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Docket No: 50-275

FEB 12 1984

Mr. J. O. Schuyler, Vice President  
Nuclear Power Generation, Licensing  
Pacific Gas & Electric Company  
77 Beale Street, Room 1435  
San Francisco, California 94106

Dear Mr. Schuyler:

Subject: Exemption for Extension of Submittal Date for Updated FSAR  
(Diablo Canyon Nuclear Power Plant, Unit 1)

The Commission has issued the enclosed Exemption from certain requirements of Section 50.71(e) of 10 CFR 50 in response to your letters of August 23, and December 9, 1983. This exemption, which is being forwarded to the Office of the Federal Register for publication, permits an extension in the date of compliance for submitting the updated FSAR for Diablo Canyon Nuclear Power Plant, Unit 1 to September 22, 1984, to permit the FSAR update to more accurately reflect the design of the unit after completion of the Design Verification Program. The granting of this exemption is based on our evaluation of the information contained in your August 23 and December 9, 1983, letters.

Sincerely,

**Original signed by:**  
**George W. Knighton**

George W. Knighton, Chief  
Licensing Branch No. 3  
Division of Licensing

Enclosure:  
Exemption

cc: See next page

\*See previous concurrence.

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HSchierling/yt  
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TMNovak  
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DL:OELD  
DGEisenhut  
2/3/84

OELD\*  
11/12/83

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P PDR

Diablo Canyon

Mr. J. O. Schuyler, Vice President  
Nuclear Power Generation  
c/o Nuclear Power Generation, Licensing  
Pacific Gas and Electric Company  
77 Beale Street, Room 1435  
San Francisco, California 94106

Philip A. Crane, Jr., Esq.  
Pacific Gas & Electric Company  
Post Office Box 7442  
San Francisco, California 94120

Mr. Malcolm H. Furbush  
Vice President - General Counsel  
Pacific Gas & Electric Company  
Post Office Box 7442  
San Francisco, California 94120

Janice E. Kerr, Esq.  
California Public Utilities Commission  
350 McAllister Street  
San Francisco, California 94102

Mr. Frederick Eissler, President  
Scenic Shoreline Preservation  
Conference, Inc.  
4623 More Mesa Drive  
Santa Barbara, California 93105

Ms. Elizabeth Apfelberg  
1415 Cozadero  
San Luis Obispo, California 93401

Mr. Gordon A. Silver  
Ms. Sandra A. Silver  
1760 Alisal Street  
San Luis Obispo, California 93401

Harry M. Willis, Esq.  
Seymour & Willis  
601 California Street, Suite 2100  
San Francisco, California 94108

Mr. Richard Hubbard  
MHB Technical Associates  
Suite K  
1725 Hamilton Avenue  
San Jose, California 96125

Mr. John Marrs, Managing Editor  
San Luis Obispo County Telegram Tribune  
1321 Johnson Avenue  
P. O. Box 112  
San Luis Obispo, California 93406

Resident Inspector/Diablo Canyon NPS  
c/o US Nuclear Regulatory Commission  
P. O. Box 369  
Avila Beach, California 93424

Ms. Raye Fleming  
1920 Mattie Road  
Shell Beach, California 93440

Joel Reynolds, Esq.  
John R. Phillips, Esq.  
Center for Law in the Public Interest  
10951 West Pico Boulevard  
Third Floor  
Los Angeles, California 90064

Paul C. Valentine, Esq.  
321 Lytton Avenue  
Palo Alto, California 90064

Dr. William E. Cooper  
Project Manager - 5511  
Teledyne Engineering Services  
130 Second Avenue  
Waltham, Massachusetts 02254

Mr. Dick Blankenburg  
Editor & Co-Publisher  
South County Publishing Company  
P. O. Box 460  
Arroyo Grande, California 93420

Norton, Burke, Berry & French, P.C.  
202 E. Osborn Road  
P. O. Box 10569  
Phoenix, Arizona 85064

Mr. W. C. Gangloff  
Westinghouse Electric Corporation  
P. O. Box 355  
Pittsburgh, Pennsylvania 15230

David F. Fleischaker, Esq.  
P. O. Box 1178  
Oklahoma City, Oklahoma 73101

Arthur C. Gehr, Esq.  
Snell & Wilmer  
3100 Valley Center  
Phoenix, Arizona 85073

Mr. Lee M. Gustafson, Director  
Federal Agency Relations  
Pacific Gas & Electric Company  
1050 17th Street, N.W.  
Suite 1180  
Washington, DC 20036

Regional Administrator - Region V  
US Nuclear Regulatory Commission  
1450 Maria Lane  
Suite 210  
Walnut Creek, California 94596

Dr. Jose Roesset  
3506 Duval Road  
Austin, Texas 78759

Michael J. Strumwasser, Esq.  
Special Council to the Attorney General  
State of California  
3580 Wilshire Boulevard, Suite 800  
Los Angeles, California 90010

Mr. Thomas H. Harris  
San Jose Mercury News  
750 Ridder Park Drive  
San Jose, California 95190

Mr. Mark Gottlieb  
California Energy Commission  
1111 Howe Avenue, MS 27  
Sacramento, California 95825

Maurice Axelrad, Esq.  
Lowenstein, Newman, Reis and Axelrad  
1025 Connecticut Avenue, NW  
Washington, DC 20036

Chairman  
San Luis Obispo County Board of Supervisors  
Room 220  
County Courthouse Annex  
San Luis Obispo, California 93401

California Department of Health  
ATTN: Chief, Environmental Radiation  
Control Unit  
Radiologic Health Section  
741 P Street - Room 498  
Sacramento, California 95814

Director  
Energy Facilities Siting Division  
Energy Resources Conservation and  
Development Commission  
1111 Howe Avenue  
Sacramento, California 95825

President  
California Public Utilities Commission  
California State Building  
350 McAllester Street  
San Francisco, California 94102

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
PACIFIC GAS AND ELECTRIC COMPANY ) Docket No. 50-275  
(Diablo Canyon Nuclear Power Plant, )  
Unit 1) )

EXEMPTION

The Pacific Gas & Electric Company (the licensee) is the holder of Facility Operating License No. DPR-76 (the license), dated September 22, 1981, which authorizes fuel loading and operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located in San Luis Obispo County, California, at five percent power (166.9 megawatts thermal).<sup>\*</sup> This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II..

Section 50.71(e)(3)(i) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR) within 24 months of either July 22, 1980, or the date of issuance of the operating license, whichever is later. The above regulation would have required submittal of the UFSAR for Diablo Canyon Unit 1 by September 22, 1983.

Accordingly, by letters dated August 23, 1983 and December 9, 1983, Pacific Gas & Electric Company requested a temporary exemption from the requirements of Section 50.71(e)(3)(i) of 10 CFR Part 50 because the required submittal date falls near the expected completion of the Design Verification

<sup>\*</sup>On November 19, 1981, the Commission suspended the license pending satisfactory completion of a Design Verification Program.

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Program. Because of the continuing delays in the completion of the Design Verification efforts, the licensee requested that the submittal date of the Diablo Unit 1 UFSAR be extended approximately one year beyond the regulation filing date. This would permit the UFSAR to more accurately reflect the design of the unit after completion of the Design Verification Program. In addition, the licensee will document in the UFSAR all safety evaluations performed by the licensee in support of its conclusions in requested license amendments that the changes did not involve an unreviewed safety question or safety evaluation.

The staff's evaluation of the activities associated with the Design Verification Program is presented in Supplements 18, 19 and 20 to the staff's Safety Evaluation Report (SER) for Diablo Canyon (NUREG-0675). The staff has reviewed the licensee's request for an extension of the date for submitting the UFSAR and has concluded that issuance of this exemption will have no effect on plant safety. Further, this action will not endanger life and property and good cause has been shown to support the exemption. Therefore, a one year exemption from the date of compliance is acceptable.

### III.

Accordingly, the Commission has determined that, pursuant to 10 CFR §50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption from compliance with the September 22, 1983, date for submitting an UFSAR:


A revision of the original FSAR containing those original pages that are still applicable plus new replacement pages shall be filed by

September 22, 1984. This revision shall bring the FSAR up to date as of a maximum of 6 months prior to the date of filing the revision. Subsequent revisions shall be filed annually and shall be in compliance with Section 50.71(e) of 10 CFR Part 50.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland, this 12<sup>th</sup> day of February, 1984.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Darrell G. Eizenhut, Director  
Division of Licensing  
Office of Nuclear Reactor Regulation