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PG&E Letter DCL-22-058

ATTN: Document Control Desk  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Diablo Canyon Units 1 and 2  
Docket No. 50-275, OL-DPR-80  
Docket No. 50-323, OL-DPR-82  
Responses to NRC Requests for Additional Information on LAR 20-03, Proposed  
Technical Specifications and Revised License Conditions for the Permanently  
Defueled Condition

Reference:

1. PG&E Letter DCL-20-092, License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated December 3, 2020 (ML20338A546)
2. PG&E Letter DCL-21-019, Supplement to License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated April 1, 2021 (ML21091A069)
3. PG&E Letter DCL-21-040, Responses to NRC Requests for Additional Information on LAR 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated May 13, 2021 (ML21133A300)
4. PG&E Letter DCL-22-001, Supplement to License Amendment Request 20-03, Editorial Corrections to Diablo Canyon Power Plant Units 1 and 2 Operating Licenses, dated January 13, 2022 (ML22013B278)
5. NRC Letter, Diablo Canyon Nuclear Power Plant, Units 1 and 2 – Request for Additional Information Regarding License Amendment Request for Technical Specifications and Revised License Conditions for the Permanently Defueled Condition (EPID L-2020-LLA-0261), dated June 21, 2022 (ML22152A150)

Dear Commissioners and Staff:

In Reference 1, Pacific Gas and Electric Company (PG&E) submitted License Amendment Request (LAR) 20-03, to propose revisions to the technical specifications and license conditions to reflect the permanently defueled condition. In References 2 and 4, PG&E supplemented LAR 20-03 to request additional

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changes. In Reference 3, PG&E responded to NRC requests for additional information (RAIs) regarding Reference 1. In Reference 5, the NRC provided additional RAIs regarding Reference 1. The Enclosure to this letter provides PG&E responses to the NRC RAIs included in Reference 5. In addition to responding to the RAIs, PG&E is clarifying the intent of a statement included in the justification for one of the proposed license conditions included in Reference 1.

PG&E makes no new or revised regulatory commitments (as defined in NEI 99-04) in this letter.

If you have any questions or require additional information, please contact Mr. Philippe Soenen at (805) 459-3701.

I state under penalty of perjury that the foregoing is true and correct.

Executed on July 20, 2022.

Sincerely,



Maureen R. Zawalick  
*Vice President, Decommissioning and Technical Services*

Enclosure

cc: Diablo Distribution  
cc/enc: Mahdi O. Hayes, NRC Senior Resident Inspector  
Samson S. Lee, NRR Project Manager  
Scott A. Morris, NRC Region IV Administrator  
Gonzalo L. Perez, Branch Chief, California Dept of Public Health

**Responses to Request for Additional Information Regarding License Amendment Request for Technical Specifications and Revised License Conditions for the Permanently Defueled Condition (EPID: L-2020-LLA-0261)**

*On November 27, 2018, Pacific Gas and Electric Company (PG&E, the licensee) notified the U.S. Nuclear Regulatory Commission (NRC, the Commission) that it would permanently cease power operations at Diablo Canyon Nuclear Power Plant (Diablo Canyon), Units 1 and 2, upon expiration of the facility operating licenses (FOLs) (Agencywide Documents Access and Management System (ADAMS) Accession No. ML18331A553). The FOL for Diablo Canyon, Unit 1, expires on November 2, 2024, and the FOL for Diablo Canyon, Unit 2, expires on August 26, 2025. Upon docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessels for Diablo Canyon, Units 1 and 2, in accordance with Title 10 of the Code of Federal Regulations (10 CFR) Sections 50.82(a)(1)(i) and (ii), the 10 CFR Part 50 licenses will no longer authorize operation of the reactors or emplacement or retention of fuel in the reactor vessels in accordance with 10 CFR 50.82(a)(2).*

*By application dated December 3, 2020 (ML20338A546), as supplemented by letters dated April 1, 2021, May 13, 2021, and January 13, 2022 (ML21091A069, ML21133A300, and ML22013B278, respectively), the licensee requested changes to the license, including the technical specifications (TSs) and additional conditions (appendices A and D, respectively, to FOL Nos. DPR-80 and DPR-82) for the Diablo Canyon, Units 1 and 2. The proposed amendments would revise the FOLs, including TSs and appendices A and D, to reflect the permanent cessation of reactor operation and editorial corrections.*

*The NRC staff reviewed the license amendment request (LAR), as supplemented, and determined that additional information is needed to complete its review. The NRC staff's request for additional information (RAI) is listed below.*

**RAI-DORL-01**

**Applicable Regulation**

*The regulations in 10 CFR 50.2, "Definitions," state, in part:*

*License means a license, including a construction permit or operating license under this part...*

*The regulations in 10 CFR 50.51, "Continuation of license," state, in part:*

- (b) Each license for a facility that has permanently ceased operations, continues in effect beyond the expiration date to authorize ownership and possession of the production or utilization facility, until the*

*Commission notifies the licensee in writing that the license is terminated. During such period of continued effectiveness, the licensee shall –*

- (1) Take actions necessary to decommission and decontaminate the facility and continue to maintain the facility, including, where applicable, the storage, control and maintenance of the spent fuel, in a safe condition, and*
- (2) Conduct activities in accordance with all other restrictions applicable to the facility in accordance with the NRC regulations and the provisions of the specific 10 CFR part 50 license for the facility.*

*Issue*

*On November 2, 1984, and August 26, 1985, the NRC issued operating licenses for Diablo Canyon, Units 1 and 2, respectively, in accordance with 10 CFR Part 50. In accordance with 10 CFR 50.82(a)(2), upon docketing of the licensee’s certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of the fuel in the reactor vessel. The LAR, as supplemented, proposes changes to the license to reflect the permanent shutdown of the facility. These changes include removing the word “operating” from the Diablo Canyon licenses when the word appears in “facility operating license” or “operating license.”*

*However, docketing of the certifications under 10 CFR 50.82(a)(2) does not change the form of the license—under 10 CFR 50.51(b), the operating license continues in effect until the Commission notifies the licensee in writing that the license is terminated. Therefore, Diablo Canyon would continue to have facility operating licenses in accordance with 10 CFR Part 50.*

*The NRC staff recognizes that there have been prior cases for other facilities where it authorized removing the word “operating” from the license when the word appeared in “facility operating license” or “operating license.” However, the license is still an operating license, and there are regulations that apply specifically to “operating license,” not a generic “facility license.” To ensure clarity regarding the applicability of such regulations and the nature of the license itself, the term “operating” should remain when “facility operating license” or “operating license” is used.*

Request

*Provide a regulatory justification for removing the word “operating” when it appears in the phrases “facility operating license” or “operating license” in the following portions of the Diablo Canyon licenses; or confirm that these requested changes are no longer applicable and are withdrawn:*

- *License Title*
- *License Finding 1.D*
- *License Finding 1.E*
- *License Finding 1.H*
- *License Condition 2*

**PG&E Response to RAI-DORL-01**

Pacific Gas and Electric Company (PG&E) is withdrawing the requested change to remove the word "operating" from the facility operating licenses for Diablo Canyon Power Plant, Units 1 and 2. Attachments 1 and 3 provide updated marked up and clean copies, respectively, of the impacted pages of the licenses.

**RAI-DORL-02**

Applicable Regulation

*The regulations in 10 CFR 50.57, “Issuance of operating license,” state, in part:*

- (a) Pursuant to § 50.56, an operating license may be issued by the Commission, up to the full term authorized by § 50.51, upon finding that: ...*
- (2) The facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and...*

*The regulations in 10 CFR 50.92, “Issuance of amendment,” state, in part:*

- (a) In determining whether an amendment to a license, construction permit, or early site permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses, construction permits, or early site permits to the extent applicable and appropriate.*

Issue

*Currently, License Finding 1.C for Diablo Canyon, Units 1 and 2, reads:*

*The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission, except as exempted from compliance in Section 2.D below;*

*The licensee proposes License Finding 1.C to read:*

*The facility will be maintained in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission;*

*License Finding 1.C is an NRC finding, not a license condition, and the wording reflects the finding required by 10 CFR 50.57(a)(2) that the NRC made when issuing the operating license. Thus, when the operating license was issued, the current language in License Finding 1.C was designed to mirror the language of 10 CFR 50.57(a)(2). When issuing amendments, the NRC staff uses the same 10 CFR 50.57(a)(2) language since 10 CFR 50.92(a) requires the NRC staff to “be guided by the considerations which govern the issuance of initial licenses ... to the extent applicable and appropriate.”*

*The NRC staff recognizes that there have been prior cases for other facilities where it authorized changing the pertinent finding language from “will operate” to “will be maintained.” However, even though operation of the reactor will not be allowed after the 10 CFR 50.82(a) certifications are docketed, the “facility will operate” language in 10 CFR 50.57(a)(2) is still “applicable and appropriate” since this language can refer to operation of the facility’s structures, systems, and components during decommissioning. This position was explained in the recently published proposed rule “Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning” (87 FR 12254; March 3, 2022) on page 12297.*

*The NRC staff also recognizes that there may be a desire to ensure that it is absolutely clear that operation of the reactor is not allowed after the 10 CFR 50.82(a) certifications. While the regulations already make this clear, this clarity could also be added to the licenses. For example, at an appropriate location in the FOLs, a factual footnote could be added to say: “In accordance with 10 CFR 50.82(a)(2), the Pacific Gas and Electric Company is no longer authorized to operate the reactor or emplace or retain fuel in the reactor vessel because the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel have been docketed.”*

### Request

*Provide a regulatory justification for changing the wording of License Finding 1.C from “will operate” to “will be maintained,” or confirm that this specific License Finding 1.C change request is no longer applicable and is withdrawn. In addition, the licensee has an option to propose a factual footnote, at an appropriate location in the FOLs, to clarify that operation of the reactor is not allowed after the 50.82(a) certifications.*

## **PG&E Response to RAI-DORL-02**

PG&E is withdrawing the requested change to revise the wording in License Finding 1.C from "will operate" to "will be maintained" in the facility operating licenses for Diablo Canyon Power Plant, Units 1 and 2. In addition, a footnote has been added to License Condition 2.A to clarify in the licenses that PG&E is no longer authorized to operate the reactor or emplace or retain fuel in the reactor vessel once the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel have been docketed. Attachments 1 and 3 provide updated marked up and clean copies, respectively, of the impacted pages of the licenses.

## **RAI-DORL-03**

### **Applicable Regulation**

*The regulations in 10 CFR 50.34, "Contents of applications; technical information," state, in part:*

- (b) Final safety analysis report. Each application for an operating license shall include a final safety analysis report. The final safety analysis report shall include information that describes the facility, presents the design bases and the limits on its operation, and presents a safety analysis of the structures, systems, and components and the facility as a whole, and...*

*The regulations in 10 CFR 50.71, "Maintenance of records, making of reports," state, in part:*

- (e) Each person licensed to operate a nuclear power reactor under the provisions of § 50.21 or § 50.22, and each applicant for a combined license under part 52 of this chapter, shall update periodically, as provided in paragraphs (e) (3) and (4) of this section, the final safety analysis report (FSAR) originally submitted as part of the application for the license, to assure that the information included in the report contains the latest information developed. ...*
  - (4) ... For nuclear power reactor facilities that have submitted the certifications required by § 50.82(a)(1), subsequent revisions must be filed every 24 months.*

*The regulations in 10 CFR 50.59, "Changes, tests, and experiments," state, in part:*

- (a) Definitions for the purposes of this section: ...*
  - (4) Final Safety Analysis Report (as updated) means the Final Safety Analysis Report (or Final Hazards Summary Report)*

*submitted in accordance with § 50.34, as amended and supplemented, and as updated per the requirements of § 50.71(e) or § 50.71(f), as applicable. ...*

- (b) *This section applies to each holder of an operating license issued under this part or a combined license issued under part 52 of this chapter, including the holder of a license authorizing operation of a nuclear power reactor that has submitted the certification of permanent cessation of operations required under § 50.82(a)(1) or § 50.110 or a reactor licensee whose license has been amended to allow possession of nuclear fuel but not operation of the facility.*

### Issue

*The licensee proposes to change from “Final Safety Analysis Report (FSAR)” to “Defueled Safety Analysis Report (DSAR).” However, FSAR is the correct regulatory term, and as the NRC staff indicated in its RAI dated April 14, 2021, the FSAR and corresponding FSAR requirements extend into the decommissioning period.*

*The NRC staff recognizes that there have been prior cases for other facilities where it authorized changing the term from “FSAR” to “DSAR.” However, “FSAR” is the correct regulatory term, and there are regulations that apply specifically to the FSAR, not a DSAR. To ensure clarity regarding the applicability of such regulations and the nature of the FSAR itself, the term FSAR should be retained.*

*The NRC staff also recognizes that the licensee acknowledges in its RAI response dated May 13, 2021, that the DSAR is a retitled FSAR and that 10 CFR 50.59 and other FSAR regulations would continue to apply. Nonetheless, the license is the legally operative document and clarity should reside in that document.*

### Request

*Provide a regulatory justification for changing FSAR to DSAR in the following portions of the Diablo Canyon licenses and TSs, or confirm that these requested changes are no longer applicable and are withdrawn:*

- *License Condition 2.A*
- *License Condition 2.B.(2)*
- *License Condition 2.C.(13)*
- *TS 4.3.1.1*
- *TS 5.2.1.a*
- *TS 5.5.14*



### **PG&E Response to RAI-DORL-03**

PG&E is withdrawing the requested change to revise "Final Safety Analysis Report (FSAR)" to "Defueled Safety Analysis Report (DSAR)" in the facility operating licenses and technical specifications for Diablo Canyon Power Plant, Units 1 and 2. Attachments 1 and 3 provide updated marked up and clean copies, respectively, of the impacted pages of the licenses. Attachments 2 and 4 provide updated marked up and clean copies, respectively, of the technical specification pages impacted by the change.

### **PG&E Clarification Regarding Basis for Proposed License Conditions for Aging Management Programs**

In Reference 1, PG&E proposed new License Condition 2.C.(13) for Facility Operating Licenses DPR-80 and DPR-82, for DCPD Units 1 and 2, respectively. The new license conditions were related to Aging Management Programs. The basis for the proposed new license conditions included the following statement:

"...The components and maintenance of the fire protection system will meet National Fire Protection Association codes, as applicable, and any necessary exceptions or deviations from these codes and standards will be approved by the NRC..."

PG&E would like to clarify the intent of the above statement. As specified in 10 CFR 50.48(f)(3), the process of evaluating changes to the fire protection program to determine if there is a reduction in effectiveness will apply during decommissioning. This process applies to implementation of codes and standards related to the fire protection program. Changes that do not reduce the effectiveness of fire protection for facilities, systems, and equipment that could result in a radiological hazard may be made without NRC approval. In Reference 2, PG&E provided supplemental information related to the fire protection program during decommissioning.

### **References**

1. PG&E Letter DCL-20-092, License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated December 3, 2020 (ML20338A546)
2. PG&E Letter DCL-21-019, Supplement to License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated April 1, 2021 (ML21091A069)

**Diablo Canyon Power Plant - Units 1 and 2  
Replacement Pages for Markups of Facility Operating Licenses (FOLs)**

References:

1. PG&E Letter DCL-21-019, Supplement to License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated April 1, 2021 (ML21091A069)
2. PG&E Letter DCL-22-001, Supplement to License Amendment Request 20-03, Editorial Corrections to Diablo Canyon Power Plant Units 1 and 2 Operating Licenses, dated January 13, 2022 (ML22013B278)

<b>Remove</b>	<b>Insert</b>
Reference 2, Enclosure 1, Page 1 (DCPP Unit 1, Title Page)	Attachment 1, Page 1
Reference 2, Enclosure 1, Page 2 (DCPP Unit 2, Title Page)	Attachment 1, Page 5
Reference 1, Enclosure, Attachment 1, Pages 1, 2 and 10 (DCPP Unit 1 Operating License Pages)	Attachment 1, Pages 2, 3, and 4
Reference 1, Enclosure, Attachment 1, Pages 13, 14 and 20 (DCPP Unit 2 Operating License Pages)	Attachment 1, Pages 6, 7, and 8

**PACIFIC GAS AND ELECTRIC COMPANY**  
**DIABLO CANYON NUCLEAR POWER PLANT, UNIT 1**  
**DOCKET NO. 50-275**  
**FACILITY OPERATING LICENSE**

**License No. DPR-80**

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for licenses by Pacific Gas and Electric Company complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
  - B. ~~Construction of the Diablo Canyon Nuclear Power Plant, Unit 1 (the facility), has been substantially completed in conformity with Provisional Construction Permit No. CPPR-39 and the application, as amended, the provisions of the Act, and the regulations of the Commission;~~Deleted per Amendment No. ###.
  - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission,~~except as exempted from compliance in Section 2.D below;~~
  - D. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission set forth in 10 CFR Chapter I,~~except as exempted from compliance in Section 2.D below;~~
  - E. The Pacific Gas and Electric Company is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;
  - F. The Pacific Gas and Electric Company has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", of the Commission's regulations;
  - G. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. DPR-80, subject to the conditions for protection of the environment set forth herein, is in accordance with applicable Commission regulations governing environmental reviews (10 CFR Part 50, Appendix D and 10 CFR Part 51) and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.

2. Pursuant to Commission's Memorandum and Order CLI-84-13, dated August 10, 1984, Facility Operating License No. DPR-76 issued September 22, 1981, as subsequently amended, is superseded by Facility Operating License No. DPR-80, hereby issued to Pacific Gas and Electric Company to read as follows:
- A. This License applies to the Diablo Canyon Nuclear Power Plant, Unit 1, a pressurized water nuclear reactor<sup>1</sup> and associated equipment (the facility), owned by the Pacific Gas and Electric Company (PG&E). The facility is located in San Luis Obispo County, California, and is described in PG&E's Final Safety Analysis Report as supplemented and amended, and the Environmental Report as supplemented and amended.
- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Pacific Gas and Electric Company:
- (1) Pursuant to Section 104(b) of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess, ~~and use, and operate~~ the facility at the designated location in San Luis Obispo County, California, in accordance with the procedures and limitations set forth in this license;
  - (2) Pursuant to the Act and 10 CFR Part 70, to ~~receive, possess, and use~~ at any time special nuclear material that was used as reactor fuel, in accordance with the limitations for storage ~~and amounts required for reactor operation~~, as described in the Final Safety Analysis Report, as supplemented and amended;
  - (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources that were used for reactor startup, sealed sources that were used for calibration of reactor instrumentation and are used in the calibration of radiation monitoring equipment ~~calibration~~, and as fission detectors in amounts as required;
  - (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~~ that were produced by the operation of the facility.

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<sup>1</sup> [In accordance with 10 CFR 50.82\(a\)\(2\), the Pacific Gas and Electric Company is no longer authorized to operate the reactor or emplace or retain fuel in the reactor vessel because the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel have been docketed.](#)

(10) Masonry Walls (SSER-27, Section IV.4; Safety Evaluation of November 2, 1984)

~~Prior to start-up following the first refueling outage, the licensee shall (1) evaluate the differences in margins between the staff criteria as set forth in the Standard Review Plan and the criteria used by the licensee, and (2) provide justification acceptable to the staff for those cases where differences exist between the staff's and the licensee's criteria. Deleted per Amendment No. ###.~~

(11) Spent Fuel Pool Modification

~~The licensee is authorized to modify the spent fuel pool as described in the application dated October 30, 1985 (LAR 85-13) as supplemented. Amendment No. 8 issued on May 30, 1986 and stayed by the U.S. Court of Appeals for the Ninth Circuit pending completion of NRC hearings is hereby reinstated.~~

~~Prior to final conversion to the modified rack design, fuel may be stored, as needed, in either the modified storage racks described in Technical Specification 5.6.1.1 or in the unmodified storage racks (or both) which are designed and shall be maintained with a nominal 21-inch center-to-center distance between fuel assemblies placed in the storage racks. Deleted per Amendment No. ###.~~

(12) Additional Conditions

~~The Additional Conditions contained in Appendix D, as revised through Amendment No. 230, are hereby incorporated into this license. Pacific Gas and Electric Company shall operate the facility in accordance with the Additional Conditions. Deleted per Amendment No. ###.~~

(13) Aging Management Program

If all spent fuel has not been removed from the Unit 1 spent fuel pool prior to November 2, 2028, an aging management program shall be submitted prior to this date for NRC approval. The scope of the program shall include those long-lived, passive structures and components that are needed to provide reasonable assurance of the safe condition of the spent fuel in the spent fuel pool. Once approved, the program shall be described in the Final Safety Analysis Report and shall remain in effect for Unit 1 until such time that all spent fuel has been removed from the Unit 1 spent fuel pool.

(14) Restriction on Handling Spent Nuclear Fuel

Handling of spent nuclear fuel in the spent fuel pool and heavy loads over the spent fuel pool will not be permitted following implementation of the Permanently Defueled Technical Specifications until a minimum of 45 days following permanent shutdown.

**PACIFIC GAS AND ELECTRIC COMPANY**

**DIABLO CANYON NUCLEAR POWER PLANT, UNIT 2**

**DOCKET NO. 50-323**

**FACILITY OPERATING LICENSE**

**License No. DPR-82**

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for licenses by Pacific Gas and Electric Company (PG&E) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
  - B. ~~Construction of the Diablo Canyon Nuclear Power Plant, Unit 2 (the facility), has been substantially completed in conformity with Provisional Construction Permit No. CPPR-69 and the application, as amended, the provisions of the Act, and the regulations of the Commission;~~ Deleted per Amendment No. ###.
  - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission, ~~except as exempted from compliance in Section 2.D below;~~
  - D. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission set forth in 10 CFR Chapter I, ~~except as exempted from compliance in Section 2.D below;~~
  - E. The Pacific Gas and Electric Company is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;
  - F. The Pacific Gas and Electric Company has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", of the Commission's regulations;
  - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. DPR-82, subject to the conditions for protection of the environment set forth herein, is in accordance with applicable Commission regulations governing environmental reviews (10 CFR Part 50, Appendix D and 10 CFR Part 51) and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.



2. Pursuant to approval by the Nuclear Regulatory Commission in its Memorandum and Order (CLI-85-14) dated August 1, 1985, the license for fuel loading and low power testing, Facility Operating License No. DPR-81, issued on April 26, 1985, is superseded by Facility Operating License No. DPR-82, hereby issued to Pacific Gas and Electric Company to read as follows:
- A. This License applies to the Diablo Canyon Nuclear Power Plant, Unit 2, a pressurized water nuclear reactor<sup>1</sup> and associated equipment (the facility), owned by PG&E. The facility is located in San Luis Obispo County, California, and is described in PG&E's Final Safety Analysis Report as supplemented and amended, and the Environmental Report as supplemented and amended.
- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Pacific Gas and Electric Company:
- (1) Pursuant to Section 104(b) of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess, and use, ~~and operate~~ the facility at the designated location in San Luis Obispo County, California, in accordance with the procedures and limitations set forth in this license;
  - (2) Pursuant to the Act and 10 CFR Part 70, to ~~receive~~, possess, ~~and use~~ at any time special nuclear material that was used as reactor fuel, in accordance with the limitations for storage ~~and amounts required for reactor operation~~, as described in the Final Safety Analysis Report, as supplemented and amended;
  - (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources that were used for reactor startup, sealed sources that were used for calibration of reactor instrumentation and are used in the calibration of radiation monitoring equipment ~~calibration~~, and as fission detectors in amounts as required;
  - (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~~ that were produced by the operation of the facility.

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<sup>1</sup> In accordance with 10 CFR 50.82(a)(2), the Pacific Gas and Electric Company is no longer authorized to operate the reactor or emplace or retain fuel in the reactor vessel because the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel have been docketed.

~~distance between fuel assemblies placed in the storage racks.~~Deleted per Amendment No. ###.

(12) Additional Conditions

~~The Additional Conditions contained in Appendix D, as revised through Amendment No. 232, are hereby incorporated into this license. Pacific Gas and Electric Company shall operate the facility in accordance with the Additional Conditions.~~Deleted per Amendment No. ###.

(13) Aging Management Program

If all spent fuel has not been removed from the Unit 2 spent fuel pool prior to August 26, 2029, an aging management program shall be submitted prior to this date for NRC approval. The scope of the program shall include those long-lived, passive structures and components that are needed to provide reasonable assurance of the safe condition of the spent fuel in the spent fuel pool. Once approved, the program shall be described in the Final Safety Analysis Report and shall remain in effect for Unit 2 until such time that all spent fuel has been removed from the Unit 2 spent fuel pool.

(14) Restriction on Handling Spent Nuclear Fuel

Handling of spent nuclear fuel in the spent fuel pool and heavy loads over the spent fuel pool will not be permitted following implementation of the Permanently Defueled Technical Specifications until a minimum of 45 days following permanent shutdown.

D. Exemption (SSER 31, Section 6.2.6)

~~An exemption from certain requirements of Appendix J to 10 CFR Part 50 is described in the Office of Nuclear Reactor Regulation's Safety Evaluation Report, Supplement No. 9. This exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, this exemption previously granted in Facility Operating License No. DPR-81 pursuant to 10 CFR 50.12 is hereby reaffirmed. The facility will operate, with the exemption authorized, in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission.~~Deleted per Amendment No. ###.

E. Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provision of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contains Safeguards

**Diablo Canyon Power Plant - Units 1 and 2  
Replacement Pages for Technical Specifications 4.3.1.1, 5.2.1.a, and 5.5.14  
Markups**

References:

1. PG&E Letter DCL-20-092, License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated December 3, 2020 (ML20338A546)
2. PG&E Letter DCL-21-040, Responses to NRC Requests for Additional Information on LAR 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated May 13, 2021 (ML21133A300)

<b>Remove</b>	<b>Insert</b>
Reference 2, Enclosure, Attachment 1, Page 1	Attachment 2, Page 1
Reference 1, Enclosure 1, Attachment 3, Page 47	Attachment 2, Page 2
Reference 2, Enclosure, Attachment 2, Page 1	Attachment 2, Page 3

## 4.0 DESIGN FEATURES

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### 4.1 Site Location

The DCPP site consists of approximately 750 acres which are adjacent to the Pacific Ocean in San Luis Obispo County, California, and is approximately twelve (12) miles west-southwest of the city of San Luis Obispo.

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### 4.2 ~~Reactor Core~~

#### ~~4.2.1 Fuel Assemblies~~

~~The reactor shall contain 193 fuel assemblies. Each assembly shall consist of a matrix of Zircalloy or ZIRLO clad fuel rods with an initial composition of natural or slightly enriched uranium dioxide (UO<sub>2</sub>) as fuel material. Limited substitutions of zirconium alloy or stainless steel filler rods for fuel rods, in accordance with approved applications of fuel rod configurations, may be used. Fuel assemblies shall be limited to those fuel designs that have been analyzed with applicable NRC staff approved codes and methods and shown by tests or analyses to comply with all fuel safety design bases. A limited number of lead test assemblies that have not completed representative testing may be placed in nonlimiting core locations.~~

#### ~~4.2.2 Control Rod Assemblies~~

~~The reactor core shall contain 53 control rod assemblies. The control rod material shall be silver, indium, and cadmium, as approved by the NRC. Deleted~~

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### 4.3 Fuel Storage

#### 4.3.1 Criticality

- 4.3.1.1 The permanent spent fuel pool storage racks are designed and shall be maintained with:
- Fuel assemblies having a maximum U-235 enrichment of 5.0 weight percent;
  - $k_{\text{eff}} < 1.0$  if fully flooded with unborated water, which includes an allowance for uncertainties as described in Section 9.1.2.3 of the [Final Safety Analysis Report \(FSAR\)](#);
  - $k_{\text{eff}} \leq 0.95$  if fully flooded with water borated to 806 ppm, which includes an allowance for uncertainties as described in Section 9.1.2.3 of the FSAR;
  - A nominal 11 inch center to center distance between fuel assemblies placed in the fuel storage racks;

(continued)

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## 5.0 ADMINISTRATIVE CONTROLS

### 5.2 Organization

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#### 5.2.1 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for ~~unit operation~~facility staff and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities affecting the safety storage and handling of the nuclear power plants spent nuclear fuel. ~~The primary role of all nuclear workers is to protect the health and safety of the public.~~

- a. Lines of authority, responsibility, and communication shall be defined and established throughout highest management levels, intermediate levels, and all ~~operating~~facility organization positions. These relationships shall be documented and updated, as appropriate, in organization charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements, including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications, shall be documented in the FSAR Update;
- b. The plant manager shall be responsible for overall safe operation of the ~~plant~~facility and shall have control over those onsite activities necessary for ~~safe operation and maintenance of the plant~~safe storage and handling of the nuclear fuel;
- c. A specified corporate officer shall have corporate responsibility for ~~overall plant nuclear safety~~the safe storage and handling of nuclear fuel and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the ~~plant to ensure nuclear safety~~facility to ensure safe storage and handling of nuclear fuel; and
- d. The individuals who train the ~~operating staff~~CERTIFIED FUEL HANDLERS, carry out health physics, or perform quality assurance functions may report to the appropriate onsite manager; however, these individuals shall have sufficient organizational freedom to ensure their ~~independence from operating pressures~~ability to perform their assigned functions.

#### 5.2.2 Unit Facility Staff

The ~~unit~~facility staff organization shall include the following:

- a. ~~A non-licensed operator shall be assigned to each reactor containing fuel with a total of three non-licensed operators required for both units.~~Each on duty shift shall be composed of at least one Shift Supervisor shared between Units 1 and 2, and one NON-CERTIFIED OPERATOR per unit. The NON-CERTIFIED OPERATOR position may be filled by a CERTIFIED FUEL HANDLER.
- b. Except for the Shift Supervisor, Shift~~shift~~ crew composition may be ~~one~~ less than the minimum requirement of ~~10 CFR 50.54(m)(2)(i) and 5.2.2.a and 5.2.2.f~~ for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements and all of

(continued)

## 5.5 Programs and Manuals (continued)

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### 5.5.14 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
  1. a change in the TS incorporated in the license; or
  2. a change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the FSAR.
- d. Proposed changes that meet the criteria of Specification 5.5.14b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

### 5.5.15 Safety Function Determination Program (SFDP)

~~This program ensures loss of safety function is detected and appropriate actions taken. Upon entry into LCO 3.0.6, an evaluation shall be made to determine if loss of safety function exists. Additionally, other appropriate actions may be taken as a result of the support system inoperability and corresponding exception to entering supported system Condition and Required Actions. This program implements the requirements of LCO 3.0.6. The SFDP shall contain the following:~~

- ~~a. Provisions for cross train checks to ensure a loss of the capability to perform the safety function assumed in the accident analysis does not go undetected;~~
- ~~b. Provisions for ensuring the plant is maintained in a safe condition if a loss of function condition exists;~~
- ~~c. Provisions to ensure that an inoperable supported system's Completion Time is not inappropriately extended as a result of multiple support system inoperabilities; and~~
- ~~d. Other appropriate limitations and remedial or compensatory actions.~~

~~A loss of safety function exists when, assuming no concurrent single failure, a safety function assumed in the accident analysis cannot be performed. For the purpose of this program, a loss of safety function may exist when a support system is inoperable, and:~~

- ~~a. A required system redundant to the system(s) supported by the inoperable support system is also inoperable; or Not Used~~

(continued)

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**Diablo Canyon Power Plant - Units 1 and 2  
Clean Version of Facility Operating Licenses (FOLs)**

References:

1. PG&E Letter DCL-21-019, Supplement to License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated April 1, 2021 (ML21091A069)
2. PG&E Letter DCL-22-001, Supplement to License Amendment Request 20-03, Editorial Corrections to Diablo Canyon Power Plant Units 1 and 2 Operating Licenses, dated January 13, 2022 (ML22013B278)

<b>Remove</b>	<b>Insert</b>
Reference 2, Enclosure 2, Page 1 (DCPP Unit 1, Title Page)	Attachment 3, Page 1
Reference 2, Enclosure 2, Page 2 (DCPP Unit 2, Title Page)	Attachment 3, Page 5
Reference 1, Enclosure, Attachment 2 Pages 1, 2 and 4 (DCPP Unit 1 Operating License Pages)	Attachment 3, Pages 2, 3, and 4
Reference 1, Enclosure, Attachment 2, Pages 7, 8, and 10 (DCPP Unit 2 Operating License Pages)	Attachment 3, Pages 6, 7, and 8

**PACIFIC GAS AND ELECTRIC COMPANY**  
**DIABLO CANYON NUCLEAR POWER PLANT, UNIT 1**  
**DOCKET NO. 50-275**  
**FACILITY OPERATING LICENSE**

**License No. DPR-80**



1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for licenses by Pacific Gas and Electric Company complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
  - B. Deleted per Amendment No. ###.
  - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission;
  - D. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission set forth in 10 CFR Chapter I;
  - E. The Pacific Gas and Electric Company is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;
  - F. The Pacific Gas and Electric Company has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", of the Commission's regulations;
  - G. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. DPR-80, subject to the conditions for protection of the environment set forth herein, is in accordance with applicable Commission regulations governing environmental reviews (10 CFR Part 50, Appendix D and 10 CFR Part 51) and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.

2. Pursuant to Commission's Memorandum and Order CLI-84-13, dated August 10, 1984, Facility Operating License No. DPR-76 issued September 22, 1981, as subsequently amended, is superseded by Facility Operating License No. DPR-80, hereby issued to Pacific Gas and Electric Company to read as follows:
- A. This License applies to the Diablo Canyon Nuclear Power Plant, Unit 1, a pressurized water nuclear reactor<sup>1</sup> and associated equipment (the facility), owned by the Pacific Gas and Electric Company (PG&E). The facility is located in San Luis Obispo County, California, and is described in PG&E's Final Safety Analysis Report as supplemented and amended, and the Environmental Report as supplemented and amended.
- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Pacific Gas and Electric Company:
- (1) Pursuant to Section 104(b) of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess and use the facility at the designated location in San Luis Obispo County, California, in accordance with the procedures and limitations set forth in this license;
  - (2) Pursuant to the Act and 10 CFR Part 70, to possess at any time special nuclear material that was used as reactor fuel, in accordance with the limitations for storage, as described in the Final Safety Analysis Report, as supplemented and amended;
  - (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources that were used for reactor startup, sealed sources that were used for calibration of reactor instrumentation and are used in the calibration of radiation monitoring equipment, and as fission detectors in amounts as required;
  - (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 that were produced by the operation of the facility.

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<sup>1</sup> In accordance with 10 CFR 50.82(a)(2), the Pacific Gas and Electric Company is no longer authorized to operate the reactor or emplace or retain fuel in the reactor vessel because the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel have been docketed.

- (4) PG&E shall assess the significance of conclusions drawn from the seismic reevaluation studies in Elements 1, 2 and 3, utilizing a probabilistic risk analysis and deterministic studies, as necessary, to assure adequacy of seismic margins.

PG&E shall submit for NRC staff review and approval a proposed program plan and proposed schedule for implementation by January 30, 1985. The program shall be completed and a final report submitted to the NRC three years following the approval of the program by the NRC staff.

PG&E shall keep the staff informed on the progress of the reevaluation program as necessary, but as a minimum will submit quarterly progress reports and arrange for semi-annual meetings with the staff. PG&E will also keep the ACRS informed on the progress of the reevaluation program as necessary, but not less frequently than once a year.

(8) Deleted per Amendment No. ###.

(9) Deleted per Amendment No. ###.

(10) Deleted per Amendment No. ###.

(11) Deleted per Amendment No. ###.

(12) Deleted per Amendment No. ###.

(13) Aging Management Program

If all spent fuel has not been removed from the Unit 1 spent fuel pool prior to November 2, 2028, an aging management program shall be submitted prior to this date for NRC approval. The scope of the program shall include those long-lived, passive structures and components that are needed to provide reasonable assurance of the safe condition of the spent fuel in the spent fuel pool. Once approved, the program shall be described in the Final Safety Analysis Report and shall remain in effect for Unit 1 until such time that all spent fuel has been removed from the Unit 1 spent fuel pool.

(14) Restriction on Handling Spent Nuclear Fuel

Handling of spent nuclear fuel in the spent fuel pool and heavy loads over the spent fuel pool will not be permitted following implementation of the Permanently Defueled Technical Specifications until a minimum of 45 days following permanent shutdown.

D. Deleted per Amendment No. ###.

**PACIFIC GAS AND ELECTRIC COMPANY**

**DIABLO CANYON NUCLEAR POWER PLANT, UNIT 2**

**DOCKET NO. 50-323**

**FACILITY OPERATING LICENSE**

**License No. DPR-82**

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for licenses by Pacific Gas and Electric Company (PG&E) complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations set forth in 10 CFR Chapter I, and all required notifications to other agencies or bodies have been duly made;
  - B. Deleted per Amendment No. ###.
  - C. The facility will operate in conformity with the application, as amended, the provisions of the Act, and the regulations of the Commission;
  - D. There is reasonable assurance (i) that the activities authorized by this operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission set forth in 10 CFR Chapter I;
  - E. The Pacific Gas and Electric Company is technically qualified to engage in the activities authorized by this operating license in accordance with the Commission's regulations set forth in 10 CFR Chapter I;
  - F. The Pacific Gas and Electric Company has satisfied the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements", of the Commission's regulations;
  - G. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public;
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the issuance of Facility Operating License No. DPR-82, subject to the conditions for protection of the environment set forth herein, is in accordance with applicable Commission regulations governing environmental reviews (10 CFR Part 50, Appendix D and 10 CFR Part 51) and all applicable requirements have been satisfied; and
  - I. The receipt, possession, and use of source, byproduct, and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70.

2. Pursuant to approval by the Nuclear Regulatory Commission in its Memorandum and Order (CLI-85-14) dated August 1, 1985, the license for fuel loading and low power testing, Facility Operating License No. DPR-81, issued on April 26, 1985, is superseded by Facility Operating License No. DPR-82, hereby issued to Pacific Gas and Electric Company to read as follows:
- A. This License applies to the Diablo Canyon Nuclear Power Plant, Unit 2, a pressurized water nuclear reactor<sup>1</sup> and associated equipment (the facility), owned by PG&E. The facility is located in San Luis Obispo County, California, and is described in PG&E's Final Safety Analysis Report as supplemented and amended, and the Environmental Report as supplemented and amended.
- B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses the Pacific Gas and Electric Company:
- (1) Pursuant to Section 104(b) of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities", to possess and use the facility at the designated location in San Luis Obispo County, California, in accordance with the procedures and limitations set forth in this license;
  - (2) Pursuant to the Act and 10 CFR Part 70, to possess at any time special nuclear material that was used as reactor fuel, in accordance with the limitations for storage, as described in the Final Safety Analysis Report, as supplemented and amended;
  - (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70, to receive, possess, and use at any time any byproduct, source and special nuclear material as sealed neutron sources that were used for reactor startup, sealed sources that were used for calibration of reactor instrumentation and are used in the calibration of radiation monitoring equipment, and as fission detectors in amounts as required;
  - (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 that were produced by the operation of the facility.

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<sup>1</sup> In accordance with 10 CFR 50.82(a)(2), the Pacific Gas and Electric Company is no longer authorized to operate the reactor or emplace or retain fuel in the reactor vessel because the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel have been docketed.

described in the Final Safety Analysis Report and shall remain in effect for Unit 2 until such time that all spent fuel has been removed from the Unit 2 spent fuel pool.

(14) Restriction on Handling Spent Nuclear Fuel

Handling of spent nuclear fuel in the spent fuel pool and heavy loads over the spent fuel pool will not be permitted following implementation of the Permanently Defueled Technical Specifications until a minimum of 45 days following permanent shutdown.

D. Deleted per Amendment No. ###.

E. Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provision of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "Diablo Canyon Power Plant, Units 1 and 2 Physical Security Plan, Training and Qualification Plan and Safeguards Contingency Plan," submitted by letter dated May 16, 2006.

PG&E shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The PG&E CSP was approved by License Amendment No. 212, as supplemented by a change approved by License Amendment No. 222.

Pursuant to NRC's Order EA-13-092, dated June 5, 2013, NRC reviewed and approved the license amendment 224 that permitted the security personnel of the licensee to possess and use certain specific firearms, ammunition, and other devices, such as large-capacity ammunition feeding devices, notwithstanding local, State, and certain Federal firearms laws that may prohibit such possession and use.

F. Deleted.

G. Deleted.

H. Financial Protection

PG&E shall have and maintain financial protection of such type and in such amounts as the Commission shall require in accordance with Section 170 of the Atomic Energy Act of 1954, as amended, to cover public liability claims.

**Diablo Canyon Power Plant - Units 1 and 2  
Replacement Pages for Technical Specifications 4.3.1.1, 5.2.1.a, and 5.5.14  
Clean Version**

References:

1. PG&E Letter DCL-20-092, License Amendment Request 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated December 3, 2020 (ML20338A546)
2. PG&E Letter DCL-21-040, Responses to NRC Requests for Additional Information on LAR 20-03, Proposed Technical Specifications and Revised License Conditions for the Permanently Defueled Condition, dated May 13, 2021 (ML21133A300)

<b>Remove</b>	<b>Insert</b>
Reference 2, Enclosure, Attachment 1, Page 2	Attachment 4, Page 1
Reference 1, Enclosure 1, Attachment 6, Page 20	Attachment 4, Page 2
Reference 2, Enclosure, Attachment 2, Page 2	Attachment 4, Page 3



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## 4.0 DESIGN FEATURES

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### 4.1 Site Location

The DCCP site consists of approximately 750 acres which are adjacent to the Pacific Ocean in San Luis Obispo County, California, and is approximately twelve (12) miles west-southwest of the city of San Luis Obispo.

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### 4.2 Deleted

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### 4.3 Fuel Storage

#### 4.3.1 Criticality

- 4.3.1.1 The permanent spent fuel pool storage racks are designed and shall be maintained with:
- a. Fuel assemblies having a maximum U-235 enrichment of 5.0 weight percent;
  - b.  $k_{\text{eff}} < 1.0$  if fully flooded with unborated water, which includes an allowance for uncertainties as described in Section 9.1.2.3 of the Final Safety Analysis Report (FSAR);
  - c.  $k_{\text{eff}} \leq 0.95$  if fully flooded with water borated to 806 ppm, which includes an allowance for uncertainties as described in Section 9.1.2.3 of the FSAR;
  - d. A nominal 11 inch center to center distance between fuel assemblies placed in the fuel storage racks;
  - e. Fuel assemblies with a discharge burnup in the "acceptable" region of Figure 3.7.17-2 for the all cell configuration as shown in Figure 3.7.17-1;
  - f. Fuel assemblies with a discharge burnup in the "acceptable" region of Figure 3.7.17-3 for the 2x2 array configuration as shown in Figure 3.7.17-1.

#### 4.3.2 Drainage

The spent fuel storage pools are designed and shall be maintained to prevent inadvertent draining of the pool below elevation 133 ft.

#### 4.3.3 Capacity

The permanent spent fuel pool storage racks are designed and shall be maintained with a storage capacity limited to no more than 1324 fuel assemblies.

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## 5.0 ADMINISTRATIVE CONTROLS

### 5.2 Organization

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#### 5.2.1 Onsite and Offsite Organizations

Onsite and offsite organizations shall be established for facility staff and corporate management, respectively. The onsite and offsite organizations shall include the positions for activities affecting the safe storage and handling of spent nuclear fuel. The primary role of all nuclear workers is to protect the health and safety of the public.

- a. Lines of authority, responsibility, and communication shall be defined and established throughout highest management levels, intermediate levels, and all facility organization positions. These relationships shall be documented and updated, as appropriate, in organization charts, functional descriptions of departmental responsibilities and relationships, and job descriptions for key personnel positions, or in equivalent forms of documentation. These requirements, including the plant-specific titles of those personnel fulfilling the responsibilities of the positions delineated in these Technical Specifications, shall be documented in the FSAR;
- b. The plant manager shall be responsible for overall safe operation of the facility and shall have control over those onsite activities necessary for safe storage and handling of the nuclear fuel;
- c. A specified corporate officer shall have corporate responsibility for the safe storage and handling of nuclear fuel and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the facility to ensure safe storage and handling of nuclear fuel; and
- d. The individuals who train the CERTIFIED FUEL HANDLERS, carry out health physics, or perform quality assurance functions may report to the appropriate onsite manager; however, these individuals shall have sufficient organizational freedom to ensure their ability to perform their assigned functions.

#### 5.2.2 Facility Staff

The facility staff organization shall include the following:

- a. Each on duty shift shall be composed of at least one Shift Supervisor shared between Units 1 and 2, and one NON-CERTIFIED OPERATOR per unit. The NON-CERTIFIED OPERATOR position may be filled by a CERTIFIED FUEL HANDLER.
- b. Except for the Shift Supervisor, shift crew composition may be less than the minimum requirement of 5.2.2.a for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements and all of the following conditions are met:

(continued)

5.5 Programs and Manuals

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5.5.14 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not require either of the following:
  - 1. a change in the TS incorporated in the license; or
  - 2. a change to the FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.
- c. The Bases Control Program shall contain provisions to ensure that the Bases are maintained consistent with the FSAR.
- d. Proposed changes that meet the criteria of Specification 5.5.14b above shall be reviewed and approved by the NRC prior to implementation. Changes to the Bases implemented without prior NRC approval shall be provided to the NRC on a frequency consistent with 10 CFR 50.71(e).

5.5.15 Not Used

5.5.16 Not Used

5.5.17 Not Used

5.5.18 Not Used

5.5.19 Not Used

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