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PG&E Letter DCL-11-045-Public

10 CFR 73.5

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555

Docket No. 50-275, OL-DPR-80  
Docket No. 50-323, OL-DPR-82  
Diablo Canyon Units 1 and 2  
Request for Exemption from Specific 10 CFR Part 73 Requirements

References:

1. PG&E Letter DCL-09-085-Public, "Request for Exemption from Specific 10 CFR Part 73 Requirements," dated December 04, 2009
2. NRC letter to PG&E, "Diablo Canyon Power Plant Unit Nos. 1 and 2, Exemption from the Requirements of 10 CFR Part 73, Section 55 (TAC Nos. ME2903 and ME2904)," dated March 2, 2010

Dear Commissioners and Staff:

In accordance with the requirements of 10 CFR 73.5 "Specific Exemptions," Pacific Gas and Electric Company (PG&E) requests the NRC approve an exemption from specific requirements of 10 CFR Part 73, "Physical Protection of Plants and Materials," for the Diablo Canyon Power Plant (DCPP) by extending the deadline for the implementation of new security requirements issued by the NRC in a Final Rule dated March 27, 2009 (74 FR 13926).

Pursuant to the Final Rule, the new security requirements were to be implemented by March 31, 2010. In Reference 1, PG&E requested a schedular exemption to implement specific upgrades to meet the new requirements. The NRC approved the requested exemption in Reference 2.

In the interim, [...]

The evaluation of [...]

PG&E will [...]

S001A  
NRR



In accordance with 10 CFR 73.5, this exemption is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. PG&E's current security program provides continued assurance of public health and safety and common defense and security.

PG&E requests approval of this exemption request by May 18, 2011. The proposed exemptions are requested to be effective upon issuance.

A security-related version of this letter (DCL-11-045-SR) was signed and submitted to the NRC on this date.

The information contained in this letter and Enclosures 1 and 2 supersedes information previously provided in PG&E Letter DCL-11-032-Public, including Enclosures 1,2, and 3, in its entirety.

PG&E makes no regulatory commitments (as defined by NEI 99-04) in this letter. This letter includes no revisions to existing regulatory commitments.

If you have further questions, or require additional information, please contact Mr. Michael Priebe at (805) 545-4510.

Sincerely,

James R. Becker  
*Site Vice President*

dngd/4955/50387384

Enclosures

cc: Elmo E. Collins, NRC Region IV  
cc/enc: Michael S. Peck, NRC Senior Resident Inspector  
James T. Polickoski, NRC Project Manager  
Alan B. Wang, NRC Project Manager

## **Request for Exemption from Specific Physical Security Requirements**

### Background

The NRC issued a Final Rule for new security requirements in the Federal Register dated March 27, 2009. Per the Final Rule, new security requirements were to have been implemented by March 31, 2010. Pacific Gas and Electric Company (PG&E) requested a schedular exemption to implement the new requirements in PG&E Letter DCL-09-085-Public, "Request for Exemption from Specific 10 CFR Part 73 Requirements," dated December 4, 2009. The NRC approved the requested exemption in NRC letter to PG&E, "Diablo Canyon Power Plant Unit Nos. 1 and 2, Exemption from the Requirements of 10 CFR Part 73, Section 55 (TAC Nos. ME2903 and ME2904)," dated March 2, 2010. The NRC-approved exemption allowed for an extension to June 30, 2011.

The Diablo Canyon Power Plant (DCPP) [...]

The scope of [...]

The activities described at the [...]

Accordingly, PG&E has determined that additional time is required, beyond the currently approved exemption date, to complete [...]. PG&E is therefore requesting a schedular exemption until March 31, 2012.

### **10 CFR Part 73 Exemption Criteria**

#### **1) Identification of the specific requirement or requirements of the rule that the licensee needs additional time to implement.**

PG&E requests a compliance date exemption for the following two sections of the regulation:

Request 1

[...]

Issue:

The existing configuration [...]

The [...]

Request 2

[...]

Issue:

Assessment of [...]

Due to the nature of [...]

Additionally [...]

**2) Detailed justification that describes the reason the licensee requires additional time to implement the specific requirement or requirements identified. (Consideration for interim measures and justification why the first exemption compliance date is not achievable.)**

At the time of the first exemption request, a project plan was developed [...]

DCPP submitted a request for exemption from [...] via PG&E letter DCL-09-085-Public which was approved by the Commission on March 2, 2010, via NRC letter (TAC NOS. ME2903 AND ME2904).

After the project plan was established and work commenced, DCPP was notified of [...]

During the October, 2010 time frame [...]

The majority of the work necessary to meet the requirements [...]

In early March 2011, station leadership chose to take a more conservative approach to [...]

This decision caused the [...]

The expanded project scope requires [...]

[...]

**3) Detailed technical information that supports the licensee's solution for the requirement.**

In its current configuration, the [...]

[...]

**4) A proposed implementation schedule with activity milestones that support the licensee's solution and are consistent with the scope of work to be conducted and the new compliance date requested.**

The combination of [...]

The schedule presents a realistic plan for completion of the modifications to achieve 10 CFR 73.55 compliance [...] Based on this schedule, PG&E requests a schedular exemption until March 31, 2012.

**5) An evaluation of the impact that the additional time to implement the requirements will have on the effectiveness of the licensee's overall physical protection program and protective strategy.**

The [...]

Figure 1  
Milestone Schedule for New 10 CFR 73 Requirements Requiring Scheduling Exemption

[ ... ]

## **Environmental Assessment**

1. Describe any change to the types, characteristics, or quantities of nonradiological effluents discharged to the environment as a result of the proposed exemptions.

### **PG&E Response**

There are no expected changes in the types, characteristics, or quantities of non-radiological effluents discharged to the environment associated with the proposed exemptions. This application is associated with implementation of security changes. These security changes will not result in changes to the design basis requirements for the structures, systems, and components (SSCs) at the Diablo Canyon Power Plant (DCPP) that function to limit the release of non-radiological effluents during and following postulated accidents. All the SSCs associated with limiting the release of offsite non-radiological effluents will therefore continue to be able to perform their functions. As a result, there is no significant non-radiological effluent impact. There will be no materials or chemicals introduced into the plant associated with the security modifications that could affect the characteristics or types of non-radiological effluents. In addition, the method of operation of non-radiological waste systems will not be affected by these proposed exemptions.

2. Describe any changes to liquid radioactive effluents discharged as a result, of the proposed exemptions.

### **PG&E Response**

There are no expected changes to the liquid radioactive effluents discharged as a result of these proposed exemptions. The proposed exemptions will not interact to produce any different quantity or type of radioactive material in the reactor coolant system. These proposed exemptions will not result in changes to the design basis requirements for the SSCs at DCPP that function to limit the release of liquid radiological effluents during and following postulated accidents. All SSCs associated with limiting the release of liquid radiological effluents will therefore continue to be able to perform their functions. As a result, there is no significant liquid radiological effluent impact.

3. Describe any changes to gaseous radioactive effluents discharged as a result of the proposed exemptions.

### **PG&E Response**

For the same reasons as described in number 2 above, these proposed exemptions would have no effect on the characteristics of gaseous radioactive effluents.

4. Describe any change in the type or quantity of solid radioactive waste generated as a result of the proposed exemptions.

**PG&E Response**

These proposed exemptions will not result in changes to the design basis requirements for the SSCs at DCPD that function to limit the release of solid waste during and following postulated accidents. All SSCs associated with limiting the release of solid radioactive waste will therefore continue to be able to perform their function. Radiation surveys will be performed in accordance with plant radiation protection procedures on excavated dirt that could be contaminated, such as inside the protected areas (PAs) or radiation control areas, that will be disposed of offsite. Any contaminated dirt will be handled in accordance with plant procedures. DCPD has a radiation survey program and procedures to handle any contaminated excavated soil that is inside the PAs or radiation control areas.

5. What is the expected change in occupational dose as a result of the proposed exemptions under normal and design basis accident conditions?

**PG&E Response**

Under normal power operation there would be no expected radiological impact on the workforce. There are no other expected changes in normal occupational operating doses. Control room dose is not impacted by the proposed exemptions and would not impact occupational dose.

6. What is the expected change in the public dose as a result of the proposed exemptions under normal and Design Basis Accident (DBA) conditions?

**PG&E Response**

Dose to the public will not be changed by the proposed exemptions during normal operations or DBA conditions. As noted in items 2, 3, and 4 above, there is no basis to contemplate an increased source of liquid, gaseous or solid radiological effluents that could contribute to increased public exposure during normal operations and DBA conditions. The proposed security changes do not impact systems used during normal operation or systems used to detect or mitigate a DBA.

7. What is the impact to land disturbance for the proposed exemptions?

**PG&E Response**

Surveys of the DCPD site have previously been performed, and environmentally sensitive areas identified. In addition, locations of cultural resources significance are identified including the archeological site CA-SLO-2, which has been clearly

delineated north of the PAs. A procedure is in place to ensure that the archeological site is protected and managed in accordance with the DCPD Archaeological Resources Management Plan.

The security modifications associated with the proposed exemptions involve only limited soil excavations. None of the planned excavations will occur in previously undisturbed areas. Specifically, the planned modifications do not involve land disturbance in environmentally sensitive areas, the archeological site CA-SLO-2, or any other location of cultural resources significance.

**Conclusion:**

There is no significant radiological environmental impact associated with the proposed security changes at DCPD. These proposed changes will not affect any historical sites nor will they affect non-radiological plant effluents.