

PUBLIC NOTICE

NRC STAFF PROPOSES TO AMEND OPERATING LICENSE AT THE DIABLO CANYON POWER PLANT, UNIT 2

The U.S. Nuclear Regulatory Commission (NRC) staff has received an application dated September 3, 2009, as supplemented by letter dated September 8, 2009, from Pacific Gas and Electric Company (PG&E, the licensee), for an emergency amendment to the operating license for the Diablo Canyon Power Plant (DCPP), Unit 2, located in San Luis Obispo County, California. The staff has reviewed PG&E's request and concluded that the request does not meet the standard in Section 50.91(a)(5) of Title 10 of the *Code of Federal Regulations* (10 CFR) for an emergency approval but does meet the standard in Section 50.91(a)(6) of 10 CFR for an exigent approval. The staff proposes to review this request under exigent circumstances.

The amendment request proposes a one-time change to the DCPP, Unit 2 Technical Specification (TS) 3.7.1, "Main Steam Safety Valves (MSSVs)," Table 3.7.1-1, "Maximum Allowable Power Range Neutron Flux High Setpoint With Inoperable MSSVs." DCPP, Unit 2 currently has an MSSV inoperable (MS-2-RV-224) and per TS 3.7.1, Required Action A.1 is operating at approximately 80 percent rated thermal power (RTP). The proposed change will allow an increase in the Power Range Neutron Flux High setpoint in Table 3.7.1-1 from 87 percent RTP to 106 percent RTP with MS-2-RV-224 inoperable for the remainder of Cycle 15, which is scheduled to end in October 2009. Approval of this request would allow DCPP, Unit 2 to operate at 100 percent RTP for the remainder of Cycle 15 while in TS 3.7.1 Required Action A.1, until corrective action can be taken to repair or replace the inoperable MS-2-RV-224 during the upcoming refueling outage. The proposed change also revises and clarifies the surveillance requirements for the Power Range Neutron Flux High setpoint during Unit 2 Cycle 15.

The licensee and the NRC staff have evaluated this proposed change with regard to the determination of whether or not a significant hazards consideration is involved. Operation of the DCP, Unit 2, in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated. The increase in the Power Range Neutron Flux High setpoint TS value does not initiate an accident.

Technician adjustments to lower the Power Range Neutron Flux High setpoint could cause a reactor trip; however, this action is already a TS requirement. Thus, increasing the TS setpoint value from the current value will not change the requirement for a technician to adjust the setpoints downward when MSSVs become inoperable and, therefore, will not increase the probability of a reactor trip. The revision and clarification of the surveillance requirements for the Power Range Neutron Flux High setpoint ensure that this function will actuate as assumed in the safety analyses. With the increase in the Power Range Neutron Flux High setpoint with only MS-2-RV-224 inoperable during Unit 2 Cycle 15, the remaining MSSVs will continue to prevent overpressure of the main steam lines and Steam Generators (SGs), and remove adequate heat from the reactor coolant system (RCS). Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment will not create the possibility of a new or different kind of accident from any previously analyzed. The increase in the Power Range Neutron Flux High setpoint TS value with only MS-2-RV-224 inoperable during Unit 2 Cycle 15 does not initiate an accident and does not change the method by which any safety-related system performs the function. The revision and clarification of the surveillance requirements for the Power Range Neutron Flux High setpoint will provide assurance that the plant will operate within the limits assumed in the safety analyses. The proposed change does not result in plant operation

outside the limits previously considered, nor allow the progression of transients or accidents in a manner different than previously considered. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment will not involve a significant reduction in a margin of safety. The RCS pressure boundary is applicable to the proposed change. With the proposed change, all relevant event acceptance criteria were found to be satisfied. Therefore, the proposed change does not involve a reduction in a margin of safety. With the proposed change, the MSSVs will still prevent SG pressure from exceeding 110 percent of SG design pressure in accordance with the American Society of Mechanical Engineers Boiler and Pressure Vessel Code. The conclusions for the Final Safety Analysis Report accident analyses are unaffected by the change, remain valid, and provide margin. The instrument surveillance requirement changes for the Power Range Neutron Flux High setpoint ensure that the instrumentation will actuate as assumed in the safety analysis. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Following an initial review of this application, the requested amendment has been evaluated against the standards in 10 CFR 50.92 and the NRC staff has made a proposed (preliminary) determination that the requested amendment involves no significant hazards considerations. The changes do not significantly increase the probability or consequences of any accident previously considered, nor create the possibility of an accident of a different kind, nor significantly decrease any margin of safety.

If the proposed determination that the requested license amendment involves no significant hazards consideration becomes final, the staff will issue the amendment without first offering an opportunity for a public hearing. An opportunity for a hearing will be published in the

Federal Register at a later date and any hearing request will not delay the effective date of the amendment.

If the staff decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the *Federal Register* and, if a hearing is granted, it will be held before the amendment is issued.

Comments on the proposed determination of no significant hazards consideration may be (1) telephoned to Michael T. Markley, Chief, Plant Licensing Branch IV, by collect call to 301-415-5723 or by facsimile to 301-415-2102, (2) e-mailed to Michael.Markley@nrc.gov, or (3) submitted in writing to the Chief, Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. All comments received by close of business on September 15, 2009, from 7:30 a.m. to 4:15 p.m. Federal workdays will be considered in reaching a final determination. A copy of the application may be examined electronically through the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room link at the NRC Web site <http://www.nrc.gov/reading-rm/adams.html> and at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail to pdr.resource@nrc.gov.