

50-275/323



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
June 10, 1993

The Honorable Byron D. Sher
Chair, Natural Resources Committee
State Capitol
Sacramento, California 95814

The Honorable Gwen Moore
Chair, Utilities & Commerce Committee
State Capitol
Sacramento, California 95814

Dear Mr. Sher and Ms. Moore:

I am responding to your Committees' letter of March 15, 1993, to Chairman Selin concerning Pacific Gas and Electric Company's (PG&E's) July 9, 1992, application to recapture the period spent constructing the Diablo Canyon Nuclear Power Plant so as to allow for forty years of operation, as permitted by the Commission's regulations in Section 50.51 of Title 10 of the Code of Federal Regulations. The major points addressed below are cost effectiveness, the need to reassess environmental impacts, and earthquakes.

Regarding your request that the staff of the U.S. Nuclear Regulatory Commission (NRC) prepare an environmental impact statement (EIS) to consider cost effectiveness and the need for the generating capacity provided by the Diablo Canyon units, the Commission's regulations do not require the staff to consider the need for power. In 1982, the NRC changed its rules to eliminate any consideration of need for power and alternative energy sources for purposes of meeting the National Environmental Policy Act of 1969 (NEPA) in operating license proceedings. The Commission reasoned that questions concerning need for power and alternative energy sources are resolved in construction permit proceedings and that revisiting the issue at the operating license stage was not likely to result in tipping the NEPA cost benefit balance against issuance of the operating license.

The NRC does not require that an EIS be prepared in connection with an application to recapture the period spent in constructing the plant. It continues to believe the statement contained in the NRC's Environmental Assessment that the extension of the Diablo Canyon operating licenses will not create any new or unreviewed environmental impacts is factually correct. This is true because the impacts of forty years of operation were considered in the final environmental statement (FES) on the operation of Diablo Canyon and again in the addendum to the FES in 1976. Subsequent to the FES, plant modifications that involve an unreviewed safety question or require a change to the technical specifications are submitted to the NRC for review, a review that includes a determination of the environmental effects of the proposed change, before the modification is authorized. Thus, the EIS for the plant is consistent with the Commission's regulations implementing NEPA, and is supplemented to reflect changes in the plant and in the plant's environment.

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Mr. Sher and Ms. Moore

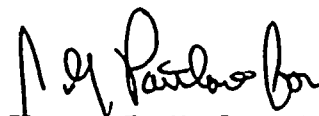
- 2 -

Regarding your concern about recent seismicity in California, it is important you know that the operating license for Diablo Canyon Unit 1 included a condition requiring PG&E to reevaluate the adequacy of the plant in relation to seismic concerns. The license condition required a reevaluation of all aspects of the seismic design of the plant, including geology, seismology, engineering, and probabilistic risk studies. The PG&E reevaluation, called the Long Term Seismic Program (LTSP), was completed in July 1988. The NRC staff's review of the LTSP was documented in Supplemental Safety Evaluation Report Number 34 (SSER 34), issued June 6, 1991. SSER 34, in which the staff concluded that PG&E had met the above stated license condition, involved 11,500 person-hours of effort by NRC staff technical experts in reviewing the LTSP. On the basis of independent studies conducted by NRC staff consultants including the U.S. Geologic Survey, as well as the independent review of the LTSP by the NRC Staff and its consultants, the NRC staff concluded that PG&E had met the license condition and that the Diablo Canyon seismic design continued to be acceptable.

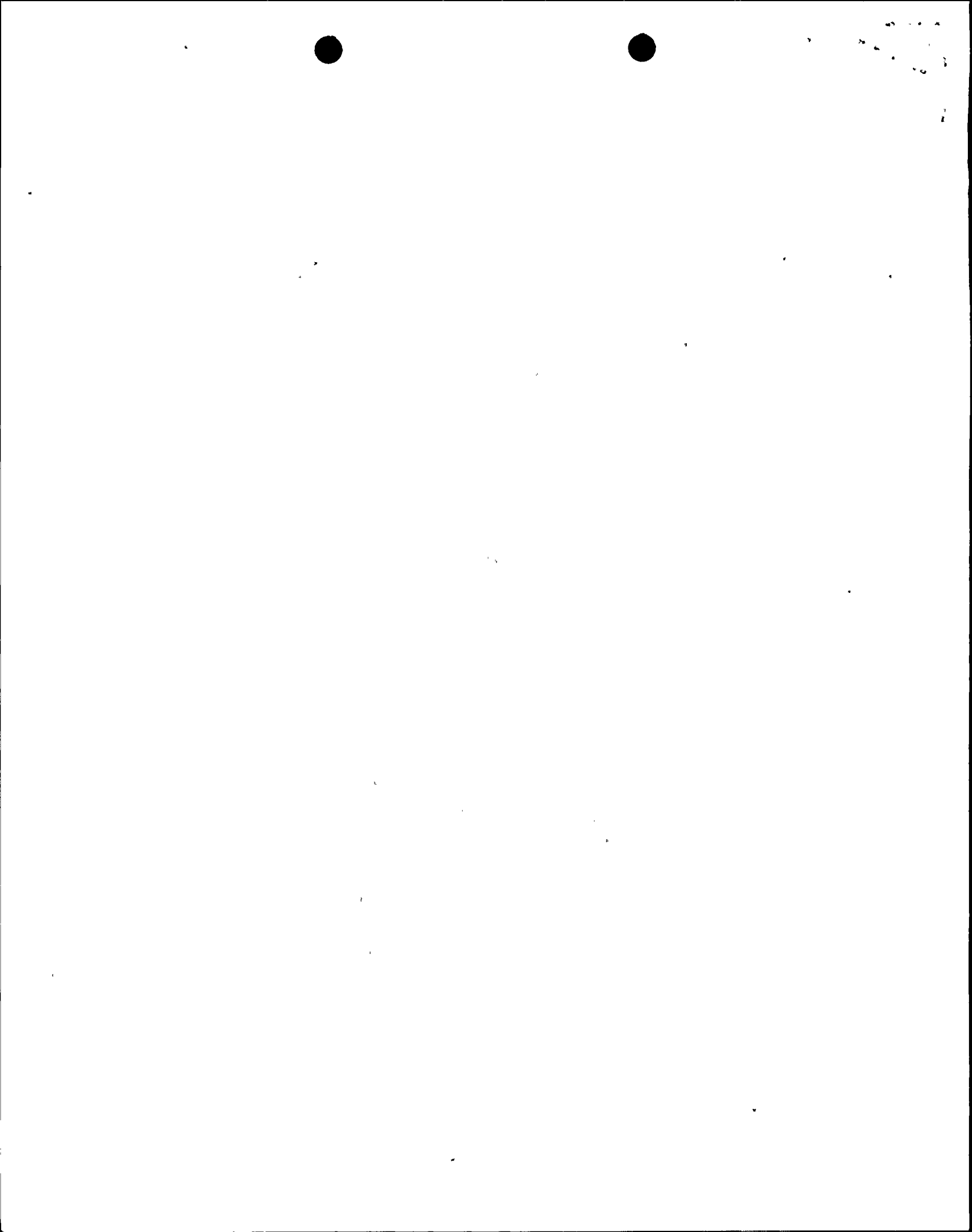
The NRC's Advisory Committee on Reactor Safeguards (ACRS), an independent advisory committee established by the Atomic Energy Act of 1954 that reports to and advises the Commission and that is entirely separate from the NRC staff, concurred in the conclusion that the license condition had been met. The ACRS further concluded that the seismic margins for the plant are adequate and quite comparable to those for other plants in the United States, that the probabilistic risk assessment showed no significant vulnerabilities, and that Diablo Canyon can be operated without undue risk to the health and safety of the public.

The actions the NRC has taken to date with regard to the Diablo Canyon units have been consistent with applicable statutes of this agency, that is, the Atomic Energy Act of 1954 and the National Environmental Policy Act of 1969, and the Commission's regulations implementing those statutes. If you have further questions regarding this matter, please contact me.

Sincerely,



Thomas E. Murley, Director
Office of Nuclear Reactor Regulation



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Sincerely,

Original signed by:
James G. Partlow

for Thomas E. Murley, Director
Office of Nuclear Reactor Regulation

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*See previous concurrence

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OFC	AD45/DRPW	D/DRPW	ADP/NRR	DD/NRR	D/NRR	
NAME	EAdensam	JRo ^e	JPartlow <i>JP</i>	FMiraglia <i>FM</i>	TMurley <i>TM</i>	
DATE	6/9/93	6/9/93	6/10/93	6/10/93	6/10/93	



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March 23, 1993

DOCKET NO(S) 50-275 and 50-323,
 50-206, 50-362 and 50-361,
 50-528, 50-529 and 50-530
 50-397

TO THE ATTACHED ADDRESSEES

SUBJECT: DIABLO CANYON, SAN ONOFRE, WNP-2, PALO VERDE

The following documents concerning our review of the subject facility are transmitted for your information.

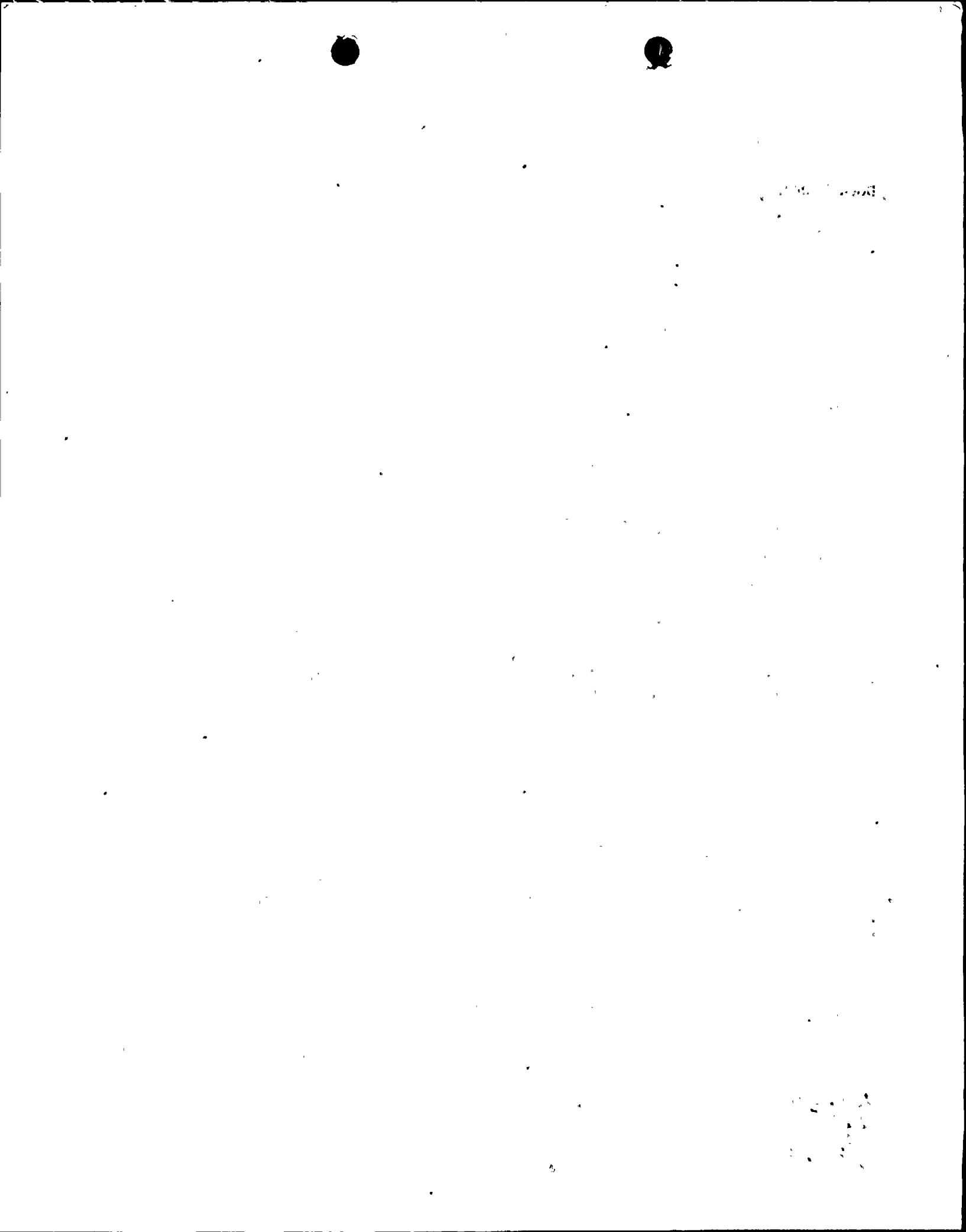
	DESCRIPTION OF DOCUMENT	DATED
✓	Notice of Receipt of Application	
	Draft/Final Environmental Statement	
	Notice of Availability of Draft/Final Environmental Statement	
	Safety Evaluation Report, or Supplement No. _____	
	Environmental Assessment and Finding of No Significant Impact	
	Notice of Issuance of Environmental Assessment	
	Notice of Consideration of Issuance of Facility Operating License or Amendment to Facility Operating License	
	Biweekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Conditions See Page(s) _____	
	Exemption	
	Construction Permit No. CPPR— _____, Amendment No. _____	
	Facility Operating License No. _____, Amendment No. _____	
	Order	
	Monthly Operating Report for _____ transmitted by Letter	
XX	Annual/Semi-Annual Report: Radioactive Effluent Release Report Annual Summary Rept on Discharge Monitoring at DCPP transmitted by Letter	2/25/93
	Other _____	

Office of Nuclear Reactor Regulation
 Doris J. Foster, PDV

Enclosures:
 As Stated

cc: See next page

OFFICE▶	PDV: LA						
SURNAME▶	Foster						
DATE▶	3/23/93						



March 23, 1993

DOCKET NO(S) 50-275 and 50-323,
 50-361 and 50-362, 50-397,
 50-528, 50-529 and 50-530

TO THE ATTACHED ADDRESSEES

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	Exemption	
	Construction Permit No. CPPR- _____, Amendment No. _____	
	Facility Operating License No. _____, Amendment No. _____	
	Order	
XX	Monthly Operating Report for <u>JANUARY AND FEBRUARY 1993</u> transmitted by Letter.	
	Annual/Semi-Annual Report: _____ transmitted by Letter	
XX	Other <u>NPDES NONCOMPLIANCE NOTIFICATION FOR DIABLO CANYON</u>	2/12/93

Office of Nuclear Reactor Regulation
 Doris J. Foster, PDV

Enclosures:
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cc: See next page

OFFICE▶	PDV:LA					
SURNAME▶	D. Foster					
DATE▶	3/23/93					



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