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Q&A

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**FACTS REGARDING SCE'S CONSIDERATION OF A LICENSE AMENDMENT REQUEST FOR SAN ONOFRE UNIT 2**

**1. Q: Why is SCE considering filing a license amendment to support SONGS Unit 2 restart?**

**A:** The NRC has taken the position that the current San Onfore license provisions related to the steam generator tube integrity program require we demonstrate tube integrity at 100 percent power. SCE has submitted an Operational Assessment to the NRC showing Unit 2 could operate at 100 percent power and retain tube integrity, even though we plan to operate San Onofre Unit 2 at only 70 percent power. The NRC has indicated that the process for the review and approval of the Operational Assessment could be lengthy. SCE's response to the Confirmatory Action Letter, which was based on the technical analyses of numerous independent external experts, is still under review by the NRC. In light of the need for summer reliability, SCE is considering a voluntary license amendment to operate at 70 percent with no significant hazards considerations. Satisfying the remaining regulatory interpretation issues through this no significant hazards consideration license amendment process appears least likely to be impacted by unnecessary delays.

**2. Q. Does this mean SCE isn't confident about its recently submitted Operational Assessment?**

**A:** No. SCE is looking to pursue a process that prevents unnecessary delay of the safe restart of Unit 2. A license amendment is one possible route. The NRC will continue evaluating our Operational Assessment. Should that review process be timely, it would eliminate the need for a license amendment.

**3. Q: What requirements would be changed in the San Onofre Unit 2 license by the proposed license amendment?**

**A:** SCE is still considering the scope and content, or even if this is an appropriate path. This is the purpose of the public meeting SCE has requested with the NRC to discuss a proposed amendment. The San Onofre technical specifications, which are part of the NRC license, require that steam generator tube integrity be retained over the full range of power operations. In usual circumstances, that is 100 percent power. But for the immediate future, San Onofre Unit 2 will operate at a maximum of 70 percent power to prevent conditions that could lead to excessive steam generator tube wear. So we are considering seeking changes to the license requirements to exactly match with the actual power levels at which the steam generators will operate for the immediate future. This would also address the regulatory interpretation issue raised in a Request for Additional Information (RAI) sent to SCE by the NRC in connection with the Unit 2 restart (RAI 32).

**4. Q: Would the license amendment authorize SCE to restart San Onofre Unit 2?**

**A**: No, not by itself. The NRC must still complete its review of the technical information submitted by SCE in response to the March 2012 Confirmatory Action Letter. The NRC is performing a technical evaluation of SCE's actions to address steam generator tube wear in connection with its review of that response. SCE is

considering a license amendment that would address the change to align the license requirements with SCE's proposal in the restart plan to operate at 70 percent power. The review of this license requirement is different from the technical evaluation of the actions to address tube wear which is being done under the CAL process. SCE has consistently said we will not restart Unit 2 until the NRC is satisfied it is safe to do so.

**5. Q: Would the license amendment address how long the plant would be able to run?**

**A:** The total duration of the license amendment is still being considered, but multiple operating periods are being evaluated. It could include an expiration date for the proposed amendment. Regardless of what is in the amendment, the first operating period we have proposed is for five months – that is included in the Unit 2 restart plan SCE submitted to the NRC in October of 2012. At the end of that five months, the plant will be shut down for a comprehensive set of steam generator tube inspections to confirm the effectiveness of actions to address the tube wear. Plant startup after those inspections, and the length of the next operating period, will be determined based on the inspection results and the analysis of those results, but would continue to be at 70 percent power. It is important to distinguish the proposed operating period from full fuel cycles which are typically between 18 and 24 months. Any requested parameters in the license amendment would be made with safety as the No. 1 priority, and all decisions will be made using conservative decision-making and driven by data, not speculation.

**6. Q: How long does the license amendment process take?**

**A**: If the NRC staff approves the amendment, and finds that there are no significant hazards considerations associated with it, the amendment could be issued and effective within 45 to 60 days after SCE submits the license amendment request. This time is needed for NRC staff to review the amendment request and for preparation and publication of the amendment. However, this length of time is not fully predictable and the anti-nuclear interests involved here know that the longer they can tie up SCE and the NRC in a process, the more expensive and uncertain the proposition to restart San Onofre Unit 2. The process could take much longer – many months or over a year – even if no problem with the amendment is ultimately found.

**7. Q: What does "No significant hazards consideration determination" mean?**

**A:** This means the NRC staff makes a technical evaluation that the amendment presents no significant hazards from a safety perspective. The criteria for this evaluation are found in 10 CFR 50.92.

**8. Q: When will SCE decide on the license amendment submission?**

**A:** We have requested a meeting with the NRC staff to discuss the scope, content and review process for any proposed license amendment. This meeting will be open to the public and SCE has requested it occur within the next two weeks. SCE will make a determination on whether to submit a license amendment request, and the specific nature of that amendment, after that meeting.

**9. Q: What happens next?**

**A:** After the public meeting with the NRC staff, SCE will make a decision on whether to submit a license amendment request.

**10. Q: Activists may say this proposed license amendment and the pre-submittal meeting are proof that SCE is trying to avoid an adjudicated hearing and rush the restart of Unit 2. Is this true?**

**A:** No. If an amendment is sought, the public will be provided with an opportunity to request a hearing. If the NRC staff concludes the amendment presents no significant hazards, that hearing can be held after the

issuance of the amendment because the NRC will have determined that no significant safety risk warranting a pre-issuance hearing is involved. In any event, Unit 2 cannot be restarted until the NRC says it is safe to do so. While the NRC continues to review the technical materials we've submitted, we're considering a request for a license amendment, supported by a demonstration that there are no significant hazards associated with the amendment. This is so we can pursue the best path to safe restart while avoiding unnecessary delays and restart Unit 2 safely in time for summer reliability.

**11. Q: How does the license amendment process work?**

**A**: If SCE submits a request for a license amendment, the NRC publicizes that request in the Federal Register. Once that is published, the NRC can issue the license amendment after 30 days if the NRC makes a "No Significant Hazards Consideration" determination. That is, the NRC staff makes a technical evaluation that the amendment presents no significant risks from a safety perspective. In that case, the license amendment is then immediately effective.

**12. Will there be a public hearing before restart?**

**A:** If the NRC does not make the "No Significant Hazards Consideration" determination, the license amendment does not become effective until after 60 days, at a minimum. During those 60 days, a public hearing can be requested. If a hearing is requested, the license amendment is not in effect until the hearing process is complete, which could take an extended period of time. The length of this process depends on whether a hearing is granted and on the scope of any issues. This could delay a SONGS Unit 2 restart. Even if the NRC makes a "No Significant Hazards Consideration" determination, a hearing may be requested. However, the post-effectiveness hearing, if granted, would take place after the amendment is in effect, and would not affect the timing of restart.

**13. Q: Why does it make sense to have a hearing *after* restart?**

**A**: In 1983, Congress amended the Atomic Energy Act to enable the NRC to issue license amendments on an immediately effective basis, without waiting for the hearing process, if the NRC makes a "No Significant Hazards Consideration" determination. In that case, the hearing occurs later, after the amendment is in effect. This is a normal process used by the NRC under the Atomic Energy Act and its regulations for many license amendments. This approach balances the right of individuals or groups to seek a hearing with the need for timely processing of license amendments in cases where the NRC staff has concluded there is not a significant safety risk.

Ultimately, if the hearing occurs and the NRC finds the amendment is unacceptable, it would be revoked or modified to be acceptable. However, this would not be consistent with the NRC's normal practice, which is not surprising since this process is only applied in cases where the NRC staff determined that the restart presented no significant safety hazards.

**14. Q: Can a member of the public litigate the NRC staff's no significant hazards consideration before the NRC Atomic Safety and Licensing Board or commission?**

**A:** No. Under NRC regulations and practice, the no significant hazards consideration determination cannot be litigated before the ASLB or the commission. However, members of the public can submit comments on the proposed no significant hazards consideration.

**15. Q: Can the commission decide not to allow the staff to issue the amendment without a prior hearing?**

**A:** The commission has the authority to overrule the NRC staff and to order a hearing prior to the effectiveness of the license amendment. However, if the staff determines there are no significant hazards considerations, this would entail deviation from the position taken by the NRC staff based on its technical conclusions that there is no significant safety risk associated with the amendment.

**Q: What if the NRC makes the amendment immediately effective prior to a hearing, and opponents of the amendment appeal to the courts?**

**A**: Appeals can always be filed. The court's decisions turn on the facts of each case.

**16. Q: Does the fact that SCE is considering filing this license amendment show that a license amendment was needed all along for these replacement steam generators?**

**A:** No. Prior to the replacement of the SONGS steam generators, SCE did apply for and received two license amendments. There was public notice of the opportunity to request a hearing on those two amendments, though no requests for hearing were made. NRC inspections since the time the leak in a Unit 3 steam generator tube was discovered have confirmed that no additional amendments were necessary under the regulation most cited by opponents, 10 CFR 50.59.

The current amendment under consideration by SCE would facilitate SCE's plan to operate Unit 2 only up to 70 percent power. Also, SCE has provided a technical analysis to the NRC demonstrating it can meet the technical specification requirement that the Unit 2 steam generators retain tube integrity at 100 percent power. But in order to achieve a timely review, and to align the technical specification requirement for steam generator tube integrity to SCE's plan to operate the steam generators at 70 percent power, SCE is considering submitting a license amendment.