

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

March 2, 2001

SUBJECT: DIABLO CANYON NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2 -
 ISSUANCE OF AMENDMENTS RE: CHANGES TO THE BASES CONTROL
 PROGRAM REQUIREMENTS (TAC NOS. MB0676 AND MB0677)

Dear Mr. Rueger:

The Commission has issued the enclosed Amendment No. 145 to Facility Operating License No. DPR-80 and Amendment No. 144 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 Technical Specifications (TSs) in response to your application dated November 30, 2000.

The amendments revise TS 5.5.14, "Technical Specifications (TS) Bases Control Program" to reflect the changes made to 10 CFR 50.59 as published in the *Federal Register* on October 4, 1999 (Volume 64, Number 191, "Changes, Tests, and Experiments," pages 53582 through 53617). A conforming change is made to TS 5.5.14 to replace the word "involve" with the word "require," as it applies to changes to the TS Bases without prior NRC approval.

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/

David H. Jaffe, Senior Project Manager, Section 1
 Strategic Teaming and Resource Sharing (STARS)
 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. 145 to DPR-80
 2. Amendment No. 144 to DPR-82
 3. Safety Evaluation

cc w/encls: See next page

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See previous concurrence

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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

March 2, 2001

Mr. Gregory M. Rueger
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Chief Nuclear Officer
Pacific Gas and Electric Company
Diablo Canyon Nuclear Power Plant
P. O. Box 3
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Diablo Canyon Power Plant, Units 1 and 2

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

PACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-275

DIABLO CANYON NUCLEAR POWER PLANT, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 145
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 November 30, 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 Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-80 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 145 , are hereby incorporated in the license. Pacific Gas and Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan, except where otherwise stated in specific license conditions.

3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Attachment: Changes to the Technical
Specifications

Date of Issuance: March 2, 2001



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

PACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-323

DIABLO CANYON NUCLEAR POWER PLANT, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 144
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 November 30, 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 Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-82 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 144 , are hereby incorporated in the license. Pacific Gas and Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan, except where otherwise stated in specific license conditions.

3. The license amendment is effective as of its date of issuance and shall be implemented within 60 days from the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



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

Attachment: Changes to the Technical
Specifications

Date of Issuance: March 2, 2001

ATTACHMENT TO LICENSE AMENDMENT NO. 145

TO FACILITY OPERATING LICENSE NO. DPR-80

AND AMENDMENT NO. 144 TO FACILITY OPERATING LICENSE NO. DPR-82

DOCKET NOS. 50-275 AND 50-323

Replace the following page of the Appendix A Technical Specifications with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

REMOVE

5.0-23

INSERT

5.0-23

5.5 Programs and Manuals (continued)

5.5.14 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
 1. a change in the TS incorporated in the license; or
 2. a change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the FSAR.
- d. Proposed changes that meet the criteria of Specification 5.5.14b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

5.5.15 Safety Function Determination Program (SFDP)

This program ensures loss of safety function is detected and appropriate actions taken. Upon entry into LCO 3.0.6, an evaluation shall be made to determine if loss of safety function exists. Additionally, other appropriate actions may be taken as a result of the support system inoperability and corresponding exception to entering supported system Condition and Required Actions. This program implements the requirements of LCO 3.0.6. The SFDP shall contain the following:

- a. Provisions for cross train checks to ensure a loss of the capability to perform the safety function assumed in the accident analysis does not go undetected;
- b. Provisions for ensuring the plant is maintained in a safe condition if a loss of function condition exists;
- c. Provisions to ensure that an inoperable supported system's Completion Time is not inappropriately extended as a result of multiple support system inoperabilities; and
- d. Other appropriate limitations and remedial or compensatory actions.

A loss of safety function exists when, assuming no concurrent single failure, a safety function assumed in the accident analysis cannot be performed. For the purpose of this program, a loss of safety function may exist when a support system is inoperable, and:

- a. A required system redundant to the system(s) supported by the inoperable support system is also inoperable; or

(continued)



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 145 TO FACILITY OPERATING LICENSE NO. DPR-80
AND AMENDMENT NO. 144 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 November 30, 2000, Pacific Gas and Electric Company (or the licensee) requested changes to the Technical Specifications (TSs) (Appendix A to Facility Operating License Nos. DPR-80 and DPR-82) for the Diablo Canyon Nuclear Power Plant, Units 1 and 2. The proposed changes revise TS 5.5.14, "Technical Specifications (TS) Bases Control Program" to incorporate the changes made to 10 CFR 50.59 as published in the *Federal Register* on October 4, 1999 (Volume 64, Number 191, "Changes, Tests, and Experiments," pages 53582 through 53617). A conforming change is made to TS 5.5.14 to replace the word "involve" with the word "require" as it applies to changes made to the TS Bases without prior NRC approval.

2.0 BACKGROUND

The requirements of 10 CFR 50.59 establish the conditions under which licensees may make changes to the facility or procedures and conduct test or experiments without prior NRC approval.

In 1999, the NRC revised its regulations (*Federal Register* - Volume 64, Number 191, dated October 4, 1999) controlling changes, tests, and experiments performed by nuclear plant licensees. The rule changes clarified the specific types of changes, tests, and experiments conducted at a licensed facility that require evaluation, and revised the criteria that licensees must use to determine when NRC approval is needed before such changes, tests, and experiments can be implemented. The final rule also added definitions for terms that have been subject to differing interpretations, and reorganized the rule language for clarity. Under the revised 10 CFR 50.59, proposed changes, tests, and experiments that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation.

The TS Bases Control Program allows licensees to make changes to the Bases in accordance with TS 5.5.14 without prior NRC approval, provided the change does not "involve" a change to the Updated Final Safety Analysis Report or Bases involving an "unreviewed safety question"

as defined in 10 CFR 50.59. With the revisions to 10 CFR 50.59, the definition of "unreviewed safety question" was eliminated. Therefore, the TS should be revised to be consistent with the revision to 10 CFR 50.59. A conforming change would be made to TS 5.5.14 to replace the word "involve," as used above, with the word "require."

3.0 EVALUATION

The proposed changes to TS 5.5.14 are required to reflect the revisions to 10 CFR 50.59, in that the definition of "unreviewed safety question" was eliminated. The revised TS 5.5.14, however, retains the requirement for prior NRC approval of changes to the TS Bases in such cases as are specified in the revised 10 CFR 50.59. The proposed change to TS 5.5.14 to replace the word "involve," as used above, does not affect the requirements of the subject TS. The TS should, therefore, be revised to be consistent with the revision to 10 CFR 50.59 and the proposed editorial change described herein.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the California State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments relates 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.

6.0 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: D. H. Jaffe

Date: March 2, 2001