



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

June 13, 2016

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 –
RESCISSION OF INTERIM COMPENSATORY MEASURE B.1.a FROM
EA-02-026, "ORDER FOR INTERIM SAFEGUARDS AND SECURITY
COMPENSATORY MEASURES" (CAC NOS. L53109 AND L53110)

Dear Mr. Palmisano:

By letter dated February 25, 2002 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML020510241), the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-02-026 to all operating nuclear power reactor licensees. Following the terrorist attacks on September 11, 2001, the NRC supplemented the security measures required for protection against the design-basis threat at nuclear power reactor facilities through a series of security orders. These orders, including Order EA-02-026, established new requirements for specific training; access authorization enhancements; and enhancements to defensive strategies, mitigative measures, and integrated response.

The NRC amended Title 10 of the *Code of Federal Regulations* (10 CFR) Parts 50, 52, 72, and 73, including Appendices B and C to Part 73, through a final rule ("Power Reactor Security Requirements") published in the *Federal Register* (FR) on March 27, 2009 (74 FR 13925). The rulemaking codified generically applicable security requirements previously issued by orders and updated the existing power reactor security requirements. The rule became effective on May 26, 2009.

By letter dated November 28, 2011 (ADAMS Accession No. ML111220447), the NRC partially rescinded Order EA-02-026. However, the letter noted that some requirements, including Interim Compensatory Measure (ICM) B.1.a of Order EA-02-026, would remain in effect. The requirements of Order EA-02-026 addressed by ICM B.1.a involved operator training for a specific security initiated event that were not covered by proposed or existing regulations and remained in effect.

By letter dated June 12, 2013 (ADAMS Accession No. ML131640201), Southern California Edison (SCE) submitted a certification to the NRC of permanent cessation of operation at the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3. By letter dated June 28, 2013 (ADAMS Accession No. ML13183A391), SCE submitted a certification of permanent removal of fuel from SONGS Unit 3. By letter dated July 22, 2013 (ADAMS Accession No. ML13204A304),

SCE submitted a certification of permanent removal of fuel from SONGS Unit 2. As a result, in accordance with 10 CFR 50.82(a)(2), the SONGS Units 2 and 3 licenses no longer authorize operation of the respective reactors.

Section III of Order EA-02-026 provides the NRC's Director of the Office of Nuclear Reactor Regulation the authority to relax or rescind any or all of the conditions of Order EA-02-026 upon demonstration by the licensee of good cause.

On December 17, 2015 (ADAMS Accession No. ML15357A048), SCE requested rescission of ICM B.1.a of Order EA-02-026 for SONGS based on the permanently shutdown and defueled status of the reactors. In this letter SCE provided the following information to demonstrate good cause for the rescission of ICM B.1.a of Order EA-02-026:

- SONGS is permanently shutdown and has defueled the reactors; the reactors cannot be operated and fuel cannot be placed in the core. Therefore, there is no longer a need to address the specific security initiated event in ICM B.1.a of Order EA-02-026, which is primarily associated with reactor operation.
- When ICM B.1.a of Order EA-02-026 was issued, it was not applicable to reactors that were permanently shutdown and defueled at that time. (Note that SONGS Unit 1 had previously permanently ceased operation and was not subject to the requirements of Order EA-02-026.)

The NRC staff notes that since both reactors at SONGS are permanently shutdown and defueled, the primary security focus is the protection of the spent fuel. The specific security initiated event addressed in ICM B.1.a of Order EA-02-026 does not have any immediate effect on the storage or cooling of spent fuel.

In addition, the NRC staff recognizes that SCE will maintain mitigation strategies for the protection of spent fuel pursuant to condition 2.C (26) of the license for SONGS Unit 2 and condition 2.C (27) of the license for SONGS Unit 3. These license conditions require SCE to develop and maintain strategies and staff training to address large fires and explosions that includes protection of the spent fuel.

The NRC staff has determined that rescission of ICM B.1.a of Order EA-02-026 will not reduce the capability of the licensee to mitigate any consequences from the specific security initiated event described in Order EA-02-026, even in the unlikely case that the event could have some effect on the systems used for storage and cooling of spent fuel. The operations staff will continue to receive training on mitigation strategies related to the protection of spent fuel. Thus, the basis for ICM B.1.a of Order EA-02-026 no longer applies to the permanently shutdown and defueled status of SONGS.

T. Palmisano

- 3 -

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind ICM B.1.a of Order EA-02-026 for SONGS and that rescission of the order is not inimical to the common defense and security and does not constitute an unreasonable risk to the public health and safety. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of this portion of Order EA-02-026. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, ICM B.1.a of Order EA-02-026 is rescinded for SONGS Units 2 and 3.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-361 and 50-362

cc: Distribution via Listserv

T. Palmisano

- 3 -

Therefore, for the reasons discussed above, the NRC staff concludes that good cause has been demonstrated to rescind ICM B.1.a of Order EA-02-026 for SONGS and that rescission of the order is not inimical to the common defense and security and does not constitute an unreasonable risk to the public health and safety. All other regulatory requirements for which rescission was not specifically requested remain applicable and are not impacted by rescission of this portion of Order EA-02-026. Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, ICM B.1.a of Order EA-02-026 is rescinded for SONGS Units 2 and 3.

Sincerely,

/RA/

William M. Dean, Director
Office of Nuclear Reactor Regulation

Docket Nos. 50-361 and 50-362

cc: Distribution via Listserv

DISTRIBUTION:

PUBLIC
RidsNMSS Resource
DFurst, OE

RDB r/f
RidsRgn4MailCenter Resource
RidsOeMailCtr

RidsAcrsAcnw_MailCTR
VWilliams, NSIR
RNorwood, OGC

ADAMS Accession No. ML16139A864

***by memo or email**

OFFICE	NMSS/RDB/PM	NMSS/DUWP/LA	NSIR/DSP/MWSB	NMSS/RDB/BC
NAME	MVaaler	CHolston	TMossman*	BWatson
DATE	5/24/2016	5/24/2016	4/22/2016	5/24/2016
OFFICE	OE	OGC - NLO	DUWP/D	NRR/D
NAME	NHilton*	JBielecki*	JTappert	WDean
DATE	6/2/2016	6/8/2016	6/10/2016	6/13/2016

OFFICIAL RECORD COPY