



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
1600 EAST LAMAR BLVD
ARLINGTON, TEXAS 76011-4511

July 10, 2013

Mr. Edward D. Halpin
Senior Vice President
and Chief Nuclear Officer
Pacific Gas and Electric Company
Diablo Canyon Power Plant
P.O. Box 56, Mail Code 104/6
Avila Beach, CA 93424

SUBJECT: RESPONSE TO NRC NOTICE OF VIOLATION AND NRC INSPECTION
REPORT 05000275/2013008, 05000323/2013008, AND 07200026/2013001

Dear Mr. Halpin:

On May 20, 2013, the U.S. Nuclear Regulatory Commission (NRC) cited Pacific Gas and Electric Company for Diablo Canyon Power Plant's failure to perform an adequate safety review of operations Procedure HPP-1073-300 as required by Title 10 of the Code of Federal Regulations (CFR) 72.48. This procedure allowed the licensee to take steps that were not consistent with Chapter 5 of the Final Safety Analysis Report (FSAR) and resulted in the isolation of the canister, while filled with water, which created the possibility of an accident not evaluated in the FSAR. The Notice of Violation, enclosed with Inspection Report 05000275/ 2013008, 05000323/ 2013008, and 07200026/2013001 (ML13140A430), required you to respond in writing within 30 days. You responded by letter dated June 17, 2013 (ML13169A079).

After reviewing the information you provided in your response to the Notice, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliance described in the Notice of Violation. We will review your implementation of these corrective actions during a future inspection to determine whether full compliance has been restored and whether compliance will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Document Access Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

D. Blair Spitzberg, Ph.D., Chief
Repository & Spent Fuel Safety Branch
Division of Nuclear Materials Safety

Dockets: 50-275, 50-323, 72-26
Licenses: DPR-80, DPR-82, SNM-2511

Mr. Edward D. Halpin
 Senior Vice President
 and Chief Nuclear Officer
 Pacific Gas and Electric Company
 Diablo Canyon Power Plant
 P.O. Box 56, Mail Code 104/6
 Avila Beach, CA 93424

SUBJECT: RESPONSE TO NRC NOTICE OF VIOLATION AND NRC INSPECTION
 REPORT 05000275/2013008, 05000323/2013008, AND 07200026/2013001

Dear Mr. Halpin:

On May 20, 2013, the U.S. Nuclear Regulatory Commission (NRC) cited Pacific Gas and Electric Company for Diablo Canyon Power Plant's failure to perform an adequate safety review of operations Procedure HPP-1073-300 as required by Title 10 of the Code of Federal Regulations (CFR) 72.48. This procedure allowed the licensee to take steps that were not consistent with Chapter 5 of the Final Safety Analysis Report (FSAR) and resulted in the isolation of the canister, while filled with water, which created the possibility of an accident not evaluated in the FSAR. The Notice of Violation, enclosed with Inspection Report 05000275/ 2013008, 05000323/ 2013008, and 07200026/2013001 (ML13140A430), required you to respond in writing within 30 days. You responded by letter dated June 17, 2013 (ML13169A079).

After reviewing the information you provided in your response to the Notice, we have concluded that your completed and proposed actions appear to adequately address the regulatory noncompliance described in the Notice of Violation. We will review your implementation of these corrective actions during a future inspection to determine whether full compliance has been restored and whether compliance will be maintained.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's Agencywide Document Access Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,
 /RA/

D. Blair Spitzberg, Ph.D., Chief
 Repository & Spent Fuel Safety Branch
 Division of Nuclear Materials Safety

Dockets: 50-275, 50-323, 72-26
 Licenses: DPR-80, DPR-82, SNM-2511

DISTRIBUTION: See next page

S:\DNMS\RSFS\brookhart\Diablo 2013\Reports\Acknowledgement of DC Response to Violation.docx

SUNSI Rev Compl.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ADAMS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Reviewer Initials	LEB
Publicly Avail.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Sensitive	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Sens. Type Initials	LEB
DNMS/RSFS	C:DNMS/RSFS				
LEBrookhart	DBSpitzberg				
/RA/	/RA/				
07/10/2013	07/10/2013				

OFFICIAL RECORD COPY

Letter to Edward D. Halpin from D. Blair Spitzberg dated July 10, 2013

SUBJECT: RESPONSE TO NRC NOTICE OF VIOLATION AND NRC INSPECTION
REPORT 05000275/2013008, 05000323/2013008, AND 07200026/2013001

DISTRIBUTION:

DNMS Director (Anton.Vegel@nrc.gov)
DNMS Deputy Director (Roberto.Torres@nrc.gov)
RSFS Branch Chief (Blair.Spitzberg@nrc.gov)
DRP/B Branch Chief (Neil.Okeefe@nrc.gov)
Senior Resident Inspector (Thomas.Hipschman@nrc.gov)
Resident Inspector (Laura.Micewski@nrc.gov)
DC Administrative Assistant (Madeleine.Arel-Davis@nrc.gov)
Senior Project Engineer, DRP/B (Michael.Bloodgood@nrc.gov)
Project Engineer, DRP/B (David.You@nrc.gov)
RSFS Inspector (Lee.Brookhart@nrc.gov)
RSFS Inspector (Eric.Simpson@nrc.gov)
Project Manager (Joseph.Sebrosky@nrc.gov)
Project Manager, SFST (William.Allen@nrc.gov)
RIV Office of Enforcement ACES (Rachel.Browder@nrc.gov)
RIV Office of Enforcement ACES (Christi.Maier@nrc.gov)
RIV Office of Enforcement ACES (Heather.Gepford@nrc.gov)