

May 24, 2000

Mr. Gregory M. Rueger
Senior Vice President and General Manager
Pacific Gas and Electric Company
Diablo Canyon Nuclear Power Plant
P. O. Box 3
Avila Beach, CA 94177

SUBJECT: DIABLO CANYON NUCLEAR POWER PLANT, UNIT NO. 1 (TAC NO. MA9018)
AND UNIT NO. 2 (TAC NO. MA9019) - ISSUANCE OF AMENDMENT RE:
DELAY IN IMPLEMENTATION OF IMPROVED TECHNICAL SPECIFICATIONS

Dear Mr. Rueger:

The Commission has issued the enclosed Amendment No. 141 to Facility Operating License No. DPR-80 and Amendment No. 141 to Facility Operating License No. DPR-82 for the Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, respectively. The amendments consist of changes to the operating licenses in response to your application dated May 19, 2000.

The amendments delay implementation of the improved Technical Specifications (ITSs) to June 30, 2000. You requested that this amendment be treated as an emergency amendment to avoid transitioning from the current Technical Specifications (CTS) to the ITS while the plant is being restarted. The NRC staff finds that delaying implementation of the ITS will permit the operators to maintain their focus on restarting the plant and will avoid placing an unnecessary burden on the operators.

A copy of the related Safety Evaluation is enclosed. The Notice of Issuance will be included in the Commission's next regular biweekly Federal Register notice.

Sincerely,

/RA by Jack Cushing for/

Steven D. Bloom, Project Manager, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-275
and 50-323

Enclosures: 1. Amendment No. 141 to DPR-80
2. Amendment No. 141 to DPR-82
3. Safety Evaluation

cc w/encls: See next page

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OFFICIAL RECORD COPY

Diablo Canyon Power Plant, Units 1 and 2

cc:

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PACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-275

DIABLO CANYON NUCLEAR POWER PLANT, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 141
License No. DPR-80

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Pacific Gas and Electric Company (the licensee) dated May 19, 2000, 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, 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, the license is amended by changes to the Operating License as indicated in the attachment to this license amendment.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Stephen Dembek, Chief, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the
Operating License

Date of Issuance: May 24, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 141

TO FACILITY OPERATING LICENSE NO. DPR-80

DOCKET NO. 50-275

Replace the following pages of Appendix D of the facility operating license with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

1
2

INSERT

1
2

Appendix D

ADDITIONAL CONDITIONS

FACILITY OPERATING LICENSE NO. DPR-80

Pacific Gas & Electric Company shall comply with the following conditions on the schedules given below:

<u>Amendment Number</u>	<u>Additional Conditions</u>	<u>Implementation Date</u>
120	The licensee is authorized to relocate certain technical specifications requirements to the equipment control guidelines (ECGs) as referenced in the Updated Final Safety Analysis Report. Implementation of these amendments shall include relocation of these technical specification requirements to the ECGs as described in the licensee's application dated October 4, 1995, as supplemented by letters dated July 17, 1996, August 20, 1996, and June 2, 1997, and evaluated in the staff's safety evaluation dated February 3, 1998.	The amendment shall be implemented within 90 days of its issuance.
135	This amendment authorizes the relocation of certain Technical Specification requirements to licensee-controlled documents. Implementation of this amendment shall include the relocation of these Technical Specification requirements to the appropriate documents, as described in Table LG of Details Relocated from Current Technical Specifications, Table R of Relocated Current Technical Specifications, Table LS of Less Restrictive Changes to Current Technical Specifications, and Table A of Administrative Changes to Current Technical Specifications that are attached to the NRC staff's Safety Evaluation enclosed with this amendment.	The amendment shall be implemented by June 30, 2000.

<u>Amendment Number</u>	<u>Additional Conditions</u>	<u>Implementation Date</u>
135	<p>The schedule for the performance of new and revised Surveillance Requirements (SRs) shall be as follows:</p> <p>For SRs that are new in this amendment, the first performance is due at the end of the first surveillance interval that begins on the date of implementation of this amendment.</p> <p>For SRs that existed prior to this amendment whose intervals of performance are being reduced, the first reduced surveillance interval begins upon completion of the first surveillance performed after implementation of this amendment.</p> <p>For SRs that existed prior to this amendment that have modified acceptance criteria, the first performance is due at the end of the first surveillance interval that began on the date the surveillance was last performed prior to the implementation of this amendment.</p> <p>For SRs that existed prior to this amendment whose intervals of performance are being extended, the first extended surveillance interval begins upon completion of the last surveillance performed prior to implementation of this amendment.</p>	<p>The amendment shall be implemented by June 30, 2000.</p>

PACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-323

DIABLO CANYON NUCLEAR POWER PLANT, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 141
License No. DPR-82

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Pacific Gas and Electric Company (the licensee) dated May 19, 2000, 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, 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, the license is amended by changes to the Operating License as indicated in the attachment to this license amendment.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Stephen Dembek, Chief, Section 2
Project Directorate IV & Decommissioning
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Attachment: Changes to the
Operating License

Date of Issuance: May 24, 2000

ATTACHMENT TO LICENSE AMENDMENT NO. 141

TO FACILITY OPERATING LICENSE NO. DPR-82

DOCKET NO. 50-323

Replace the following pages of Appendix D of the facility operating license with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

REMOVE

- 1
- 2

INSERT

- 1
- 2

Appendix D

ADDITIONAL CONDITIONS

FACILITY OPERATING LICENSE NO. DPR-82

Pacific Gas & Electric Company shall comply with the following conditions on the schedules given below:

<u>Amendment Number</u>	<u>Additional Conditions</u>	<u>Implementation Date</u>
118	The licensee is authorized to relocate certain technical specifications requirements to the equipment control guidelines (ECGs) as referenced in the Updated Final Safety Analysis Report. Implementation of these amendments shall include relocation of these technical specification requirements to the ECGs as described in the licensee's application dated October 4, 1995, as supplemented by letters dated July 17, 1996, August 20, 1996, and June 2, 1997, and evaluated in the staff's safety evaluation dated February 3, 1998.	The amendment shall be implemented within 90 days of its issuance.
135	This amendment authorizes the relocation of certain Technical Specification requirements to licensee-controlled documents. Implementation of this amendment shall include the relocation of these Technical Specification requirements to the appropriate documents, as described in Table LG of Details Relocated from Current Technical Specifications, Table R of Relocated Current Technical Specifications, Table LS of Less Restrictive Changes to Current Technical Specifications, and Table A of Administrative Changes to Current Technical Specifications that are attached to the NRC staff's Safety Evaluation enclosed with this amendment.	The amendment shall be implemented by June 30, 2000.

<u>Amendment Number</u>	<u>Additional Conditions</u>	<u>Implementation Date</u>
135	<p>The schedule for the performance of new and revised Surveillance Requirements (SRs) shall be as follows:</p> <p>For SRs that are new in this amendment, the first performance is due at the end of the first surveillance interval that begins on the date of implementation of this amendment.</p> <p>For SRs that existed prior to this amendment whose intervals of performance are being reduced, the first reduced surveillance interval begins upon completion of the first surveillance performed after implementation of this amendment.</p> <p>For SRs that existed prior to this amendment that have modified acceptance criteria, the first performance is due at the end of the first surveillance interval that began on the date the surveillance was last performed prior to the implementation of this amendment.</p> <p>For SRs that existed prior to this amendment whose intervals of performance are being extended, the first extended surveillance interval begins upon completion of the last surveillance performed prior to implementation of this amendment.</p>	<p>The amendment shall be implemented by June 30, 2000.</p>

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 141 TO FACILITY OPERATING LICENSE NO. DPR-80
AND AMENDMENT NO. 141 TO FACILITY OPERATING LICENSE NO. DPR-82
PACIFIC GAS AND ELECTRIC COMPANY
DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2
DOCKET NOS. 50-275 AND 50-323

1.0 INTRODUCTION

By application dated May 19, 2000, Pacific Gas and Electric Company (the licensee) requested changes to Facility Operating License Nos. DPR-80 and DPR-82 for the Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2. The proposed changes would postpone implementation of the Improved Technical Specifications (ITS) from May 31, 2000, to June 30, 2000.

Amendments 135 and 135, issued May 28, 1999, for DCPP, Units 1 and 2, respectively, convert the current technical specifications (CTS) to the ITS. The ITS are based on NUREG-1431, "Standard Technical Specifications (STS), Westinghouse Plants," Revision 1, dated April 1995, the CTS, and the plant licensing basis. Specifically, the licensee requested that Appendix D, "Additional Conditions," of Facility Operating License Nos. DPR-80 and DPR-82, be revised to require that license amendments 135 be implemented by June 30, 2000. The affected license conditions involve (1) the relocation of CTS requirements into licensee controlled documents during the implementation of the ITS, and (2) the schedule for first performance of new and revised surveillance requirements for the ITS.

On May 15, 2000, Unit 1 shutdown when an electrical short and fire occurred in the 12 kV bus room inside the Unit 1 turbine building, damaging the 4 kV and 12 kV bus ducts. It is expected that the unit will restart on or about the date the ITS are required to be implemented. Although final preparations for implementation of ITS are continuing, significant plant resources are currently focused on repairing the damage and preparing the unit for return to service. The delay would allow plant staff to refocus on implementation of the ITS following the outage, and would preclude problems that might arise during the mode transitions for the unit startup and the return to power.

2.0 EVALUATION

This change is administrative in nature in that it simply delays implementation of the ITS to June 30, 2000. Until the ITS are implemented, the CTS will remain in effect and the units will continue to be operated in accordance with the requirements of the NRC approved CTS under which the plant is operating today. This change does not affect plant operation, or physically alter or change the function of any structures, systems, or components required to mitigate the

consequences of a design basis accident. In addition, delaying implementation of the ITS will permit the operators to maintain their focus on restarting the plant and will avoid placing an unnecessary burden on the operators.

The staff finds the delay in implementation of the ITS from May 31, 2000 to June 30, 2000 acceptable, and also finds the changes to Appendix D, "Additional Conditions," of Facility Operating License Nos. DPR-80 and DPR-82, reflecting the delay in implementation of the ITS from May 31, 2000 to June 30, 2000, acceptable.

3.0 EMERGENCY CIRCUMSTANCES

In its May 19, 2000, application the licensee requested that this amendment be issued under an emergency situation. In accordance with 10 CFR 50.91(a)(5), the licensee provided the following information regarding why this emergency situation occurred and how it could not have been avoided.

The current approved implementation date for the ITS of May 31, 2000, was based on implementing the ITS after the refueling outages were completed in 1999, but several months before the scheduled Fall 2000 Unit 1 refueling outage. The delay is necessary to avoid implementation of the ITS during or immediately following the restart of Unit 1 from the outage caused by an electrical short and fire on May 15, 2000. Unit 1 is scheduled to restart on or about the date the ITS are required to be implemented. The delay would allow plant staff to focus on implementation of the ITS following the outage, and would preclude problems that might arise during the mode transitions for the unit startup and the return to power. For example, the master surveillance scheduling database cannot be uploaded until just before ITS implementation since it overrides the current database. If it is uploaded during the Unit 1 startup, surveillance planning will be affected. Also, compliance with both the CTS and ITS would be complicated if part of the mode transitions for the startup and return to power are made under the CTS and part under the ITS. For some procedures, new revisions would need to be implemented during the mode transitions. Had the event not occurred, the licensee would have implemented the ITS on May 31, 2000.

The staff concludes that an emergency condition exists in that failure to act in a timely way would prevent resumption of operation (i.e., entering Modes 1, 2 or 3). In addition, the staff has assessed the licensee's reasons for failing to file an application sufficiently in advance to preclude an emergency, and concludes that the licensee identified the operational problem, promptly notified the staff of the problem, and promptly proposed this amendment to remedy the situation. The staff concludes that the licensee has not abused the emergency provisions by failing to make timely application for the amendment. Thus, conditions needed to satisfy 10 CFR 50.91(a)(5) exist, and the amendment is being processed on an emergency basis.

4.0 FINAL NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION

The Commission's regulations in 10 CFR 50.92(c) state that the Commission may make a final determination that a license amendment involves no significant hazards consideration, if operation of the facility, in accordance with the amendment would not:

- (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or,
- (2) Create the possibility of a new or different kind of accident from any previously evaluated; or,
- (3) Involve a significant reduction in a margin of safety.

This amendment has been evaluated against the standards in 10 CFR 50.92. It does not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. This change is administrative in nature in that it delays implementation of the ITS to June 30, 2000 from May 31, 2000. Until the ITS are implemented, the CTS will remain in effect and the units will continue to be operated in accordance with the requirements of the NRC approved CTS. The change does not affect plant operation, or physically alter or change the function of any structures, systems, or components required to mitigate the consequences of a design basis accident. In addition, it cannot initiate a transient or affect the probability of occurrence or consequences of any previously analyzed accident. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.
2. Create the possibility of a new or different kind of accident from any accident previously evaluated. Deferral of the implementation date of the ITS is an administrative change. Until implementation of the ITS, the CTS will remain in effect and the units will continue to be operated in accordance with the requirements of the NRC approved CTS. The change does not affect plant operation, or physically alter or change the function of any structures, systems, or components required to mitigate the consequences of a design basis accident. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.
3. Involve a significant reduction in a margin of safety. Deferral of the implementation date of the ITS is an administrative change. Until implementation of the ITS, the CTS will remain in effect and the units will continue to be operated in accordance with the requirements of the NRC approved CTS. The change does not affect plant operation, or physically alter or change the function of any structures, systems, or components required to mitigate the consequences of a design basis accident. Therefore, the proposed change does not involve a significant reduction in the margin of safety.

Since the three factors of 10 CFR 50.92(c) are satisfied, the staff determines that the proposed change does not involve a significant hazards consideration.

5.0 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 comments.

6.0 ENVIRONMENTAL CONSIDERATIONS

The amendments relate to changes in recordkeeping, reporting, or administrative procedures or requirements. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

7.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (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 and security or to the health and safety of the public.

Principal Contributor: Jack Cushing

Date: May 24, 2000