



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

September 11, 2020

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

SUBJECT: DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2 - ISSUANCE
OF AMENDMENT NOS. 237 AND 239 TO RELOCATE TECHNICAL
SPECIFICATION 5.3, "UNIT STAFF QUALIFICATIONS," TO THE UPDATED
FINAL SAFETY ANALYSIS REPORT (EPID L-2019-LLA-0268)

Dear Mr. Welsch:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has issued the enclosed Amendment No. 237 to Facility Operating License No. DPR-80 and Amendment No. 239 to Facility Operating License No. DPR-82 for the Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon), respectively. The amendments consist of changes to the technical specifications (TSs) in response to your application dated December 5, 2019.

The amendments relocate Diablo Canyon TS 5.3, "Unit Staff Qualifications," to the Diablo Canyon Updated Final Safety Analysis Report.

A copy of the related Safety Evaluation is enclosed. The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/RA/

Samson S. Lee, Project Manager
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

Enclosures:

1. Amendment No. 237 to DPR-80
2. Amendment No. 239 to DPR-82
3. Safety Evaluation

cc: Listserv



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PACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-275

DIABLO CANYON NUCLEAR POWER PLANT, UNIT 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 237
License No. DPR-80

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Pacific Gas and Electric Company (the licensee), dated December 5, 2019, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-80 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 237 are hereby incorporated in the license. Pacific Gas & Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan, except where otherwise stated in specific license conditions.

3. This license amendment is effective as of its date of issuance and shall be implemented within 120 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Jennifer L. Dixon-Herrity, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Facility
Operating License No. DPR-80
and Technical Specifications

Date of Issuance: September 11, 2020



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

PACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-323

DIABLO CANYON NUCLEAR POWER PLANT, UNIT 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 239
License No. DPR-82

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Pacific Gas and Electric Company (the licensee), dated December 5, 2019, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-82 is hereby amended to read as follows:

- (2) Technical Specifications (SSER 32, Section 8)* and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 239, are hereby incorporated in the license. Pacific Gas & Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan, except where otherwise stated in specific license conditions.

3. This license amendment is effective as of its date of issuance and shall be implemented within 120 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

Jennifer L. Dixon-Herrity, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Facility
Operating License No. DPR-82
and Technical Specifications

Date of Issuance: September 11, 2020

ATTACHMENT TO LICENSE AMENDMENT NO. 237
TO FACILITY OPERATING LICENSE NO. DPR-80
AND LICENSE AMENDMENT NO. 239 TO FACILITY OPERATING LICENSE NO. DPR-82
DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2
DOCKET NOS. 50-275 AND 50-323

Replace the following pages of the Facility Operating License Nos. DPR-80 and DPR-82, and Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Facility Operating License No. DPR-80

REMOVE
-3-

INSERT
-3-

Facility Operating License No. DPR-82

REMOVE
-3-

INSERT
-3-

Technical Specifications

REMOVE
5.0-4

INSERT
5.0-4

- (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
- (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This License shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The Pacific Gas and Electric Company is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100% rated power) in accordance with the conditions specified herein.

(2) Technical Specifications

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 237 are hereby incorporated in the license. Pacific Gas & Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan, except where otherwise stated in specific license conditions.

(3) Initial Test Program

The Pacific Gas and Electric Company shall conduct the post-fuel-loading initial test program (set forth in Section 14 of Pacific Gas and Electric Company's Final Safety Analysis Report, as amended), without making any major modifications of this program unless modifications have been identified and have received prior NRC approval. Major modifications are defined as:

- a. Elimination of any test identified in Section 14 of PG&E's Final Safety Analysis Report as amended as being essential;

- (4) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration or associated with radioactive apparatus or components; and
 - (5) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This License shall be deemed to contain and is subject to the conditions specified in the Commission's regulations set forth in 10 CFR Chapter I and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
 - (1) Maximum Power Level

The Pacific Gas and Electric Company is authorized to operate the facility at reactor core power levels not in excess of 3411 megawatts thermal (100% rated power) in accordance with the conditions specified herein.
 - (2) Technical Specifications (SSER 32, Section 8)* and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, as revised through Amendment No. 239, are hereby incorporated in the license. Pacific Gas & Electric Company shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan, except where otherwise stated in specific license conditions.
 - (3) Initial Test Program (SSER 31, Section 4.4.1)

Any changes to the Initial Test Program described in Section 14 of the FSAR made in accordance with the provisions of 10 CFR 50.59 shall be reported in accordance with 50.59(b) within one month of such change.

*The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report and/or its supplements wherein the license condition is discussed.

5.0 ADMINISTRATIVE CONTROLS

5.3 Unit Staff Qualifications

- 5.3.1 Each member of the plant staff shall meet or exceed the minimum qualifications referenced for comparable positions as specified in the updated FSAR, Chapter 17, Quality Assurance.
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 237 TO FACILITY OPERATING LICENSE NO. DPR-80
AND AMENDMENT NO.239 TO FACILITY OPERATING LICENSE NO. DPR-82
PACIFIC GAS AND ELECTRIC COMPANY
DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2
DOCKET NOS. 50-275 AND 50-323

1.0 INTRODUCTION

By application dated December 5, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19339F388), Pacific Gas and Electric Company (the licensee) requested changes to the Technical Specifications (TSs) for the Diablo Canyon Nuclear Power Plant (Diablo Canyon), Units 1 and 2.

The amendments would relocate TS 5.3, "Unit Staff Qualifications," to Chapter 17, "Quality Assurance," of the Diablo Canyon Updated Final Safety Analysis Report (UFSAR) (ADAMS Accession No. ML19231A071). The licensee has stated that moving TS 5.3 to the Diablo Canyon UFSAR will provide flexibility in adopting updated U.S. Nuclear Regulatory Commission (NRC or the Commission)-endorsed standards and will eliminate the need for future license amendments for each specific position. This is consistent with the guidance contained in the NRC's Administrative Letter (AL) 95-06, "Relocation of Technical Specification Administrative Controls Related to Quality Assurance," dated December 12, 1995 (ADAMS Accession No. ML031110271).

2.0 REGULATORY EVALUATION

2.1 Licensee Proposed Changes

TS 5.3 specifies the qualification requirements for plant staff at Diablo Canyon. Specifically, the proposed changes would relocate the TS personnel qualification requirements of the American National Standards Institute (ANSI) N18.1-1971, "Selection and Training of Nuclear Power Plant Personnel," and the ANSI/American Nuclear Society (ANS) 3.1-1978, "Selection and Training of Nuclear Power Plant Personnel," from the Diablo Canyon TS to the Diablo Canyon UFSAR Chapter 17, consistent with AL 95-06. The licensee did not consider the changes to be a reduction in commitment and submitted the request for NRC review and approval in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.90, "Application for amendment of license, construction permit, or early site permit." The proposed changes are intended to relocate these requirements in order to standardize the licensee's fleet personnel

qualifications and eliminate future license amendment requests (LARs) due only to upgrades to future revisions to the ANSI/ANS 3.1 standard and Regulatory Guide (RG) 1.8, "Qualification and Training of Personnel for Nuclear Power Plants."

2.2 Regulatory Requirements

The regulatory requirements that the NRC staff considered in its review of the LAR are as follows:

- Section (c)(5), "Administrative controls," of 10 CFR Part 50, "Technical specifications," provides the requirements for the content of the administrative controls necessary to ensure safe operation of the facility.
- The regulations in 10 CFR 50.54(a) set forth the regulatory requirements regarding changes to Quality Assurance Programs.
- The regulations in 10 CFR 50.59, "Changes, tests and experiments," establish the conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior NRC approval.
- The regulations in 10 CFR 50.120, "Training and qualification of nuclear power plant personnel," require training and qualification for personnel to operate and maintain the facility in a safe manner in all modes of operation.
- The regulations in 10 CFR Part 50, Appendix B "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," set forth the regulatory requirements for quality assurance programs.

2.3 Regulatory Guidance

The regulatory guidance that the NRC staff considered in its review of the LAR are as follows:

- RG 1.8, Revision 4, dated June 2019 (ADAMS Accession No. ML19101A395), describes methods acceptable to the NRC staff for complying with those portions of the Commission's regulations regarding the training and qualifications of nuclear power plant personnel.
- AL 95-06, provides guidance to the NRC staff for relocating requirements from the administrative controls section of TSs in cases where adequate controls are provided by other methods. AL 95-06 states the following: "The relocation of technical specification requirements in cases where adequate controls are provided by such other methods can reduce the resources spent by licensees and the U.S. Nuclear Regulatory Commission staff in preparing and reviewing license amendment requests."
- NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR [Light-Water Reactor] Edition," Chapter 13, "Conduct of Operations," Section 13.2.2, "Non-Licensed Plant Staff Training," Revision 4, dated August 2016 (ADAMS Accession No. ML15006A129), provides guidance to the NRC staff for reviewing training programs for non-licensed plant staff.

3.0 TECHNICAL EVALUATION

In the letter dated December 5, 2019, the licensee submitted a request for NRC review and approval to relocate personnel training and qualification from the Diablo Canyon TSs to Chapter 17 of the Diablo Canyon UFSAR in accordance with the provisions of 10 CFR 50.90. The language from the current TS 5.3 (TS 5.3.1a, b, c, and 5.3.2) will be removed and relocated to a new section, Section 17.2.5, "Selection and Training of Nuclear Power Plant Personnel," within Chapter 17 of the UFSAR with no alterations. The licensee did not consider the request to be a reduction in commitment. Future changes to the UFSAR staff qualifications requirements will be controlled under the 10 CFR 50.59 evaluation process and the Diablo Canyon training programs. The licensee stated that the Diablo Canyon training programs have a systems approach to training required by 10 CFR 50.120.

In evaluating the adequacy of the TS relocation, the NRC staff considered the requirements of 10 CFR 50.36 and 10 CFR 50.120, and used the guidance contained in AL 95-06. As mentioned in AL 95-06, the 10 CFR 50.54(a) change control process requires prior NRC review and approval of a reduction in commitment contained in the quality assurance plan, and AL 95-06 notes that moving requirements to licensee-controlled documents and programs such as the UFSAR is a logical candidate for such relocations due to the controls imposed on the quality assurance program by regulations such as Appendix B to 10 CFR Part 50 and 10 CFR 50.54(a).

Since the requirements are relocated without any change or reduction in commitment, the NRC staff determined that the existing guidance in RG 1.8, Revision 4, and the requirements of 10 CFR 50.36 and 50.120 continued to be met.

The licensee's LAR was similar to a license amendment that the NRC staff approved for Tennessee Valley Authority's Browns Ferry Nuclear Plant and Sequoyah Nuclear Plant (ADAMS Accession No. ML17034A360), as well as previously for the Zion Nuclear Power Station (ADAMS Accession No. ML14295A716) and multiple other plants citing AL 95-06. Each of those relocations of the administrative TS was determined to be acceptable by the NRC staff in a safety evaluation.

The NRC staff has determined that the relocation of the administrative TS requirements for Diablo Canyon Units 1 and 2 is not a reduction in commitment and is consistent with the guidance in AL 95-06 and with NRC staff safety evaluation precedents. Any future changes to the relocated requirements in the UFSAR that involve a reduction in commitment will require review and approval by the NRC staff in accordance with 10 CFR 50.54(a)(4).

The NRC staff reviewed the licensee's analysis provided in the letter dated December 5, 2019 and finds that the training and personnel qualification standards are unchanged by the relocation from the TSs to the UFSAR, and the 10 CFR 50.54(a) change control process requires prior NRC review and approval of a reduction in commitment contained in the quality assurance plan. Based on these findings, the NRC staff concludes that there is reasonable assurance that the requirements of 10 CFR 50.36 and 10 CFR 50.120 will continue to be met. Therefore, the NRC staff finds the proposed change is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the California State official was notified of the proposed issuance of the amendments on July 23, 2020. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change requirements with respect to the installation or use of facility components located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, published in the *Federal Register* on January 28, 2020 (85 FR 5054), and there has been no public comment on such finding. Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributors: D. Ki
A. Armstrong
C. Tilton

Date: September 11, 2020

SUBJECT: DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2 - ISSUANCE OF AMENDMENT NOS. 237 AND 239 TO RELOCATE TECHNICAL SPECIFICATION 5.3, "UNIT STAFF QUALIFICATIONS," TO THE UPDATED FINAL SAFETY ANALYSIS REPORT (EPID L-2019-LLA-0268) DATED SEPTEMBER 11, 2020

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ADAMS Accession No. ML20218A276

***by e-mail**

****by memo**

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