

PACIFIC GAS AND ELECTRIC COMPANY

PG&E +

77 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94106
P. O. BOX 7442, SAN FRANCISCO, CALIFORNIA 94120

TELEPHONE (415) 781-4211
TELECOPIER (415) 543-7813

ROBERT OHLBACH
VICE PRESIDENT AND GENERAL ATTORNEY

CHARLES T. VAN DEUSEN
PHILIP A. CRANE, JR.
HENRY J. L&PLANTE
JOHN B. GIBSON
ARTHUR L. HILLMAN, JR.
CHARLES W. THISSELL
DANIEL E. GIBSON
JACK F. FALLIN, JR.
JOSEPH I. KELLY
HOWARD V. GOLUB
GLENN WEST, JR.
ASSISTANT GENERAL COUNSEL

GILBERT L. HARRIS
DAN GRAYSON LUBROCK
JAMES D. LORSON
ROBERT L. BORDON
PETER W. HANSEN
RICHARD F. LOKKE
DAVID L. LUDVIGSON
WILLIAM H. EDWARDS
J. MICHAEL BYDENBACH
IVOR E. SAMSON
SHIRLEY A. WOOD
PATRICK S. GOLDEN
RICHARD H. MOSS
LOUIS E. VINCENT

SENIOR COUNSEL

EDWARD J. McGANNEY
BERNARD J. DELLA SANTA
JOSHUA BARLEY
JOSEPH S. ENGLERT, JR.
ROBERT L. HARRIS
DOUGLAS A. GLEESBY
J. PETER BAUMGARTNER
JOHN N. FAYE
ROBERT R. WICKETT
DAVID J. WILLIAMSON
BRUCE R. WORTHINGTON
RICHARD L. WEISS
JACK W. SHUCK

DAVID W. ANDERSON
CRAIG M. BUCHERBAUM
LEIGH S. CARRIDI
ALDEY A. DAINES
DONALD D. ERICKSON
DAVID E. GILBERT
STEVEN F. GREENWALD
RICHARD C. JONES
HARRY W. LONG, JR.
JOHN R. LOW
ROBERT B. McLENNAN
ROGER J. PETERS
JO ANN SHAFER

IATHAN T. ANNAND
STEVEN P. BURKE
PAMELA CHARPPELL
GARY P. ENCINAS
DAVID M. FLEISCH
DAIL A. GREELY
JUAN M. JAYO
MEREX C. LIPSON
JESSICA LORING
A. KIRK MCKENZIE
KENNETH D. OLSON
SHIRLEY A. SANDERSON
KENNETH TAND

ATTORNEYS
DOCKETED
USNRC

'82 NOV -1 A11:27

October 28, 1982

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

33

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Attention: Docketing and Service Branch

Re: Deviation from License Conditions and
Technical Specifications in an Emergency

DOCKET NUMBER PR-50
PROPOSED RULE

(47 FR 35996)

Dear Sir:

Pacific Gas and Electric Company is pleased to comment on the proposed rule for "Applicability of License Conditions and Technical Specifications in an Emergency" in the Federal Register of August 18, 1982 (47 FR 35996).

Very truly yours,

Philip A. Crane

Enclosure

*DS10
add: Charles Trammell
428 Phil*

11/4/82 emp
Acknowledged by card

8211060377 821028
PDR PR
50 47FR35996 PDR

ENCLOSURE

PGandE Comments on Proposed Rule,
"Applicability of License Conditions and
Technical Specifications in an Emergency"

PGandE supports the proposed rule change which recognizes the potential need for the licensee to deviate from the license or technical specifications in emergency situations in order to better protect public health and safety. The rule is written in general terms to cover unanticipated situations which may arise. Any attempt to define and limit the situations during which departure from license requirements would be permitted may limit operator action and restrain the operator's ability to protect the public. Therefore we do agree that in emergency situations it is wise to permit the flexibility provided in the proposed rule.

The rule appropriately does not provide the NRC Staff with guidance for determining if enforcement action against the licensee is warranted after the licensee has invoked the rule. We believe the lack of such guidance is certainly justified considering the general nature of the rule. Just as the licensee will determine the need to evoke this rule on a case by case basis, the NRC will similarly need to evaluate if enforcement action is appropriate. The licensee report, as may be required by the NRC following use of the rule, will provide the NRC Staff with the basis for their determination.

Regarding the "Additional Comments of Commissioner Gilinsky," we agree with the proposed rule which provides that the licensed operator shall, as a minimum, obtain concurrence of a licensed Senior Reactor Operator (SRO) prior to taking action contrary to the license. We interpret this provision to mean that concurrence may be obtained from any SRO on shift.