

April 12, 1995

Mr. Gregory M. Rueger
Nuclear Power Generation, B14A
Pacific Gas and Electric Company
77 Beale Street, Room 1451
P.O. Box 770000
San Francisco, California 94177

SUBJECT: DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2: EXEMPTION
TO 10 CFR PART 50, APPENDIX E (TAC NOS. M90973 AND M90974)

Dear Mr. Rueger:

By letter dated October 17, 1994, Pacific Gas and Electric Company (PG&E) requested an exemption from certain requirements of Appendix E to 10 CFR Part 50 to allow PG&E to delay the scheduled 1995 biennial, full-scale emergency preparedness exercise until 1996 for the Diablo Canyon Nuclear Power Plant (DCPP). Subsequent biennial exercises would fall in even-numbered years.

The delay has been found to be justified in order to allow the State of California to participate in the exercises of DCPP and San Onofre Nuclear Generating Station in alternate years. Currently, the exercises for both these facilities fall in odd-numbered years.

The Commission has granted this Exemption pursuant to 10 CFR 50.12. A copy of the Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

ORIGINAL SIGNED BY:

Melanie A. Miller, Senior Project Manager
Project Directorate IV-2
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket Nos. 50-275
and 50-323

Enclosure: Exemption

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see attached ORC

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

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Pacific Gas and Electric Company
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Sincerely,

A handwritten signature in cursive script that reads "Melanie A. Miller".

Melanie A. Miller, Senior Project Manager
Project Directorate IV-2
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket Nos. 50-275
and 50-323

Enclosure: Exemption

cc w/encl: See next page

Mr. Gregory M. Rueger
Pacific Gas and Electric Company

Diablo Canyon

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San Francisco, California 94102

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)

PACIFIC GAS AND ELECTRIC COMPANY)

(Diablo Canyon Nuclear Power Plant,)
Units 1 and 2))

Docket Nos. 50-275
and 50-323

EXEMPTION

I.

The Pacific Gas and Electric Company (PG&E or the licensee) holds Facility Operating License Nos. DPR-80 and DPR-82, which authorizes operation of the Diablo Canyon Nuclear Power Plant, Unit Nos. 1 and 2, respectively. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect. The facility consists of two pressurized water reactors located at the licensee's site in San Luis Obispo County, California.

II.

Section 50.54(q) of 10 CFR Part 50 requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of 10 CFR 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.3 of Appendix E requires that each licensee at each site exercise with offsite authorities such that the State and local government emergency plans for each operating reactor site are

exercised biennially, with full or partial participation by State and local governments, within the plume exposure pathway emergency planning zone (EPZ).

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a), are (1) authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) present special circumstances. Section 50.12(a)(2)(iv) of 10 CFR Part 50 describes the special circumstances for an exemption where the exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the granting of the exemption.

III.

By letter dated October 17, 1994, the licensee requested a schedular exemption from the requirement of 10 CFR Part 50, Appendix E, Section IV.F.3 that requires biennial exercise of emergency plans for State and local governmental authorities within the plume exposure pathway EPZ. The licensee has requested to postpone until 1996 the biennial, full-scale emergency preparedness exercise currently scheduled in 1995.

This schedular exemption is requested by the licensee in support of the State of California's request to the Federal Emergency Management Agency (FEMA) to grant the State a one-year extension in the current Radiological Emergency Preparedness Program six-year exercise cycle for the Diablo Canyon Nuclear Power Plant (DCPP). The granting of this request would result in the licensee conducting its biennial, full-scale emergency preparedness exercise in even-numbered years.

By letter dated March 2, 1995, FEMA informed the NRC that FEMA concurred with a request by the State of California to reschedule the DCPD offsite biennial exercise for 1995 to 1996. FEMA stated that such a schedule change would have no implications adverse to public health and safety. The most recent DCPD offsite exercise was conducted in 1993, and there were no issues identified which required immediate corrective actions. FEMA has granted a one-time exemption to the requirements of 44 CFR 350.9(c) for DCPD as requested by the State of California.

Based on a review of the licensee's request for a schedular exemption to postpone until 1996 the biennial full-scale emergency preparedness exercise currently scheduled in 1995, the NRC staff finds that granting this request would be beneficial to the public health and safety. Approval of this exemption would allow the realignment of the State of California's exercise participation schedule to include an exercise every year, instead of two exercises every other year. San Onofre Nuclear Generating Station's exercise would be conducted in odd-numbered years and DCPD's would be conducted in even-numbered years starting in 1996. This should enhance the level of emergency preparedness by allowing more frequent participation in an exercise by State personnel. It would allow for more even distribution of financial and personnel resources for both State and Federal agencies. Also, the offsite agencies at San Onofre Nuclear Generating Station would be able to perform as controllers and evaluators for the DCPD exercise and vice versa more easily and both plants would obtain the benefits since the plant exercise dates would not conflict. There would be no decrease in the level of safety of licensee operations as a result of granting this schedular exemption. The

licensee would still be required to conduct an annual exercise in 1995 in accordance with the requirements of 10 CFR 50, Appendix E, Section IV.F.2.

IV.

Accordingly, the Commission has determined pursuant to 10 CFR 50.12, this 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. The Commission further determines that special circumstances described by 10 CFR 50.12(a)(2)(iv) exist in that a benefit to public health and safety that compensates for any decrease in safety may result from granting the exemption.

Therefore, the Commission hereby grants Pacific Gas and Electric Company an exemption from the requirements of 10 CFR 50, Appendix E, Section IV.F.3.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 18429).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



Elinor G. Adensam, Acting Director
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 12th day of April 1995.