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 50-323 Diablo Canyon Nuclear Power Plant, Unit 2, Pacific Ga 05000323  
 AUTH. NAME AUTHOR AFFILIATION  
 CRANE, P.A. Pacific Gas & Electric Co.  
 RECIP. NAME: RECIPIENT AFFILIATION  
 TEDESCO, R.L. Assistant Director for Licensing

SUBJECT: Forwards comments on environ protection plan for inclusion  
 in App B, full power OL & comments on US Fish & Wildlife Svc  
 810619 rept re eight recommended field monitoring  
 activities, per 810630 request.

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NOTES: 1 cy: J Hanchett (Region V) 05000275  
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# PACIFIC GAS AND ELECTRIC COMPANY

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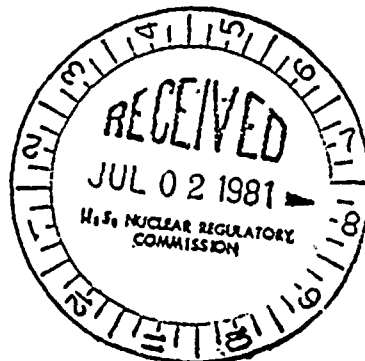
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Mr. Robert L. Tedesco  
Assistant Director of Licensing  
Division of Licensing  
Office of Nuclear Reactor Regulation  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Re: Docket No. 50-275  
Docket No. 50-323  
Diablo Canyon Units 1 and 2



Dear Mr. Tedesco:

In response to your letter of May 28, 1981, attached are PGandE's comments to Enclosure 1 to your draft of the Environmental Protection Plan (EPP) for inclusion in the Diablo Canyon Full Power Operating License, and to Enclosure 2, the U. S. Fish and Wildlife Service (FWS) eight recommended activities.

Kindly acknowledge receipt of this material on the enclosed copy of this letter and return it to me in the enclosed addressed envelope.

Very truly yours,

*Philip A. Crane, Jr.*  
for Philip A. Crane, Jr.

Attachments

CC w/attachments: Service List

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Attachment 1

PGandE's SPECIFIC COMMENTS ON THE DCP  
ENVIRONMENTAL PROTECTION PLAN  
(Appendix B, Full Power Operating License)

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Section 1.0 Objectives of the Environmental Protection Plan (EPP)

No comments.

Section 2.0 Environmental Protection Issues

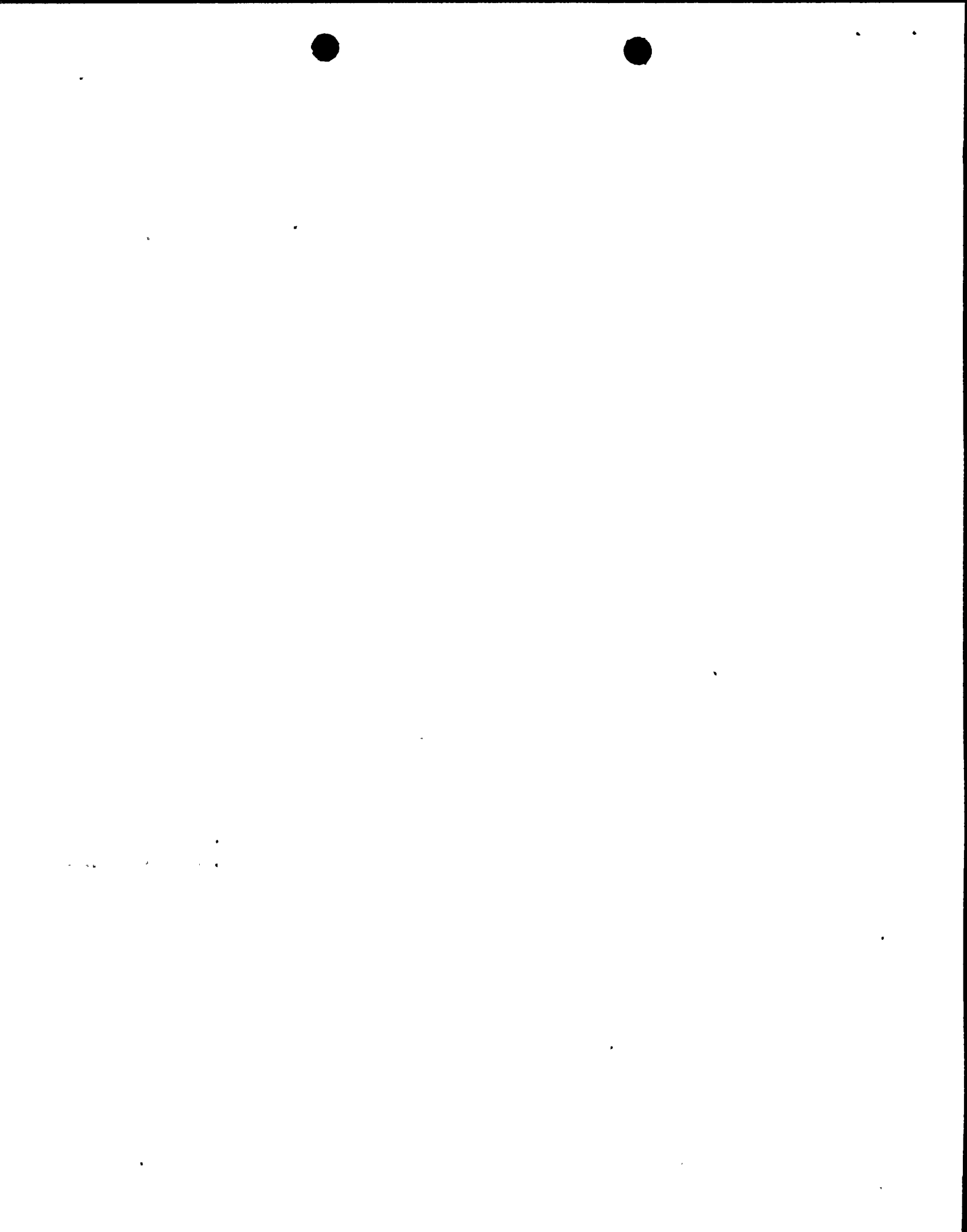
Line 4:

"... the environment from the operation of the  
Diablo Canyon Nuclear Generating..."

Comment:

Line 4 should be revised to read:

"... the environment during the operation of  
the Diablo Canyon Nuclear Generating..."



2.1 Aquatic Issues

2.1(1) The need to control the release of chlorine and study its effects on marine life (FES-OL Section 3.5, 5.3, 6.3, 12.3, and 13.3)

Comment

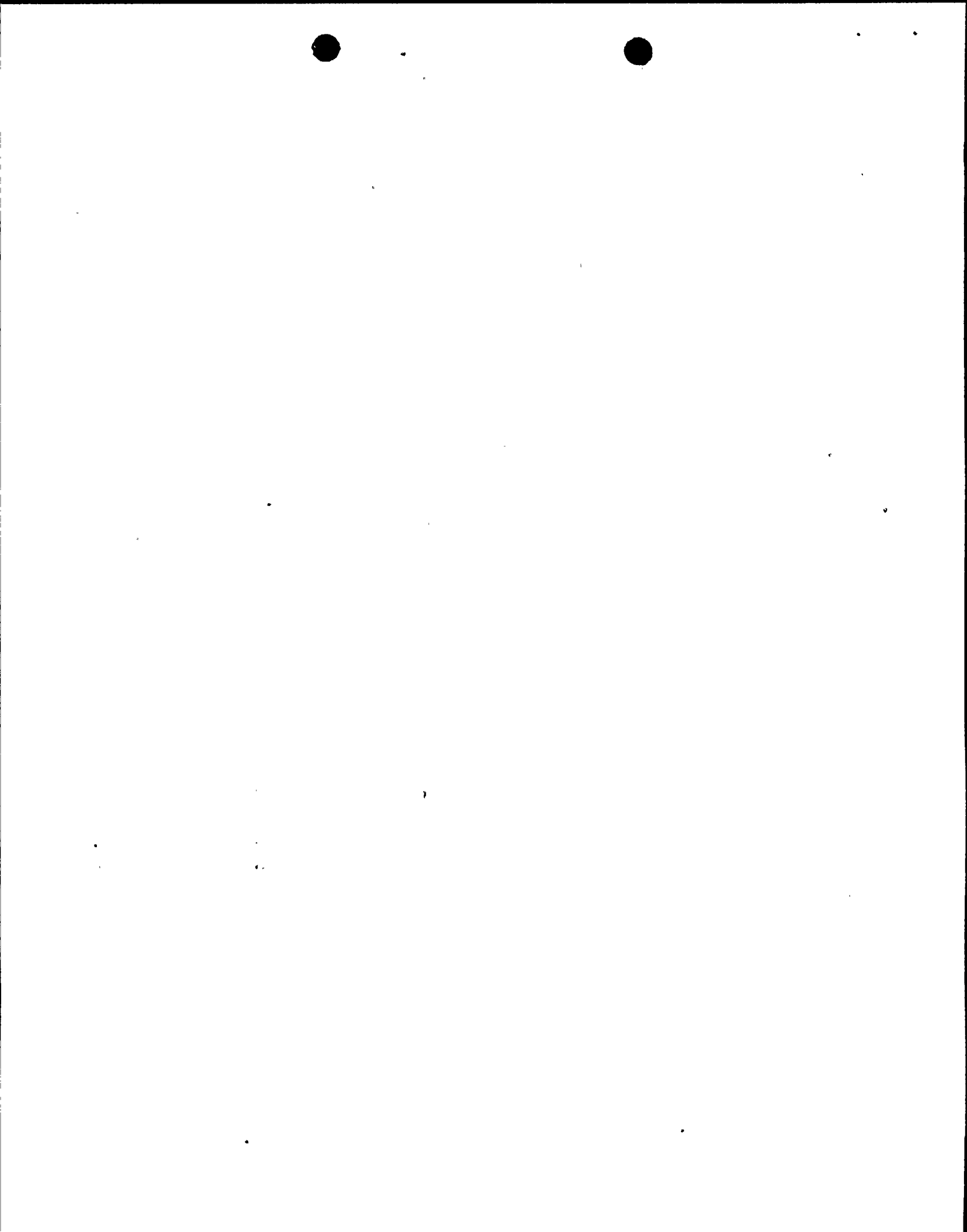
This issue is addressed in PGandE's Department of Engineering (DER) Reports Nos. 7846.7-76 and 7846.12-76 for studies on the effects of chlorine on marine species indigenous to Diablo Cove. Both of these reports are included in PGandE's Environmental Investigation at Diablo Canyon 1975-77.

2.1(2) No comment.

2.1(3) No comment.

2.1 Last paragraph:

Aquatic issues are addressed by the effluent limitations, monitoring requirements and the Section 316(a) and (b) demonstration requirements contained in the NPDES permit issued by California Regional Water Control Board. The NRC will rely





on this agency for resolution of the issues involving water quality and aquatic biota.

Comment:

This paragraph should be revised to read:

Aquatic issues are now addressed by the effluent limitations, monitoring requirements, and the Section 316 (a) and (b) demonstration requirements contained in the NPDES permit issued by the California Regional Water Quality Control Board. The NPDES permit includes applicable requirements of the State Water Resources Control Board Ocean Plan\* and Thermal Plan.\*\* The NRC will rely on this agency for resolution of the issues involving water quality and aquatic biota.

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\* "Ocean Plan" is an abbreviation for the Water Quality Control Plan for Ocean Waters of California.

\*\*"Thermal Plan" is an abbreviation for the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California.



- 2.1(4) The continuation of preoperation monitoring studies on .  
intertidal and subtidal biota particularly bull kelp and abalone  
during operation (FES-OL Sections 3.5 and 6.0; Addendum Section  
5.3 ASLB, p. 98)

Comment:

Data are being collected to meet this requirement by California  
Department of Fish and Game and Clean Water Act Section 316(a)  
demonstration studies.

- 2.1.(5) The need for special studies to document levels of intake  
entrainment on eggs and larvae of fish and abalone and  
impingement on fish and invertebrates. (FES-OL Sections 5.3 and  
6.2; Addendum Sections 5.3 and 5.4; ASLB p. 97)

Comment:

A 15-month study, extending from March 1974 through May 1975,  
was conducted to describe the seasonal distribution and  
densities of local larval fish, zooplankton, phytoplankton, and  
fish eggs in the waters adjacent to Diablo Canyon. The results  
were reported in PGandE's DER Report Nos. 7846-75 and 7846.13-76  
and submitted to the NRC in 1976. The report was also the basis



for a technical paper published in the Transactions of the American Fisheries Society in March 1978 by two PGandE biologists, J. W. Icanberry and J. W. Warrick. Information on intake screen impingement rates of small fish is presented in PGandE's DER Report No. 411-78.134. This report describes nine months of preoperational impingement sampling.

2.2 Terrestrial Issues

2.2(1) No comment.

2.2(2) No comment.

2.2(3) The need to preserve a shell midden of archeological significance on the Diablo Canyon Plant site and provide access to the site by local Indians. (ASLB Hearing Transcript, pp. 3424-3442 and pp. 3361-3369)



Comment:

The addition of the phrase "...and provide access to the site by local Indians" Terrestrial Issue (3) is not appropriate for inclusion within the DCPD Environmental Protection Plan. A detailed discussion is presented in the following Subsection 4.2.2 - Preservation of Archaeological Resources Requirements.

This paragraph should read:

The need to preserve a shell midden of archaeological significance on the Diablo Canyon Plant site. (ASLB Hearing Transcript, pp. 3424-3442).

Section 3.0 Consistency Requirements

3.1 No comment.

3.2 No comment.

3.3 No comment.

Section 4.0 Environmental Conditions





4.1

#### Unusual or Important Environmental Events

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact casually related to station operation shall be recorded and promptly reported to the NRC within 24 hours by telephone, telegraph, or facsimile transmissions followed by a written report within 30 days, as specified in Subsection 4.5.2.

Comment:

Revise the first sentence of Subsection 4.1 to read:

Any occurrence of an unusual or important event that indicates or could result in significant environmental impact, after determination that the cause is related to station operation, shall be recorded and promptly reported to the NRC within 24 hours by telephone, telegraph, or facsimile transmissions followed by a written report within 30 days, as specified in Subsection 5.4.2.



Comment:

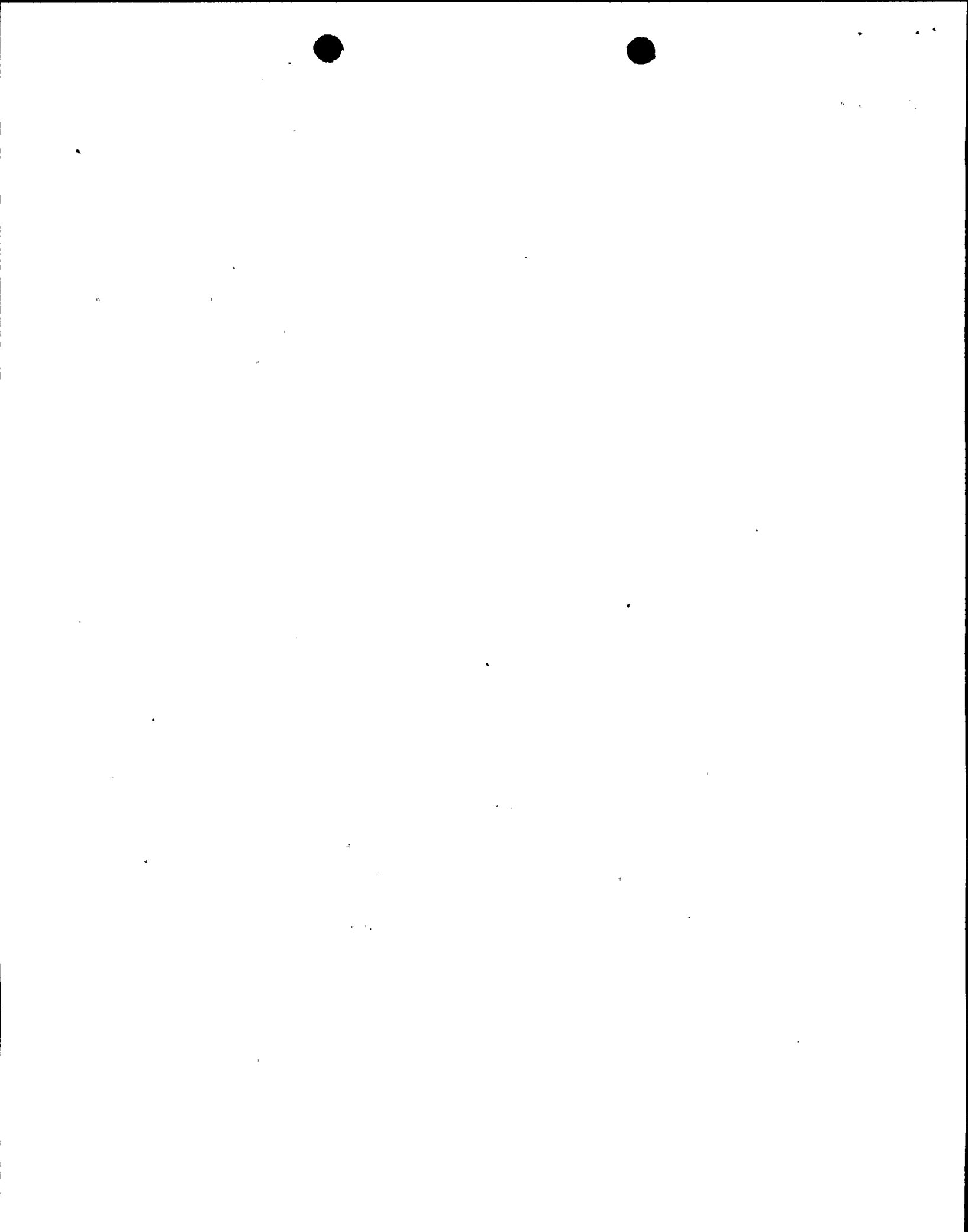
Revise "Subsection 4.5.2" to read "Subsection 5.4.2."

4.2.1 No comment.

4.2.2 Preservation of Archaeological Resources Requirements

Comment:

The provisions of this Section were first proposed by PGandE in the form of Appendix D to the draft Archaeological Resources Management Plan submitted by the Company to the NRC on April 7, 1980. The Archaeological Resources Management Plan (the Plan) was developed as a result of discussions with the California State Office of Historic Preservation and the staff of the Nuclear Regulatory Commission to ensure that archaeological resources present at the identified archaeological site designated as SLO-2 (located north of Diablo Canyon Creek) were preserved.



The NRC revision of the environmental technical specification attached to the Archaeological Resources Management Plan changes the focus of the preservation in a number of respects. The first paragraph of revised Section 4.2.2 references submission of the Plan by PGandE to the State Office of Historic Preservation. In fact, the Plan was submitted in draft form to the NRC on April 7, 1980. By agreement, upon approval of the Plan in substantial form the NRC was to submit the Plan for comments and concurrence by the State Office of Historic Preservation. To conform with the fact that the submission was to the NRC and not to the State Office of Historic Preservation; the first paragraph of Section 4.22 should read:

The licensee shall avoid disturbances to the SLO-2 site in accordance with the Archaeological Resources Management Plan submitted to the NRC on April 7, 1980.

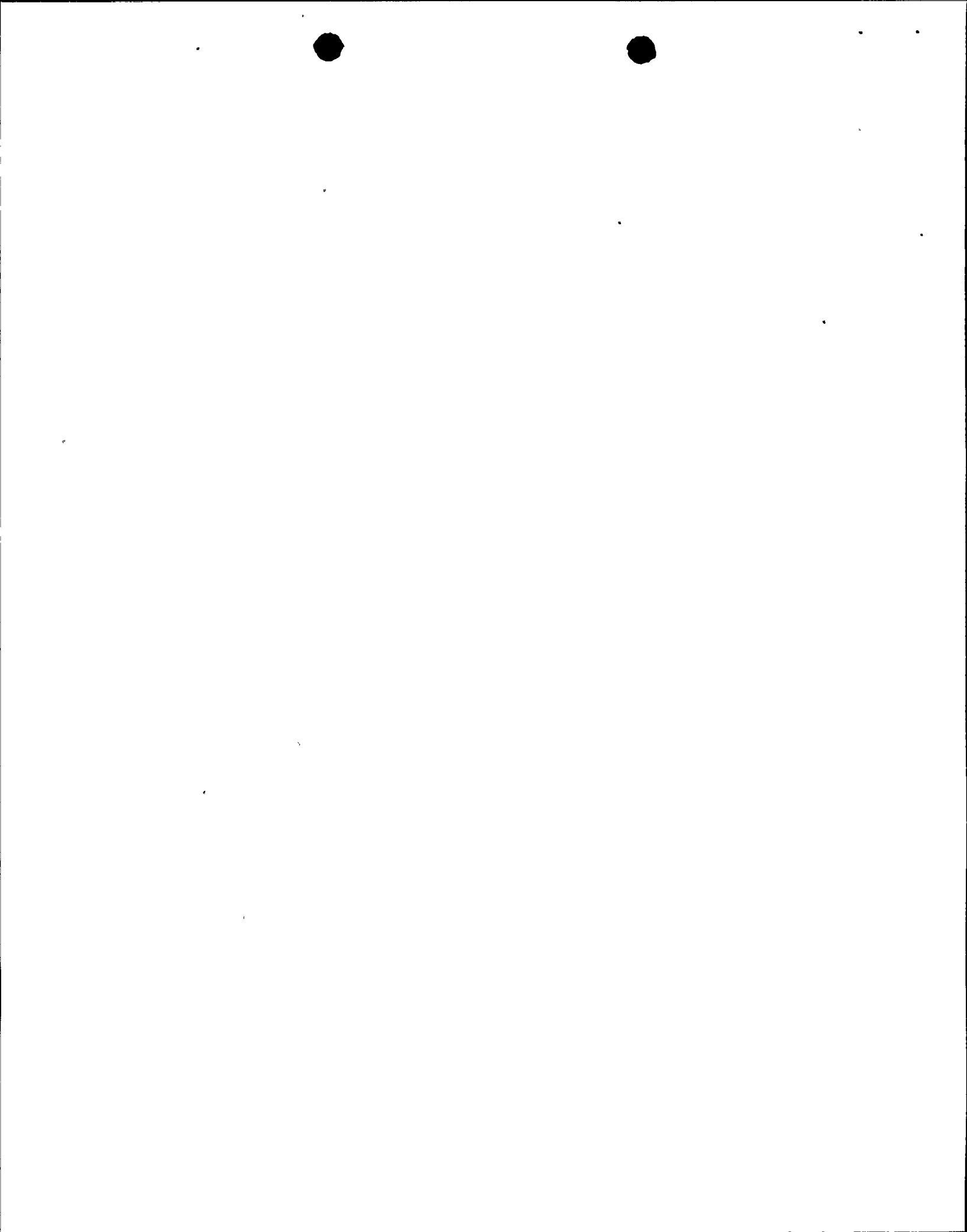
The second paragraph of Section 4.2.2 constitutes an undertaking by PGandE to take certain actions in the event that a disturbance of the SLO-2 site inconsistent with the allowed use under the Plan occurs. The NRC staff has made two modifications to the language proposed by PGandE. In both situations, the modifications are not appropriate and the language originally submitted should be reinserted.



As the second paragraph has been modified by the NRC, PGandE is effectively required to advise the NRC staff in accordance with subsection 5.4.2 in advance of any disturbance of the SLO-2 site inconsistent with the allowed use. This modification is accomplished by substituting the words "be necessary" for the word "occur" in the sentence and the addition of the word "planned" in front of the word "disturbance." Those additions do not appear to be necessary, however, for the reason that PGandE has already undertaken that it will not use the SLO-2 site in a matter inconsistent with the Plan. Further, Section 5.4.2 which concerns the filing of nonroutine reports requires that such reports be submitted to the NRC within 30 days of occurrence of nonroutine events. To be consistent with that section, Section 4.2.2 should be phrased as originally drafted, thereby requiring PGandE to report the occurrence of a nonroutine disturbance. Since PGandE has agreed to abide by the Archaeological Resources Management Plan it does not seem appropriate to phrase the undertaking in a manner which contemplates violations of the Plan.

As an alternative to utilizing the language first proposed by PGandE, it would be acceptable for the second paragraph to read:

Should a disturbance of the SLO-2 site inconsistent with the allowable use of the site under the Archaeological Resources Management Plan be necessary or otherwise occur the licensee shall report the disturbance to the NRC in accordance with Subsection 5.4.2.





Quite apart from modifications to PGandE's proposed preservation language, the addition of the third paragraph to Section 4.2.2 introduces a concept which has not previously been discussed with the NRC and which from PGandE's perspective, is not appropriate for inclusion within the EPP. The third paragraph as proposed by the NRC obligates PGandE to develop a plan for controlled access by the Chumash Indian Tribe to the SLO-2 site for the purpose of engaging in religious activities. The paragraph further requires PGandE to enter into good faith negotiations with the Chumash Indian Tribe in order to develop a plan for such access within one year from the date the license is issued.

Although the question of Indian access has been discussed generally with the NRC in the past, the matter has not been dealt with recently and it was not our understanding that such a provision requiring an access plan would be included within the EPP. Further, we have advised the NRC on several occasions that we believe quite strongly that the NRC is not constitutionally permitted to require a private property owner, as a condition of a federal license, to grant access to third parties in order for those third parties to practice their religious activities on the land controlled or owned by the licensee. The NRC presumably is basing its authority for such a requirement on the American Indian Religious Freedom Act (the Act) passed in 1980 (42 USC 1996). We have researched that particular Act, including the congressional discussion and legislative history accompanying



passage of that Act. We believe that it is clear that Congress did not intend that the Act would be used or could be used by federal agencies to guarantee access to Native Americans on private lands for religious purposes.

In particular, the discussion accompanying passage of the Act made it clear that Congress did not intend that as a result of this Act Native Americans would be accorded any preferential treatment with respect to their religious activities. Clearly under the provision suggested by the NRC that is not the case since PGandE would not be required to enter into good faith negotiations in order to develop a plan of access with respect to any other religious group.

Based on the foregoing and in consideration of the fact that in the past PGandE has indicated a willingness to work with the Chumash in order to develop an access policy but to date has not been requested by the Chumash to do so, we believe that the entire paragraph should be deleted.

Section 5.0 Administrative Procedures

No comment.



Attachment 2

GENERAL COMMENTS ON THE U. S. FISH AND WILDLIFE SERVICE REPORT

Dated June 19, 1981

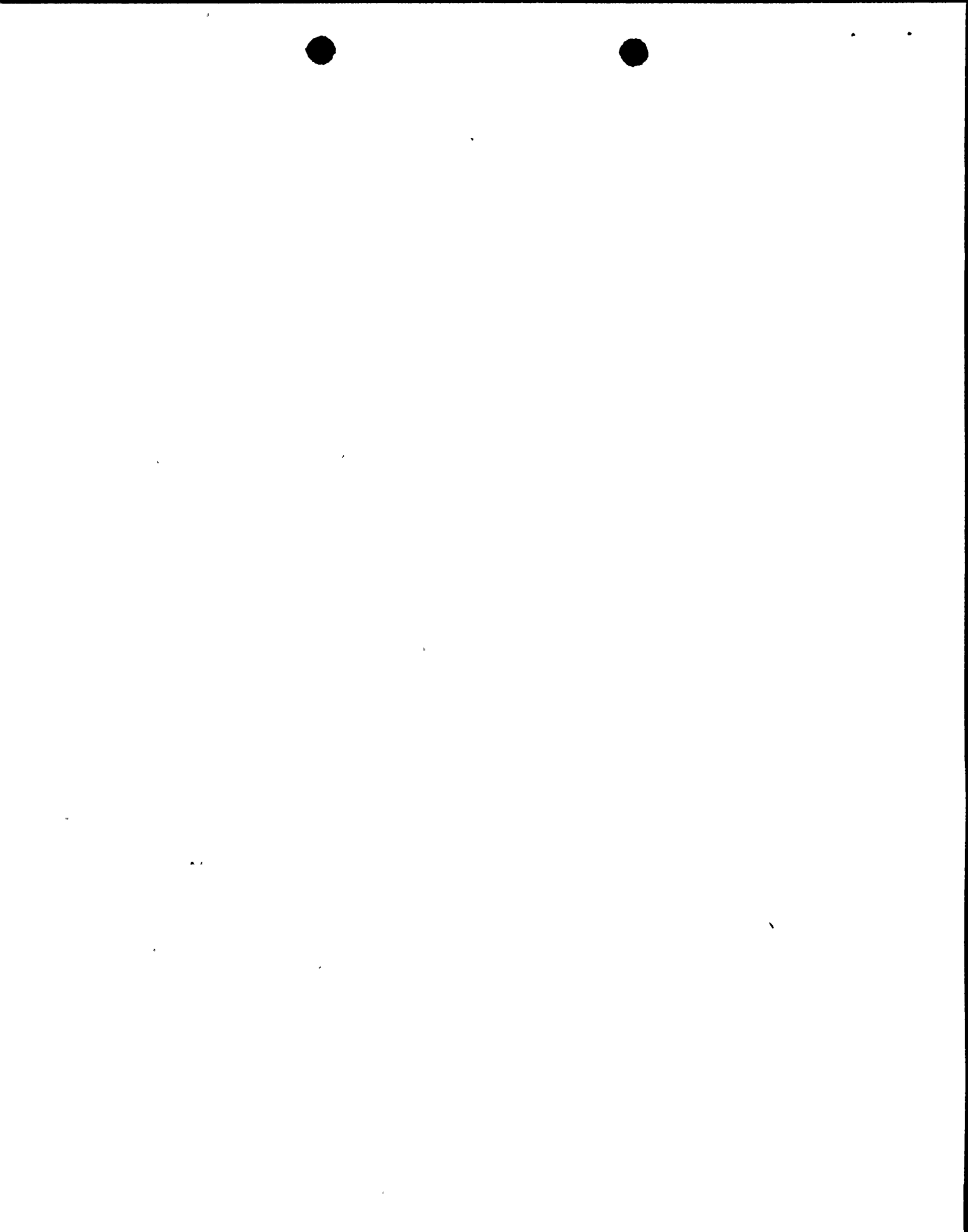
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1.0 General Comments

In response to the Fish and Wildlife Service report regarding four endangered species and eight suggested field monitoring programs, PGandE offers the following general comments followed by program-specific information.

PGandE has always recognized its responsibility in the area of rare and endangered species at the Diablo Canyon Power Plant site and has undertaken studies of marine and terrestrial plant and animal species through the Ecological Science Section of our Department of Engineering Research. With respect to the four species mentioned, PGandE has undertaken studies of the Sea Otter since 1973. In addition it was recently determined that a pair of Peregrine Falcons has been observed in the vicinity of the Diablo Canyon Power Plant and PGandE has established a contract with the Santa Cruz Predatory Bird Research group to study this pair although the female is immature, and it is not expected that the pair will nest this year.

It should also be noted that the DCPD NPDES permit regulates plant non-radiological effluent limitations.



## 2.0 Specific Comments

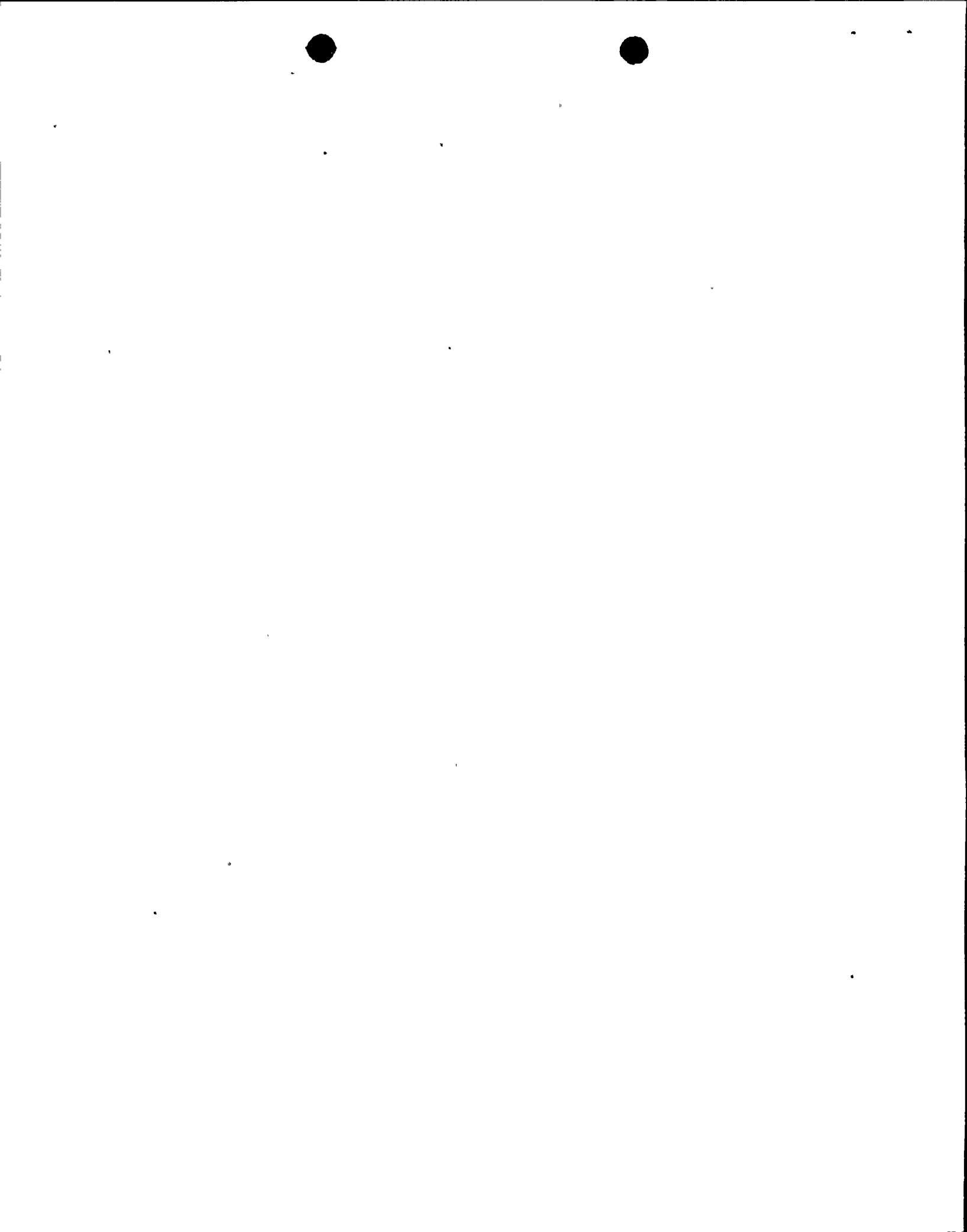
1. Analyze the effluent and content of generated foam and conduct studies on a sample of sea otter fur to determine if there may be any soiling effect or chemical composition that would remove natural oils from sea otter fur.

### Comment:

PGandE's Foam Control Report (1976) which was furnished to you identified the foam resulting from the operation of the Cooling Water System as not chemically different from naturally generated sea foam. Southern sea otters are observed frequently in the vicinity of Diablo Canyon, a surf swept rocky coastline area, having regularly occurring natural foam. We are unaware of any problem with the otter's ability to tolerate natural foam and froth, which is not significantly different from that generated by the plant.

We will continue to review the developing scientific literature on the effects of chemical compounds on marine mammal fur.

2. Monitor dispersion of generated foam and study extent of impact on marine biota, particularly marine flora.





Comment:

A program to study the extent and movement of the foam during Cooling Water System operation is presently underway at Diablo Canyon as a result of Item 3 in the Atomic Safety and Licensing Board (ASLB), June 12, 1978 partial Initial Decision (PID).

3. Monitor discharge of titanium, heavy metals, chlorine, antifoaming agent, oils, and radioactive nuclides.

Comment:

Monitoring requirements listed under Activity 3 are presently included in the self monitoring section of the Diablo Canyon NPDES discharge permit (No. CA0003751), except for titanium, which is not corrosive and very difficult to measure. Additionally, there are no plans for the use of antifoaming agents.

4. Monitor marine environment to determine if discharge (Item 3) is accumulating in local biota or depressing adult survival, reproduction, or survival of larval stages of local biota which subsequently affects a listed species.



Comment:

Accumulation of radioactive nuclides in the intertidal and subtidal marine food chain is being monitored in our radiological monitoring program, established in 1969. A list of marine and terrestrial samples collected and the analyses performed is included in the results of Environmental Radiological Monitoring Procedure (ERMP) which was submitted to the NRC as part of the Standardized Radiological Effluent Technical Specifications (SRETS).

Analyses are regularly forwarded to California Department of Health Services and the NRC.

The effects of power plant effluent on marine food species that may be potential food items of threatened species are being monitored by PGandE funded studies conducted by the California Department of Fish and Game, 316(a) program consultants, and PGandE.

5. Examine the thermal plume (both normal operating plume and the superheated, antifouling plume) for extent of direct and indirect impacts on listed species.



Comment:

Examination of the physical properties of the thermal plume such as extent, direction and magnitude are planned in order to comply with Condition H of the 1976 AEC Final Environmental Statement (FES) Summary and Conclusions and FES Addendum Summary Conclusions. The biological effects on the listed species through impact on food chain organisms will be assessed by the studies of the California Department of Fish and Game and the 316(a) program.

6. Continue sea otter studies such as those conducted by Suzanne Benech who has been studying sea otters in this area since 1973. Someone would be needed who can identify aberrant sea otter behavior that may occur because of plant operation.

Comment:

Observations on the southern sea otter, conducted by Ms. Suzanne W. Benech, have continued since 1973. Similar work, is planned to continue through the operational phase monitoring of the plant.

7. If contaminations are found to be accumulating in the marine biota, study local current patterns to determine extent and severity of contamination relative to listed species.



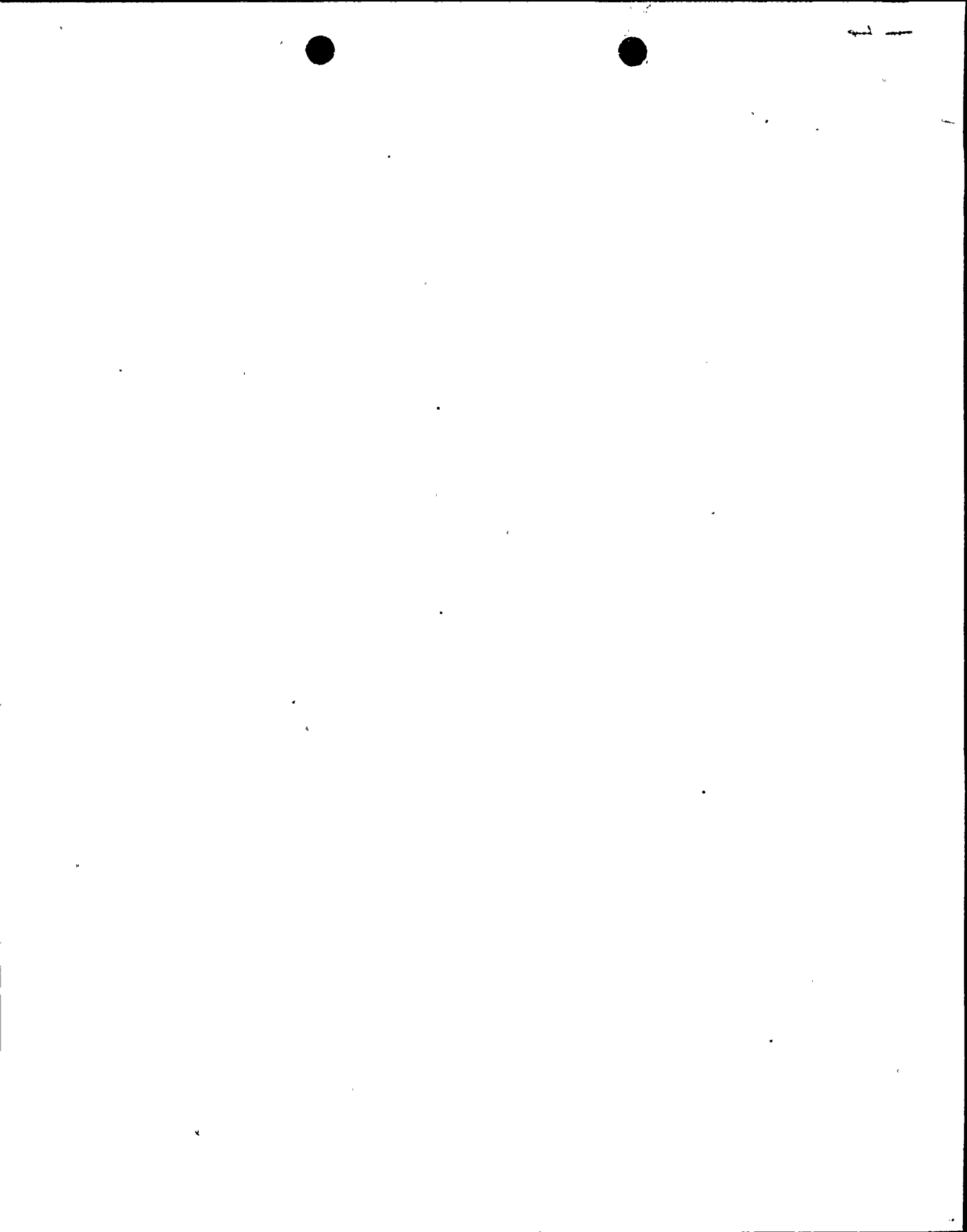
Comments:

Monitoring of levels of radioactive nuclides in selected marine organisms has continued on a quarterly basis since 1969 to comply with California State Department of Health Services and NRC requirements. This program will continue as required in the SRETS and Environmental Radiological Monitoring Procedure (ERMP).

8. If generated foam breaks down and does not extend beyond the local area, consider the practicality of not using an antifoaming agent.

Comments:

There are no plans to use an antifoaming agent at Diablo Canyon.





REGULATORY INFORMATION SYSTEMS (RIDS)

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 AUTH. NAME      AUTHOR AFFILIATION  
 MARTINSON, R.K.      Interior, Dept. of, Fish & Wildlife Service  
 RECIP. NAME      RECIPIENT AFFILIATION  
 REGAN, W.H.      Siting Analysis Branch

SUBJECT: Responds to NRC 800123 ltr requesting consultation per Section 7 of Endangered Species Act of 1973 re effects of facility operation on five endangered species. Operation not likely to jeopardize species. Recommends monitoring.

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