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February 10, 2015

10 CFR 50.90
42 USC 2201a

ATTN: Document Control Desk
U. S. Nuclear Regulatory Commission
Washington D.C. 20555-0001

**Subject: Docket Nos. 50-361, 50-362 and 72-41
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**

- References: 1) Nuclear Regulatory Commission (NRC) Order EA-13-092 dated June 5, 2013, subject "Issuance of 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 and Associated Federal Register Notice"
- 2) Letter from D. R. Bauder (SCE) to Document Control Desk (NRC) dated August 28, 2013; Subject: Docket Nos. 50-361, 50-362 and 72-41, Amendment Applications 264 and 249, Section 161A Preemption Authority, San Onofre Nuclear Generating Station Units 2 and 3 and Independent Spent Fuel Storage Installation
- 3) Letter from T. J. Palmisano (SCE) to Document Control Desk (NRC), dated May 15, 2014; Subject: Docket Nos. 50-361 and 50-362, Responses to Requests for Additional Information on Federal Preemption, San Onofre Nuclear Generating Station, Units 2 and 3

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- 4) Letter from D. R. Bauder (SCE) to Document Control Desk (NRC) dated August 28, 2013; Subject: Docket Nos. 50-361, 50-362 and 72-41, Amendment Applications 264 and 249, Section 161A Preemption Authority, San Onofre Nuclear Generating Station Units 2 and 3 and Independent Spent Fuel Storage Installation (Public Version); ADAMS Accession No. ML13242A277

Dear Sir or Madam:

Order EA-13-092 (Reference 1) defined the interim class of NRC-licensed facilities that are eligible to apply to the Commission for authorization to use preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 USC 2201a), and the process to be used for such application.

In accordance with Reference 1, Southern California Edison (SCE) applied pursuant to 10 CFR 50.90 by letter dated August 28, 2013 (Reference 2) for Commission authorization to use Section 161A preemption authority under 42 USC 2201a. By letter dated May 15, 2014 (Reference 3) SCE responded to questions from the NRC related to Reference 2.

This letter provides Supplement 1 to Reference 2. Enclosure 1, Attachment 3 of Reference 2 provided information on the specific impacts of existing and proposed State laws and regulations on possession, use or access to covered weapons. A revised version of this information, with redline/strikeout markings, is provided as Enclosure 1 to this letter and replaces Enclosure 1, Attachment 3 of Reference 2 in its entirety. Note that the information in Enclosure 1 of this letter contains security-related information. SCE requests that Enclosure 1 of this letter, which contains Security Related Information, be withheld from public disclosure in accordance with 10 CFR 2.390(d)(1).

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A public version of Enclosure 1, Attachment 3 of Reference 2 was submitted to the NRC on August 28, 2013 (Reference 4). The changes to Enclosure 1, Attachment 3 of Reference 2 provided as Enclosure 1 of this letter do not affect the information made public as part of Reference 4. On that basis, a revised public version of the information has not been provided.

Enclosure 2 to Reference 2 provided the Description and No Significant Hazards Consideration analysis for the proposed amendment. SCE has updated this information (see Enclosure 2 of this letter) to include a proposed license condition for implementation of Preemption Authority. The Description has been updated, with redline strikeout markings, and Attachments with the proposed license condition markup have been added. Enclosure 2 of this letter replaces Enclosure 2 of Reference 2 in its entirety. SCE has determined that there are no changes to the conclusions of the no significant hazards considerations or the environmental consideration provided in Reference 2.

This letter does not contain any commitments.

If you have any questions or require additional information, please contact Ms. A. L. Sterdis at 949-368-9985.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 2/10/2015
(Date)

Sincerely,

A handwritten signature in black ink, appearing to be "Shing PL", written over a large, faint, light-colored watermark or signature.~~**SECURITY RELATED INFORMATION**~~~~Withhold from Public Disclosure in Accordance with 10 CFR 2.390(d)(1)~~~~This page decontrolled when separated from Enclosure 1~~

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- Enclosure 1: Revised Discussion of Specific Impacts of Existing and Proposed California State Laws and Regulations On Possession, Use or Access to Covered Weapons
- Enclosure 2: Revised Evaluation of Proposed Change, Amendment Applications 264 and 249
Attachment A – Proposed License Condition – Unit 2
Attachment B – Proposed License Condition – Unit 3

cc: M. L. Dapas, Regional Administrator, NRC Region IV
T. J. Wengert, NRC Project Manager, SONGS Units 2 and 3
W. C. Allen, NRC Project Manager, SONGS ISFSI
R. L. Kellar, NRC Region IV Branch Chief, Repository Spent Fuel Safety
S. Hsu, California Department of Public Health, Radiologic Health Branch

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Enclosure 2

Revised Evaluation of Proposed Change

Amendment Applications 264 and 249

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ENCLOSURE 2

1.0 SUMMARY DESCRIPTION

Southern California Edison Company (SCE) is applying to the Commission for authorization to use preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 USC 2201a).

2.0 DETAILED DESCRIPTION

SCE's proposed amendments are for application to the Commission for authorization to use preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 USC 2201a). Preemption authority is requested in accordance with Commission Order EA-13-092 dated June 5, 2013, subject "Issuance of 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 and Associated Federal Register Notice".

The NRC's approval of preemption authority for SONGS will be documented as described in a proposed license condition. See Attachments 1 and 2 to this Enclosure for the proposed license condition for Units 2 and 3, respectively.

3.0 TECHNICAL EVALUATION

The proposed change is procedural and administrative rather than technical. No modification to, or change in operation of, any plant structure, system or equipment or any security structure, system or equipment in San Onofre Nuclear Generating Station (SONGS) Units 2 and 3 and Independent Spent Fuel Storage Installation (ISFSI) are involved.

The proposed change would allow SCE to maintain possession, use and access of covered weapons for physical security of SONGS Units 2 and 3 and ISFSI in accordance with Commission regulations, notwithstanding local, state and Federal firearms laws (and implementing regulations) to the contrary. Covered weapons, as defined in 74 FR 46800, September 11, 2009 "Firearms Guidelines", include semi-automatic assault rifles, handguns, large capacity ammunition feeding devices, and ammunition for such weapons.

4.0 REGULATORY EVALUATION

4.1 Applicable Regulatory Requirements/Criteria

The requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage are delineated in 10 CFR 73.55. The general

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performance objective and requirements for physical protection are defined in 10 CFR 73.55(b)(1). The performance objective is 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. To satisfy the general performance objective, the physical protection program must be designed to prevent significant core damage and spent fuel sabotage for threats up to and including the design basis threat of radiological sabotage defined in 10 CFR 73.1 at all times.

The requirements for physical protection of general licensed storage of spent fuel at power reactor sites are delineated in 10 CFR 72.212(b)(9), which requires that the licensee protect the spent fuel against the design basis threat of radiological sabotage in accordance with the same provisions and requirements as are set forth in the licensee's physical security plan pursuant to 10 CFR 73.55, with additional conditions and exceptions identified in 10 CFR 72.212(b)(9)(ii) through (vi).

4.2 No Significant Hazards Consideration

Southern California Edison (SCE) has evaluated whether or not a significant hazards consideration is involved with the proposed amendments by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of Amendment", as discussed below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is an application to the Commission for authorization to use preemption authority under Section 161A of the Atomic Energy Act of 1954, as amended (42 USC 2201a), which is solely related to procedural and administrative matters of physical security. The application is required to maintain high assurance for the physical protection program at San Onofre Nuclear Generating Station (SONGS) to prevent significant core damage and spent fuel sabotage.

The proposed change will not affect the probability of any accident initiators because it does not affect any plant systems or the manner in which the plant is operated.

There will be no change to accident mitigation performance since none of the systems that mitigate accidents are changed. Equipment credited for accident mitigation is not affected by the proposed change, and operation will remain within the bounded assumptions of the Updated Final Safety Analysis Report (UFSAR) analysis. The proposed change will not alter any assumptions or

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change any mitigation actions in the radiological consequence evaluations in the UFSAR.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No

The proposed change is solely related to procedural and administrative matters of physical security.

The proposed change does not change any plant systems or the method of operating the plant. Also, the proposed change will not introduce any adverse changes to the plant design basis or postulated accidents. The proposed change does not adversely affect the method of operation of any plant system and does not impact any plant systems or components.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No

The proposed change is solely related to procedural and administrative matters of physical security. The proposed change will not reduce any margins of safety.

Therefore, this change has no impact on any parameter that would affect a design basis limit for a fission product barrier, and there would be no impact on any margin of safety.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, SCE concludes that the proposed amendments present no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and accordingly, a finding of no significant hazards consideration is justified.

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4.3 Conclusions

In conclusion, based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense or security or to the health and safety of the public

5.0 ENVIRONMENTAL CONSIDERATION

A review has determined that the proposed amendment relates solely to safeguards matters (i.e., protection against sabotage), does not involve any construction impacts, and the proposed amendment and approvals are confined to procedural and administrative matters. Accordingly, the proposed amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(12). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with this proposed amendment.

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ENCLOSURE 2

Attachment 1

Proposed License Condition Markup

Unit 2

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- 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 225.

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.

- 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. This license is effective as of the date of issuance and shall expire at midnight on February 16, 2022.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by
Harold R. Denton

Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Enclosures:

1. Appendix A (Technical Specifications)
2. Appendix B (Environmental Protection Plan)
3. Appendix C (Antitrust Conditions)

Date of Issuance: FEB 16 1982

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- * 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.

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ENCLOSURE 2

Attachment 2

Proposed License Condition Markup

Unit 3

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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 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 218.

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.

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