



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION IV  
1600 E. LAMAR BLVD.  
ARLINGTON, TX 76011-4511

March 26, 2014

Mr. Tom Palmisano  
Senior 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 – NRC BASELINE  
INSPECTION REPORT (05000361/2013501) AND (05000362/2013501)**

Dear Mr. Palmisano:

This refers to the in-office and on-site baseline inspections conducted by Region IV and Office of Nuclear Security and Incident Response inspectors between January 1, 2013, and February 27, 2014, at the San Onofre Nuclear Generating Station. During this inspection, the NRC staff examined activities conducted under your license as they relate to public health and safety confirm compliance with the Commission's rules and regulations, and with the conditions of your license. Within these areas, the inspection consisted of selected examination of procedures and representative records, observations of activities, and interviews with personnel. The enclosed report presents the results of this inspection.

Based on the results of this inspection, the NRC has determined that a Severity Level IV violation of NRC requirements occurred, as discussed with you and your staff at an exit meeting conducted February 27, 2014. The violation was evaluated in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at (<http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>).

This violation is being treated as a Non-Cited Violation (NCV), consistent with Section 2.3.2.a of the Enforcement Policy. The NCV is described in the subject inspection report. If you contest the violation or significance of the NCV, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington DC 20555-0001, with copies to: (1) the Regional Administrator, Region IV; (2) the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; and (3) Mr. Greg Warnick, Senior Resident Inspector at the San Onofre Nuclear Generating Station.

T. Palmisano

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In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy or proprietary information so that it can be made available to the Public without redaction.

Sincerely,

/RA/

Mark S. Haire, Chief  
Plant Support Branch 1  
Division of Reactor Safety

Docket Nos.: 50-361, 50-362  
License Nos.: NPF-10, NPF-15

Enclosures: NRC Baseline Inspection Report 05000361/2013501; 05000362/2013501  
w/Attachment: Supplemental Information

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ADAMS: <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		<input checked="" type="checkbox"/> SUNSI Review Complete	Reviewer Initials: PE
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SEPI:DRS/PSB1	EPI:DRS/PSB1	C:DRP/D	C:DRS/PSB1
PEIkman	GGuerra	NTaylor	MHaire
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3/10/14	3/10/14	3/13/14	3/26/14

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**U.S. NUCLEAR REGULATORY COMMISSION  
REGION IV**

Dockets: 50-361, 50-362

Licenses: NPF-10, NPF-15

Report: 05000361/2013501; 5000362/2013501; and 07200041/2013501

Licensee: Southern California Edison Company

Facility: San Onofre Nuclear Generating Station, Units 2, 3,

Location: 5000 S. Pacific Coast Highway, San Clemente, California

Dates: January 1, 2013, through February 27, 2014

Inspectors: Paul J. Elkmann, Senior Emergency Preparedness Inspector  
Michael Norris, Team Leader, Office of Nuclear Security and Incident Response

Approved By: Mark S. Haire, Chief, Plant Support Branch 1  
Division of Reactor Safety

## SUMMARY

IR 05000361/2013501; 5000362/2013501; 01/01/13 – 02/27/2014; San Onofre Nuclear Generating Station, Regional Report; Emergency Plan; 71114.04

The report covered an annual inspection by region-based inspectors and the Office of Nuclear Security and Incident Response. One Severity Level IV non-cited violation was identified.

### A. **NRC-Identified Findings and Self-Revealing Findings**

Cornerstone: Emergency Preparedness

- SL-IV. A non-cited violation was identified for the licensee's failure to obtain prior approval from the NRC before implementing changes to the licensee's Emergency Plan, as required by 10 CFR 50.54(q)(3). Specifically, the licensee did not obtain NRC approval before implementing Emergency Plan Revision 34 on August 20, 2013, and Revision 35 on December 18, 2013, which, together, eliminated thirty-nine emergency response organization positions from the Emergency Plan.

The failure to obtain prior NRC approval before implementing Emergency Plan changes that required such approval was a performance deficiency. This violation was evaluated using the NRC Enforcement Policy and determined to be more-than-minor because the violation impacted the NRC's ability to perform its regulatory functions. The violation was determined to be a Severity Level IV violation according to Section 6.6, "Emergency Preparedness." This finding has been entered into the licensee's corrective action program as Nuclear Notification 202734313. (Section 1EP4).

## REPORT DETAILS

### 1. REACTOR SAFETY

#### Cornerstone: Emergency Preparedness

#### 1EP4 Emergency Action Level and Emergency Plan Changes (71114.04)

##### a. Inspection Scope

Staff at the Division of Preparedness and Response in the Office of Nuclear Security and Incident Response performed an in-office review of the San Onofre Nuclear Generating Station Emergency Plan, Revision 34 (ADAMS Assession No. ML13263A029), and inspectors at Region IV performed an in-office review of Emergency Plan, Revision 35. These revisions made changes to the required emergency response organization on-shift and augmentation staffing.

These revisions were compared to their previous revisions, to the current NRC-approved revision, and to the standards in 10 CFR 50.47(b) to determine if the revisions adequately implemented the requirements of 10 CFR 50.54(q)(3) and 50.54(q)(4). This review was not documented in a safety evaluation report and does not constitute approval of the licensee-generated changes; therefore, these revisions are subject to future inspection.

These activities constitute completion of two samples as defined in Inspection Procedure 71114.04-05.

##### b. Findings

Introduction. A Severity Level IV non-cited violation was identified for the licensee's failure to obtain prior approval from the NRC before implementing changes to the licensee's Emergency Plan, as required by 10 CFR 50.54(q)(3). Specifically, the licensee did not obtain NRC approval before implementing Emergency Plan Revisions 34 and 35, which, together, eliminated thirty-nine emergency response organization positions.

Description. The NRC identified that the licensee had not obtained NRC approval prior to implementing Emergency Plan Revision 34, which eliminated thirty-eight emergency response organization augmentation positions, and Emergency Plan Revision 35, which eliminated one on-shift emergency response organization position.

The licensee implemented Emergency Plan Revision 34 on August 20, 2013, and subsequently transmitted a report of the changes to the NRC by letter dated September 18, 2013. The licensee implemented Emergency Plan Revision 35 on December 18, 2013, and subsequently transmitted a report of the changes to the NRC by letter dated January 16, 2014. The licensee performed the analyses required by 10 CFR 50.54(q)(3) for each emergency plan revision and concluded the proposed changes did not require prior NRC approval (Nuclear Notification (NN) 202484253-39).

Revision 34 eliminated multiple emergency response organization positions in the Emergency Operations Facility (EOF), Technical Support Center (TSC), Operations Support Center (OSC) and Joint Information Center (JIC) from Tables 5-1, 5-2, 5-4 and 5-5, including:

EOF HP Communicator	EOF Radiation Protection Technician
EOF MCA Computer Operator	EOF Health Physics Engineer
EOF Environmental Support	EOF Meteorologist
EOF HP Support	EOF Brown Phone Talker
EOF Effluent Engineer	EOF General Support
EOF Administrative Coordinator	EOF Administrative Support
EOF Offsite Briefer	EOF Offsite Liaison/Status Board Keeper
EOF SRO Briefer/Ivory Phone Communicator	TSC Health Physics Communicator
TSC Health Physics Advisor	TSC HP DAC Operator
OSC Health Physics Communicator	OSC Assistant Health Physics Coordinator
OSC Health Physics Planner	OSC Health Physics Radio Operator
OSC Team Status Board Keeper	OSC Ivory Phone/Plant Status Board Keeper
OSC CDM Support	OSC Hazmat Technician
JIC Communications/Technical Liaison	JIC Assistant Spokesperson
JIC Media Writer Team	JIC Technical Team
JIC Media Liaison Team	JIC Logistics Team
JIC Audio/Visual Team	JIC Security Team
Corporate Communications Director	JIC Administrative Support Pool
JIC Telephone Responder & Media Monitoring Team	
JIC Public Information Officer Facilitator Team	

Revision 35 eliminated one on-shift Chemistry Technician.

The §50.54(q)(3) evaluations for these changes stated, in part, that because the licensee had been in cold shutdown/refueling for over 18 months, sufficient time has elapsed to allow reductions in decay heat and radioactive material inventory such that dose consequences from an accident would not exceed the threshold for an Alert emergency declaration. Accordingly, the previous ERO staffing would not be necessary. The licensee further stated that all of the Emergency Response Facilities staff changes were analyzed independently. The analyses transmitted for procedures SO123 VIII EOF, Revision 0 (NN 202484253-17), SO123-VIII-JIC, Revision 0 (NN 202484253-20), SO123-VIII-OSC, Revision 0 (Nuclear Notification 202484253-25), and SO123-VIII-TSC, Revision 0 (NN 202484253-18) provided, in part, the following technical rationale for optimizing the ERO by combining functions for a station in a permanently defueled condition:

*The plant is permanently shutdown, defueled and the radiological source term at the site is reduced from that associated with reactor power operation. With the reactor power plant permanently shutdown and defueled, the design basis accident and transients postulated to occur during reactor operation are no longer possible.*

Title 10 of the Code of Federal Regulations, Part 50, Paragraph 50.54(q)(3), allows a licensee to change its emergency plan only if the licensee performs and retains an analysis demonstrating it does not reduce the effectiveness of the emergency plan and

that the plan continues to meet applicable regulations. The term “emergency plan” is defined in §50.54(q)(1)(ii), which includes, in part, the plan as originally approved by the NRC and all subsequent changes made by the licensee with, and without, prior NRC review and approval. The term is also included in §50.54(q)(2) – (6) and, accordingly, each of these paragraphs is informed by this definition.

On October 23, 1979, the NRC published a policy statement (44 FR 61123) that concurred in, endorsed, and directed the staff to incorporate, the guidance of NUREG-0396 / EPA 520/1-78-016, “Planning Basis for the Development of State and Local Government Radiological Response Plans in Support of Light Water Nuclear Power Plants.” This study report concluded that there was no single accident that could be isolated, and that the planning basis should be based on the potential consequences, timing, and release characteristics of a spectrum of accidents ranging from minor transients, design basis accidents, and severe accidents. This planning basis was subsequently summarized in Section I.D of NUREG-0654 / FEMA-REP-1, “Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants,” incorporated into the planning standards of §50.47(b), and in the evaluation criteria provided in NUREG-0654.

The NRC approval of the San Onofre Emergency Plan was based largely upon the licensee’s compliance with the regulations. In making this determination, the NRC used this guidance, except where the applicant proposed an alternative acceptable to the NRC. Accordingly, this planning basis is inherently embedded in the licensing basis of the approved Emergency Plan. Regulatory Guide 1.219, “Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors,” describes a method that the NRC considers acceptable to implement the requirements of §50.54(q). The NRC staff uses this guidance in the absence of an alternative method found acceptable by the staff. Section 1.6.a of RG 1.219 provides that the licensee cannot properly evaluate a proposed change if it has not considered the basis of the staff’s approval of the original plan or the basis for any subsequent change. The section provides a tabulation of typical plant licensing basis documents that may establish emergency plan conditions and commitments that need to be considered. Similarly, Section 5.2.c.(2) of the guide provides that the licensing basis for each existing program element being changed be determined using the guidance of Section 1.6 of the guide.

Based on the above, the applicable regulations, informed by the regulatory guidance, require that each proposed change be evaluated against the NRC-approved plan and subsequent changes using the existing licensing basis of the emergency plan. Any change that has the effect of reducing the effectiveness of the emergency plan or causes the plan to not be in compliance with the applicable regulations is required to be submitted for prior NRC approval by 10 CFR 50.54(q)(3). If the change does not reduce the effectiveness of the emergency plan and maintains compliance with the applicable regulations, the licensee may implement the change without prior NRC approval.

The licensee largely based many of its analyses on changes made to the plant design and operations that had been implemented under the authority granted by



the 10 CFR 50.59 change process. As stated in §50.59(c)(4), that change process does not apply when the applicable regulations establish more specific criteria for accomplishing such changes. The licensee's §50.54(q)(3) analyses erred in assuming that the §50.59 change process modified the approved emergency plan's licensing basis. Any §50.54(q)(3) evaluation that relied upon this rationale is defective.

For the changes addressed in this enforcement action, the licensee inappropriately relied on the basis that design basis accidents and transients postulated to occur during reactor operation were no longer possible instead of assessing the changes against the most-recently NRC-approved emergency plan in determining whether prior NRC approval was required. This enforcement action does not judge the technical suitability of the changes made by the licensee; rather, it is focused on the licensee's failure to follow the prescribed process for effecting emergency plan changes. This enforcement action does not bring into question the NRC's prior determination that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

Analysis. The failure to obtain prior NRC approval before implementing Emergency Plan changes that required such approval was a performance deficiency within the licensee's ability to foresee and correct. Since the oversight of the San Onofre Nuclear Generating Station is no longer provided by the Reactor Oversight Process, this violation was evaluated using the guidance in the NRC Enforcement Policy. This violation was determined to be more-than-minor because it impacted the NRC's ability to perform its regulatory functions. The violation was dispositioned as a Severity Level IV violation according to Section 6.6, "Emergency Preparedness." This violation has been entered into the licensee's corrective action program as Nuclear Notification 202734313.

Enforcement. 10 CFR 50.54(q)(3) states, in part, that the "licensee may make changes to its emergency plan without NRC approval only if the licensee performs and retains an analysis demonstrating that the changes do not reduce the effectiveness of the plan and the plan, as changed, continues to meet the requirements in Appendix E to this part and, for nuclear power reactor licensees, the planning standards of §50.47(b)." Contrary to the above, on August 20 and December 18, 2013, the licensee implemented changes to its Emergency Plan without NRC approval. Specifically, Emergency Plan Revisions 34 and 35 eliminated on-shift and augmentation emergency response organization positions from the San Onofre Nuclear Generating Station Emergency Plan. These changes were not submitted to the NRC for approval prior to implementation. The licensee can restore compliance by expediting submission of license amendment requests requesting NRC approval to delete the identified positions from the licensee's emergency response organization: NCV 05000361/2013501-01; 5000362/2013501-01, [Changes to the Emergency Plan without required prior NRC approval].

## **40A6 Meetings**

### Exit Meeting Summary

On February 27, 2014, Mr. M. Haire, Chief, Plant Support Branch 1, presented the results of the in-office inspection of changes to the licensee's Emergency Plan to Mr. T. Palmisano, Chief Nuclear Officer, and other members of the licensee's staff. The licensee acknowledged the issues presented.

**SUPPLEMENTAL INFORMATION**  
**KEY POINTS OF CONTACT**

Licensee Personnel

S. Bethay, Consultant  
J. Brabec, Manager, Regulatory and Emergency Preparedness  
D. Cleavenger, Manager, Emergency Preparedness  
T. Palmisano, Chief Nuclear Officer  
R. Scholler, Plant Manager

NRC Personnel

J. Clark, Division Director, Division of Reactor Safety  
G. Guerra, Emergency Preparedness Inspector  
M. Haire, Branch Chief, Plant Support Branch 1

**LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED**

Opened and Closed

05000361/2013501-01; 05000362/2013501-01	NCV	Changes to the Emergency Plan without required prior NRC approval
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**LIST OF DOCUMENTS REVIEWED**

DESCRIPTION

DATED

Report and Analysis Summary, 10 CFR 50.54(q)(iv)(5), for Emergency Plan Revision 34	September 16, 2013
Report and Analysis Summary, 10 CFR 50.54(q)(iv)(5), for Emergency Plan Revision 35	January 9, 2014