclear Regulatory Commission (NRC) authorize it to use the preemption authority granted to the Commission under Section 161A of the Atomic Energy Act of 1954, as amended (AEA) (42 United States Code (U.S.C.) § 2201a), on behalf of the San Onofre Nuclear Generating Station, Units 2 and 3 (SONGS), and the San Onofre Nuclear Generating Station Independent Spent Fuel Storage Installation (ISFSI) (hereafter referred to jointly as SONGS or facility). Use of Section 161A authority would permit security personnel at SONGS to transfer, receive, possess, transport, import, and use certain weapons, ammunition, and other devices not previously permitted to be owned or possessed under Commission authority, notwithstanding local, State, or certain Federal firearms laws, including regulations that prohibit such actions.

The February 10, 2015, submittal, and portions of the August 28, 2013, submittal contain security-related information and, therefore, have been withheld from public disclosure.

In the submittal, the licensee stated that this request is for preemption authority only and is applicable to the firearms and devices presently in use at SONGS in accordance with the NRC-approved SONGS security plan; namely handguns, semiautomatic assault rifles, and

large-capacity magazines. The licensee also stated that the firearms and devices identified in the submittal do not include enhanced weapons. The licensee stated that the types of firearms, ammunition, and other devices identified in the submittal are necessary in the discharge of official duties by security personnel to implement the NRC-approved SONGS security plan.

In the August 28, 2013, submittal, the licensee provided a discussion specific to the Deadly Force Laws of the State of California. As this discussion is not within the scope of AEA Section 161A preemption authority, the licensee withdrew these statements in the supplement dated February 10, 2015. The supplemental letters dated December 31, 2013, May 15, 2014, and February 10, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the *Federal Register* on February 18, 2015 (80 FR 8701).

2.0 REGULATORY EVALUATION

Section 653 of the Energy Policy Act of 2005, Public Law 109-58 (119 Stat. 811), added Section 161A (42 U.S.C. § 2201a) to the Atomic Energy Act of 1954, as amended. Section 161A confers upon the Commission the authority to permit the security personnel of designated NRC-licensed facilities or certificate holders to transfer, receive, possess, transport, import, and use certain firearms and devices that were not previously permitted to be owned or possessed under Commission authority, notwithstanding local, State, or certain Federal firearms laws, including regulations, that prohibit such actions. The categories and types of firearms, ammunition, and devices that are subject to Section 161A are identified in Section 161A.b, which states that:

Notwithstanding subsections (a)(4), (a)(5), (b)(2), (b)(4), and (o) of section 922 of Title 18, section 925(d)(3) of Title 18, section 5844 of Title 26, and any law (including regulations) of a State or a political subdivision of a State that prohibits the transfer, receipt, possession, transportation, importation, or use of a handgun, a rifle, a shotgun, a short-barreled shotgun, a short-barreled rifle, a machinegun, a semiautomatic assault weapon, ammunition for any such gun or weapon, or a large capacity ammunition feeding device, in carrying out the duties of the Commission, the Commission may authorize the security personnel of any licensee or certificate holder of the Commission (including an employee of a contractor of such a licensee or certificate holder) to transfer, receive, possess, transport, import, and use 1 or more such guns, weapons, ammunition, or devices . . .

Section 161A became effective on September 11, 2009, when the Commission, with the approval of the Attorney General, published the "Guidelines on the Use of Firearms by Security Personnel in Protecting U.S. NRC-Regulated Facilities, Radioactive Material, and Other Property" in the *Federal Register* (74 FR 46800), hereafter referred to as the "firearms guidelines." These firearms guidelines were subsequently revised on June 25, 2014 (79 FR 36100).

On June 5, 2013, the NRC issued Enforcement Action (EA) 13-092 "Order Designating an Interim Class of NRC-Licensed Facilities that are Eligible to Apply to the Commission for Authorization to Use the Authority Granted Under the Provisions of Section 161A of the Atomic

Energy Act of 1954, as Amended" (ADAMS Accession No. ML13121A459), hereafter referred to as "the designation order." The designation order accomplishes the following: (1) designates an interim class of NRC-licensed facilities as eligible to apply for Section 161A preemption authority; (2) provides a process through which the licensee of each designated facility may apply for Section 161A preemption authority; (3) outlines the type of information that must be addressed in an application for Section 161A preemption authority; and (4) requires the licensee of each designated facility to subject all personnel who have, or will have, access to covered firearms and devices in the performance of official duties, to a firearms background check as specified in Section 161A.c.

The designation order requires, in part, that submittals must be submitted to the NRC for review and approval under the provisions of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.90, "Application for Amendment of License, Construction Permit, or Early Site Permit" and that the licensee of each designated facility must notify the NRC in writing when a sufficient number of firearms background checks have been completed to staff the facility security organization.

3.0 TECHNICAL EVALUATION

In the submittal, the licensee stated that the request is for preemption authority at SONGS. The NRC staff reviewed Attachment 1 to the designation order and confirmed that SONGS is a member of the limited class of facilities designated by the Commission as eligible to apply for Section 161A preemption authority.

In the submittal, the licensee stated that certain California State-mandated training and qualification requirements would be applicable to SONGS, in addition to the more stringent Commission-mandated requirements contained in 10 CFR Part 73, Appendix B, and that existing California State law would require armed personnel at SONGS to obtain and maintain guard registration cards and firearms permits. The licensee further stated that the registration and permit process could potentially result in an inability to staff the security organization should the State of California fail to process renewals in a timely manner.

3.1 Staffing

The designation order requires that all licensees within the designated class of facilities eligible to apply for Section 161A preemption authority shall subject all members of the security organization whose official duties require or will require access to any firearm to a firearms background check. In its letter dated December 31, 2013, the licensee stated that a sufficient number of personnel had completed the required firearms background checks to meet the minimum required staffing level for the SONGS security organization as stated in the NRC-approved SONGS security plan, including the minimum number of armed responder and armed security officer positions required to effectively implement the licensee's protective strategy and to meet applicable fatigue requirements of 10 CFR Part 26. The NRC staff reviewed the NRC-approved SONGS security plan and determined that the licensee has identified the minimum number of armed responder and armed security officer positions that must be staffed at all times at SONGS and for which the assigned personnel must successfully complete a firearms background check. The NRC staff further finds that the number of firearms background checks completed by the licensee is consistent with the minimum number of armed

responder and armed security officer positions required to implement the SONGS NRC-approved security plan and to meet applicable fatigue requirements.

3.2 Training and Qualifications

The designation order requires the licensee of each designated facility to revise their training and qualification program, as needed, to ensure that affected personnel receive instruction regarding the firearms background check's disqualifying events. Additionally, the designation order requires that licensees must provide training on the continuing responsibility of each individual to promptly notify the licensee of the occurrence of any such event or status. By letter dated May 15, 2014, the licensee responded to an NRC request for additional information and confirmed that site procedures had been revised to address the activities required to instruct all affected personnel on disqualifying events and their continuing responsibility to notify the licensee of a change in their status.

Based on its review of the licensee's information, the staff finds that the licensee has revised the SONGS training and qualification program, including the development and implementation of supporting site procedures, needed to ensure that affected personnel receive instruction regarding the types of events that would disqualify the individual from continued access to firearms and devices and the continuing responsibility to report such events to the licensee.

3.3 Firearms and Devices

Consistent with the firearms guidelines, before authorizing a licensee to use the authority granted by Section 161A, the Commission must determine that the weapons used by licensee security personnel are necessary in the discharge of their official duties. In its submittal, the licensee provided a description of the types of firearms and devices that are currently in use at SONGS and confirmed that these firearms and devices are used to implement its protective strategy at the facility. The licensee also addressed the types of duties and responsibilities that are required of personnel who are assigned armed duties. The staff reviewed the NRC-approved SONGS security plan to determine whether the use of the firearms and devices identified by the licensee in their submittal is adequately described as being necessary to the performance of official duties by personnel assigned to the armed responder and armed security officer positions at SONGS.

The Commission's regulations require that NRC-licensed facilities develop, implement, and maintain a physical protection system that will protect the special nuclear material that each licensee is authorized by license to possess and use. The physical protection system for an NRC-licensed power reactor will have as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk to the public health and safety. In establishing the specific level of physical protection that must be provided by each licensee at a power reactor facility, the Commission has defined a Design Basis Threat (DBT) of radiological sabotage in 10 CFR 73.1. Consequently, the Commission has assigned specific attributes and capabilities to the DBT of radiological sabotage to include the types of firearms, ammunition, and other devices and equipment that an adversary could use for the purpose of causing radiological sabotage. Conversely, the Commission has determined that it is also appropriate and necessary to ensure that those personnel who are assigned official duties required for the prevention of radiological sabotage at an NRC-licensed power reactor facility, are also provided

with the types of firearms, ammunition, and other devices that will provide and ensure the ability of assigned personnel to counter the capabilities that the Commission has assigned to the DBT of radiological sabotage.

The licensee's description of the weapons and their use in the approved security plan identified the types of firearms and devices that are currently in use (specifically, handguns, semiautomatic assault weapons, and large-capacity ammunition feeding devices) and stated that these firearms and devices are necessary to satisfy Commission requirements for the physical protection of the SONGS facility. The NRC staff determined that the description contained in the SONGS security plan is consistent with Commission regulations and the licensee's protective strategy for the SONGS facility, including the types of firearms and devices needed to provide armed responders and armed security officers with the ability to counter the attributes of the DBT of radiological sabotage.

Based on its review, the NRC staff finds that the licensee has demonstrated that the firearms and other devices currently possessed at the SONGS facility are necessary in the performance of official duties required for the physical protection of a facility, radioactive material, or other property it owns and operates. The staff also finds that the firearms and devices identified in the submittal are within the types of firearms and devices described in Section 161A.b and the firearms guidelines.

3.4 Firearms Background Check Processes

Firearms background checks are submitted through the NRC to the Federal Bureau of Investigation (FBI's) Criminal Justice Information Services Division and include a check against the FBI Criminal History database and the FBI National Instant Criminal Background Check System, which was established by Section 103(b) of the Brady Handgun Violence Prevention Act, Public Law 103-159, 107 Stat. 1536. All members of a licensee's security organization whose official duties require access to firearms and where the licensee has applied for use of preemption authority under Section 161A.b shall be subject to a firearms background check to determine whether the person is prohibited from possessing or receiving a firearm under Federal or State law.

The designation order requires the licensee of each designated facility to establish a program that addresses: (1) the removal of security personnel from duties requiring access to firearms on the receipt of an adverse firearms background check or other disqualifying information; (2) instruction for resolving a delayed response and/or appealing a denied response resulting from a firearms background check; (3) provisions for a firearms background check reinvestigation not to exceed five years; (4) the conduct of a firearms background check reinvestigation for individuals who have had a break in employment from the licensee or applicable security contractor of greater than one week; and (5) self-disclosure requirements and reporting requirements concerning a disqualifying event. Attachment 3 to the designation order contains provisions for establishing processes to ensure that security personnel maintain appropriate qualification and training as well as a process to establish periodic firearms background check re-investigations.

By letter dated May 15, 2014, the licensee confirmed that appropriate processes and procedures have been established to maintain the requirements for the conduct of firearms background checks to include periodic reinvestigations, instruction for appealing adverse

results, notification / reporting requirements for disqualifying events, and the removal of individuals from armed duties when disqualifying information becomes known, as required in Attachment 3 to the designation order.

Based on its review of the NRC-approved SONGS security plan and the licensee's letter dated May 15, 2014, the NRC staff finds that SONGS has established background check processes and procedures that are consistent with the designation order requirements. In addition, the staff finds that SONGS has established, through these processes and procedures, a method to assure that affected security personnel are not barred under Federal or State law from receiving, possessing, transporting, or using any of the subject firearms or devices used at the SONGS facility.

3.5 State Law

Section 161A of the Atomic Energy Act of 1954, as amended, confers on the Commission the authority to permit the security personnel of designated NRC-licensed facilities or certificate holders to transfer, receive, possess, transport, import, and use certain firearms and devices that were not previously permitted to be owned or possessed under Commission authority, notwithstanding local, State, or certain Federal firearms laws, including regulations, that prohibit such actions. The categories and types of firearms, ammunition, and devices that are subject to Section 161A are identified in Section 161A.b.

In its submittal, the licensee states that certain California State laws make it illegal to possess the types of firearms and devices currently in use at SONGS unless specific exemptions are approved by the State of California. California Penal Code Section 27535 prohibits the purchase of more than one handgun within a 30-day period. While Section 27535(b) provides for exemptions from this prohibition, SONGS does not qualify for any of these exemptions.

Similarly, California Penal Code Sections 30500 through 31335, Sections 32310 through 32390, and Sections 32650 through 32670 set forth the restrictions on the possession and use of semi-automatic assault weapons and high capacity magazines. It is illegal for any person to possess assault weapons unless they fall within one of the enumerated exceptions in Sections 30600 and 30605. SONGS does not fall into any of these exceptions.

The security personnel at SONGS were previously able to possess hand guns and semi-automatic assault weapons because of an exemption granted by the California Attorney General. In a letter dated January 15, 2004, from the then Deputy Attorney General, Firearms Division, for the state of California (provided as Enclosure 1, Attachment 3, Figure 3-2 to the August 28, 2013 submittal), a determination was made that the SONGS security organization is exempt from the restrictions imposed by California Penal Code Section 12072, subdivision (a)(9)(A) regarding the restriction against purchasing more than one pistol, revolver, or other firearm capable of being concealed upon the person within any 30-day period. In this letter, the Deputy Attorney General for the State of California states, in part:

It is our understanding that you have the requisite authority from Congress to defend nuclear power plants pursuant to the Atomic Energy Act and the Nuclear Regulatory Commission has approved, among other firearms, the use of handguns in the discharge of your duties in the vital defense of the San Onofre Nuclear Generating Facility (Title 42 U.S.C., section 2201 and 10 C.F.R. section 73.55).

Consequently, the Attorney General of California believes your security operation, in its official capacity, is exempt from the limitations imposed by Penal Code section 12072, subdivision (a)(9)(A).

The letter further stated that SONGS was considered to be performing law enforcement duties within the meaning of the California Penal Code. Based on this determination, SONGS met one of the exceptions for possession of assault weapons in the statute.

In its submittal, the licensee further stated that since the issuance of the 2004 letter, a new administration has taken office in California. Based on communications between the licensee and the California Department of Justice, the current California Attorney General does *not* plan to issue a new letter to SONGS stating that the determination made in the 2004 letter remains valid. As a result, the licensee has been informed by its firearms suppliers that the exemption in the 2004 letter from the California Attorney General will no longer be honored.

The status of the 2004 exemption letter remains unclear since it has not been formally rescinded by the current California Attorney General. However, the lack of a written exemption from the current California Attorney General prevents the licensee's security personnel from having access to firearms and devices needed to implement the licensee's protective strategy at SONGS, since firearms dealers are not willing to honor the 2004 exemption letter. Consequently, SONGS is not able to purchase handguns at a sufficient rate to meet Commission requirements in 10 CFR 73.55(k)(2), to maintain security equipment in a manner that ensures equipment is in sufficient supply, is maintained in operable condition, and is readily available to perform its required function when needed. Similarly, SONGS is presently unable to purchase new semi-automatic assault rifles to replace or maintain the current number of weapons or to increase the number of semi-automatic assault rifles needed to accommodate changes in the SONGS defensive strategy. Therefore, the licensee has requested preemption authority for the SONGS facility.

In the submittal, the licensee discussed certain State-mandated training and qualification requirements that would require the armed personnel at SONGS to obtain and maintain guard registration cards and firearms permits. The licensee speculated that these requirements could prevent adequate staffing at SONGS. However, the licensee did not provide evidence that the registration and permitting processes prohibits access to weapons used by the licensee's security force at this time.

Based on the staff's review of the licensee's submittal, the NRC staff finds that: (1) the firearms and devices identified by the licensee in the submittal are currently in use at SONGS in accordance with the licensee's NRC-approved security plan; (2) the licensee uses the identified firearms and devices in the performance of official duties required for the protection of an NRC-designated facility and associated special nuclear materials as described in the SONGS protective strategy; and (3) the firearms and devices identified in the submittal are subject to current State law that would restrict the possession and use of such firearms, weapons, and devices at SONGS. Given this lack of regulatory certainty, and the licensee's inability to acquire the weapons at a rate needed to implement its protective strategy, the NRC staff has determined that the licensee has demonstrated a need for preemption authority.

3.6 License Condition

In its February 10, 2015, supplement, the licensee proposed the following language be added to the physical protection license conditions for Facility Operating Licenses NPF-10 and NPF-15:

Pursuant to NRC's Order EA-13-092, dated June 5, 2013, NRC reviewed and approved the license amendment [Amendment number] that permitted the security personnel of the licensee to possess and use certain specific firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use.

As the proposed language reflects the NRC's approval, the NRC staff finds the proposed language acceptable.

3.7 Technical Conclusion

Based on its review of the licensee's submittal, the NRC staff has determined that the firearms, ammunition, and devices utilized by the licensee are consistent with the types of firearms and devices described in Section 161A.b of the Atomic Energy Act of 1954, as amended, and that the request was submitted in accordance with the requirements of the designation order, Section 161A, and applicable Commission regulations. Accordingly, the staff finds that SONGS meets the applicable requirements to use preemption authority under Section 161a.

4.0 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 comment.

5.0 PUBLIC COMMENTS

On February 18, 2015, the NRC staff published a "Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration [NSHC] Determination, and Opportunity for a Hearing," in the *Federal Register* associated with the proposed amendment request (80 FR 8701). In accordance with the requirements in 10 CFR 50.91, the notice provided a 30-day period for public comment on the proposed NSHC determination. Public comments were received regarding the proposed amendment. The issues discussed in the public comments do not specifically pertain to the proposed NSHC determination for granting SONGS preemption authority. A summary of the comments and the NRC staff responses, are addressed below:

Public Comments:

- Comment of an indeterminate nature stating "That's great" (Reference 14).
- Comment addressing onsite storage of spent fuel, supporting a secure interim facility for long term storage of the spent fuel rods from SONGS, and stating the NRC should hold the licensee responsible for safety and security at SONGS as long as the spent fuel rods remain in storage at the site (References 15 and 16).

NRC Staff Response:

Consistent with the NRC's regulations associated with issuance of a license amendment in 10 CFR Part 50, the scope of the NRC staff review focused on whether there is reasonable assurance that the activities authorized by the subject amendment can be conducted without endangering the health and safety of the public and will be conducted in compliance with the NRC's regulations. As such, the above issues were deemed not to be applicable to the NRC staff decision regarding whether or not the license amendment request for preemption authority at SONGS should be granted to SCE.

6.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the *Federal Register* on December 22, 2015 (80 FR 79616). Accordingly, based upon the environmental assessment, the Commission has determined that issuance of these amendments will not have a significant effect on the quality of the human environment.

7.0 CONCLUSION

The NRC staff reviewed the information provided by the licensee and concludes that (1) the requirements of Commission Order EA-13-092 have been satisfied; (2) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner; (3) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations; and (4) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

8.0 REFERENCES

1. Bauder, D. R., Southern California Edison, letter to the U.S. Nuclear Regulatory Commission, "Amendment Applications 264 and 249 Section 161A Preemption Authority San Onofre Nuclear Generating Station Units 2 and 3 and Independent Spent Fuel Storage Installation," dated August 28, 2013 (ADAMS Accession No. ML13242A277).
2. Palmisano, T. J., Southern California Edison, letter to the U.S. Nuclear Regulatory Commission, "Amendment Applications 264 and 249 Section 161A Preemption Authority Notification of Firearms Background Check Completion San Onofre Nuclear Generating Station, Units 2 and 3," dated December 31, 2013 (ADAMS Accession No. ML14007A496).
3. Palmisano, T. J., Southern California Edison, letter to the U.S. Nuclear Regulatory Commission, "Responses to Requests for Additional Information on Federal Preemption San Onofre Nuclear Generating Station, Units 2 and 3," dated May 15, 2014 (ADAMS Accession No. ML14139A424).

4. Palmisano, T. J., Southern California Edison, letter to the U.S. Nuclear Regulatory Commission, Supplement 1 to Amendment Applications 264 and 249 Section 161A Preemption Authority San Onofre Nuclear Generating Station Units 2 and 3 and Independent Spent Fuel Storage Installation,” dated February 10, 2015 (ADAMS Accession No ML15044A047).
5. U.S. Nuclear Regulatory Commission, “Order Designating an Interim Class of NRC-Licensed Facilities that are Eligible to Apply to the Commission for Authorization to Use the Authority Granted Under the Provisions of Section 161a of the Atomic Energy Act of 1954, as Amended,” Commission Order EA-13-092, dated June 5, 2013 (ADAMS Accession No. ML13121A459).
6. Section 653 of the Energy Policy Act of 2005, Pub. L. 109-58, (119 Stat 811).
7. Section 161A, “Use of Firearms by Security Personnel,” of the Atomic Energy Act of 1954 (42 United States Code (U.S.C.) § 2201a), as added through Section 653 of the Energy Policy Act of 2005, Pub. L. 109-58, 119 Stat. 811 (August 8, 2005) and as amended.
8. *U.S. Code of Federal Regulations*, “Application for Amendment of License, Construction Permit, or Early Site Permit,” Section 50.90, Chapter I, Title 10, “Energy” (10 CFR 50.90).
9. Section 922, “Unlawful Acts,” and Section 925, “Exceptions: Relief from Disabilities,” of Title 18, “Crime and Criminal Procedures,” of the *United States Code* (18 U.S.C. §§ 922 and 925), as added through Section 902 of the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. 90-351, 82 Stat. 226 (June 19, 1968), and as amended, particularly through the Brady Handgun Violence Prevention Act, Pub. L. 103-159, 107 Stat. 1536 (November 30, 1993).
10. U.S. Nuclear Regulatory Commission, “Notice of Issuance of Guidelines on Use of Firearms by Security Personnel; Notice of Effective Date of Statute,” Vol. 74, No. 175, September 11, 2009, pp. 46800–46806 (74 FR 46800).
11. Section 5844, “Importation,” of Title 26, “Internal Revenue Code,” of the *United States Code* (26 U.S.C. § 5844), as amended, particularly through Title II, “Machine Guns, Destructive Devices, and Certain Other Firearms,” of the Gun Control Act of 1968, Pub. L. 90--618, 82 Stat. 1227 (October 21, 1968).
12. *U.S. Code of Federal Regulations*, Part 73, “Physical Protection of Plants and Materials,” Chapter I, Title 10, “Energy” (10 CFR 73).
13. *U.S. Code of Federal Regulations*, Part 71, “Packaging and Transportation of Radioactive Material,” Chapter I, Title 10, “Energy” (10 CFR 71).
14. Public Comments (1) on *Federal Register* notice dated February 18, 2015 (80 FR 8701), Letter from Anonymous Individual to NRC dated March 19, 2015 (ADAMS Accession No. ML15096A477).

15. Public Comment (2) on *Federal Register* notice dated February 18, 2015 (80 FR 8701), Letter from Stephen O'Neil to NRC, dated April 1, 2015 (ADAMS Accession No. ML15096A479)
16. Public Comment (3) on *Federal Register* notice dated February 18, 2015 (80 FR 8701), Letter from Olivia Batchelder to NRC, dated April 1, 2015 (ADAMS Accession No. ML15096A480).

Principal Contributor: D. Gordon, NSIR

Date: January 5, 2016

ENCLOSURE 4

CONFORMING ORDER MODIFYING LICENSES

SAN ONOFRE NUCLEAR GENERATING STATION, UNITS 2 AND 3
AND INDEPENDENT SPENT FUEL STORAGE INSTALLATION

DOCKET NOS. 50-361, 50-362, AND 72-41

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Southern California Edison Company)	
)	Docket Nos. 50-361, 50-362, and 72-41
San Onofre Nuclear Generating Station,)	License Nos. NPF-10 and NPF-15
Units 2 and 3)	EA-14-140
)	
San Onofre Nuclear Generating Station,)	
Independent Spent Fuel Storage Installation))	

CONFIRMATORY ORDER MODIFYING LICENSES

I.

Southern California Edison Company (SCE), is the owner and operator of the San Onofre Nuclear Generating Station, Units 2 and 3, including the general-license Independent Spent Fuel Storage Installation (hereinafter "SONGS" or "the facility"), and holder of Facility Operating License Nos. NPF-10, NPF-15, and Docket No. 72-41, issued by the U.S. Nuclear Regulatory Commission ("NRC" or "Commission") under Title 10, "Energy," of the *Code of Federal Regulations* (10 CFR) Part 50, "Domestic Licensing of Production and Utilization Facilities"; Part 70, "Domestic Licensing of Special Nuclear Material"; and Part 72, "Licensing Requirements for the Independent Storage of Spent Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste." The licenses authorize the operation of SONGS with the conditions specified therein. The facilities are located on the owner's site in San Diego County, California.

II.

By application dated August 28, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13242A277), as supplemented by letters dated December 31, 2013 (ADAMS Accession No. ML14007A496), May 15, 2014 (ADAMS Accession No. ML14139A424), and February 10, 2015 (ADAMS Accession No. ML15044A047), SCE requested, under Commission Order EA-13-092, that under the provisions of Section 161A of the Atomic Energy Act of 1954, as amended, the Commission permit the transfer, receipt, possession, transport, import, and use of certain firearms and large-capacity ammunition-feeding devices by security personnel who protect a facility owned or operated by a licensee or certificate holder of the Commission that is designated by the Commission. Section 161A confers on the Commission the authority to permit a licensee's security personnel to possess and use firearms, ammunition, or devices, notwithstanding local, State, and certain Federal firearms laws (including regulations) that may prohibit such possession and use.

On review of the SCE application for Commission authorization to use Section 161A preemption authority at SONGS, the NRC staff has found the following:

- (1) SCE's application complies with the standards and requirements of Section 161A and the Commission's rules and regulations set forth in 10 CFR Part 73, "Physical Protection of Plants and Materials."
- (2) There is reasonable assurance that the facilities will operate in conformance to the application; the provisions of the Atomic Energy Act of 1954, as amended; and the rules and regulations of the Commission.

- (3) There is reasonable assurance that the activities permitted by the proposed Commission authorization to use Section 161A preemption authority is consistent with the protection of public health and safety, and that such activities will be conducted in compliance with the Commission's regulations and the requirements of this confirmatory order.
- (4) The issuance of Commission authorization to use Section 161A preemption authority will not be inimical to the common defense and security or to the health and safety of the public.
- (5) The issuance of this Commission authorization to use Section 161A preemption authority will be in accordance with the Commission's regulations in 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

The findings set forth above are supported by an NRC staff safety evaluation under ADAMS Accession No. ML15027A221.

III.

To carry out the statutory authority discussed above, the Commission has determined that the licenses for SONGS must be modified to include provisions with respect to the Commission authorization to use Section 161A preemption authority as identified in Section II of this confirmatory order. The requirements needed to exercise the foregoing are set forth in Section IV below.

The NRC staff has found that the license modifications set forth in Section IV are acceptable and necessary. It further concluded that, with the effective implementation of these provisions, the licensee's physical protection program will meet the specific physical protection program requirements set forth in 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors against Radiological Sabotage" (for nuclear power reactors); in 10 CFR 72.212(b)(9), "Conditions of the General License Issued Under § 72.210," and portions of 10 CFR 73.55, "Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors against Radiological Sabotage" (for general-license independent spent fuel storage installations co-located with a reactor at the reactor site).

On March 31, 2015 (ADAMS Accession No. ML15092A132) SCE consented to the issuance of this order. The licensee further agreed that this order will be effective 20 days after the date of issuance and that it has waived its right to a hearing on this order.

IV.

Accordingly, under Sections 53, 103 and/or 104b, 161b, 161i, 161o, 161A, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, "Orders"; 10 CFR Part 50; 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants"; 10 CFR Part 70; and 10 CFR Part 72, IT IS HEREBY ORDERED that:

1. The SCE application for Commission authorization to use Section 161A preemption authority at SONGS is approved, and permission for security personnel to possess and use weapons, devices, ammunition, or other firearms,

notwithstanding local, State, and certain Federal firearms laws (including regulations) that may prohibit such possession and use, is granted.

2. The licensee shall review and revise its NRC-approved security plans, as necessary, to describe how the requirements of this confirmatory order and other applicable requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials," to include those of the appendices of Part 73, will be met.
3. The licensee shall establish and maintain a program consistent with Commission Order EA-13-092 such that all security personnel who require access to firearms in the discharge of their official duties are subject to a firearms background check.

The Commission is engaged in an ongoing rulemaking to implement the Commission's authority under Section 161A. Subsequent to the effective date of that final rulemaking, the Director, Office of Nuclear Material Safety and Safeguards (NMSS) may take action to relax or rescind any or all of the requirements set forth in this confirmatory order.

The Director, NMSS, may, in writing, relax or rescind this confirmatory order on demonstration by the licensee of good cause.

This confirmatory order is effective 20 days after the date of its issuance.

For further details with respect to this confirmatory order, see the staff's safety evaluation contained in a letter dated January 5, 2016 (ADAMS Accession No. ML15027A221),

which is available for public inspection at the Commission's Public Document Room (PDR) located at One White Flint North, Public File Area 01-F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents stored in ADAMS should contact the NRC PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail to pdr.resource@nrc.gov.

In accordance with 10 CFR 2.202, any other person adversely affected by this order may submit an answer to this order within 20 days of its publication in the *Federal Register*. In addition, any other person adversely affected by this order may request a hearing on this order within 20 days of its publication in the *Federal Register*. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and must include a statement of good cause for the extension.

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the

NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by e-mail at hearing.docket@nrc.gov, or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. System requirements for accessing the E-Submittal server are detailed in the NRC's "Guidance for Electronic Submission," which is available on the agency's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The E-Filing system also distributes an e-mail notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by e-mail to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <http://ehd1.nrc.gov/ehd/>, unless excluded

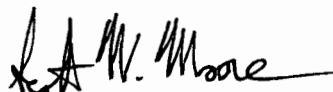
pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

In the absence of any request for hearing or of written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received.

Dated at Rockville, Maryland, this 5th day of January 2016.

FOR THE NUCLEAR REGULATORY COMMISSION.

A handwritten signature in black ink, appearing to read "Scott Moore", with a stylized flourish at the end.

Scott Moore, Acting Director,
Office of Nuclear Material
Safety and Safeguards.

T. Palmisano

- 2 -

The confirmatory order, provided in Enclosure 4, has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Scott W. Moore, Acting Director
Office of Nuclear Material Safety and Safeguards

Docket Nos. 50-361, 50-362, and 72-41

Enclosures:

1. Amendment No. 232 to NPF-10
2. Amendment No. 225 to NPF-15
3. Safety Evaluation
4. Confirmatory Order

cc w/encls: Distribution via Listserv

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PUBLIC	LPLIV-2 r/f	RDB r/f	RidsAcrsAcnw_MailCTR Resource
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NStAmour, OGC	DHuyck, NSIR		RidsNmssDsfmSflb Resource
RidsSecyMailCenter	DFurst, OE		RidsOe Resource

ADAMS Accession No. Package: ML15027A221 Cover Letter and AMD: ML15027A230

SE: ML15027A239 Order: ML15174A102 Order Consent/Waiver: ML15092A132 *by memo dated **by e-mail

OFFICE	NRR/DORL/LPLIII-2/PM	NMSS/DUWP/RDB/PM	NRR/DORL/LPLIV-2/LA	NSIR*	OE/
NAME	EBrown	MVaaler	PBlechman	DHuyck	DFurst**
DATE	12/14/2015	12/14/2015	1/30/2015	12/15/2014	12/17/2015
OFFICE	NMSS/DUWP/DD	OGC (NLO)	NMSS/DSFM/SFLB/BC	NMSS/DUWP/RDB/BC	QTE**
NAME	MNorato (A)	JBielecki**	MSampson**	BWatson	JDougherty
DATE	12/15/2015	12/24/2015	12/8/2015	12/15/2015	2/10/2015
OFFICE	NMSS/DUWP/D	NMSS/D			
NAME	APersinko (A)	SMoore (A)			
DATE	12/21/2015	1/5/2016			

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