



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

April 1, 2021

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 – EXEMPTION  
FROM SELECT REQUIREMENTS OF 10 CFR PART 55, “OPERATORS’  
LICENSES” (EPID L-2021-LLE-0007)

Dear Mr. Welsch:

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has approved the requested exemption from specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 55, “Operators’ Licenses,” for the Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Diablo Canyon). This action is in response to Pacific Gas and Electric Company’s (the licensee) application dated February 4, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21049A050).

Specifically, the licensee requested a one-time exemption from the following requalification program requirements in 10 CFR 55.59, “Requalification,” at Diablo Canyon, until June 30, 2021:

- The current licensed operator requalification program period required in 10 CFR 55.59(a)(1) and (c)(1) be extended, on a one-time basis, from 24 to 25 months.
- “The annual operating test” required in 10 CFR 55.59(a)(2) be extended, on a one-time basis, from the 12-month interval to an interval of 13 months.
- “The comprehensive requalification written examination” required in 10 CFR 55.59(a)(2), be extended on a one-time basis, from the 24-month interval to an interval of 25 months.

The underlying purposes of 10 CFR Part 55 are to establish procedures and criteria for the issuance of licenses to operators, provide for the terms and conditions upon which the Commission will issue or modify these licenses, and provide for the terms and conditions to maintain and renew these licenses. Specifically, 10 CFR 55.59 establishes the requirements for operator requalification programs and requires a 2-year (24-month) requalification schedule to include a biennial comprehensive written examination and annual operating tests.

The licensee’s application dated February 4, 2021, states the overriding reason to pursue the extension requested in the exemption is due to the change of the upcoming Unit 2 refueling

outage schedule and reasonable probability that the plant startup from the Unit 2 refueling outage will coincide with licensed operator biennial examinations. Operations resources are required to support an event-free plant startup.

Pursuant to 10 CFR 55.11, "Specific exemptions," the NRC may, upon application by an interested person, or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 55 when the exemptions are authorized by law, will not endanger life or property, and are otherwise in the public interest.

### **The Exemption is Authorized by Law**

In accordance with 10 CFR 55.11, the Commission may grant an exemption from the regulations in 10 CFR Part 55 that is authorized by law. The NRC staff has reviewed the exemption request and finds that granting the proposed exemption will not result in a violation of the Atomic Energy Act of 1954, as amended, or other laws. Therefore, the NRC staff finds that the exemption is authorized by law.

### **The Exemption Will Not Endanger Life or Property**

In accordance with 10 CFR 55.11, the Commission may grant an exemption from the regulations in 10 CFR Part 55 when the exemption will not endanger life or property. This exemption will apply to licensed operators who are already satisfactorily qualified to the requirements in 10 CFR 55.59.

The licensee states in its February 4, 2021, application:

During the past two years and the recent DCPD [Diablo Canyon Power Plant] Unit 2 outages, the requalification training cycles have continued in accordance with the Institute of Nuclear Power Operations (INPO) National Academy for Nuclear Training accredited training programs. All DCPD licensed personnel are actively enrolled in accredited training programs. The Reactor Operator, Senior Reactor Operator, and Shift Technical Advisor programs include both periodic written and operational exams. During these periodic exams, the program incumbents have continued to display a high degree of knowledge and skills.

Operations training conducts "as found" simulator and weekly written examinations. These exams are developed to meet the standards of the annual and biennial exams. The exams have continued throughout the pandemic and have proven that operator knowledge and ability continue to be strong based on an average of a ninety-four percent score on written tests and one hundred percent pass rate for simulator scenarios.

Although the 24-month schedule requirement of 10 CFR 55.59 at Diablo Canyon would be exceeded, the licensee has continued the requalification training cycle in accordance with the INPO accredited training program. All Diablo Canyon licensed operators are actively enrolled in the accredited training program and have proven to maintain strong licensed operator knowledge and ability with an average score of 94 percent on written examinations and 100 percent pass rate on simulator scenarios. Additionally, this exemption is administrative in nature and extends the requalification period by only 1 month. Given the operator performance has been demonstrated to be satisfactory, the NRC staff finds that extending the requalification period by only 1 month will not endanger life or property at Diablo Canyon.

Based on the above, the NRC staff has reasonable assurance that the licensed operators will maintain their proficiency in knowledge and abilities during the 1 month extension and will continue to display satisfactory performance in operational activities to ensure the safe operation of the plant. Therefore, the NRC staff finds that the proposed exemption will not endanger life or property.

### **The Exemption is Otherwise in the Public Interest**

In accordance with 10 CFR 55.11, the Commission may grant an exemption from the regulations in 10 CFR Part 55 when the exemption is in the public interest. The mission of the NRC to ensure the protection of public health and safety and protection of the environment. This exemption request will enable Diablo Canyon to minimize licensed operator distractions from required tasks during the refueling outage due to the need to complete the requalification requirements. Unit outages are infrequently performed evolutions and involve inherently higher stress than normal operations. By ensuring that distractions during refueling operations are minimized, the licensed operators will be able to be more successful in performing startup activities safely and efficiently. Ensuring that the plant is operated safely and without operational errors is in the public interest and ensures the protection of the public and environment.

The licensee states in its February 4, 2021, application:

Moving the licensed operator annual and biennial exams from the current scheduled April - May 2021 timeframe to a revised May - June 2021 timeframe would provide the following operational safety benefits:

- ensures distractions associated with requalification exams do not impact the station's operational focus on startup activities and maintain line of sight to the reactor core;
- eliminates the need to assign/divert critical licensed operator resources to training during startup activities; and
- assists in managing fatigue related concerns by maximizing the number of available licensed operators.

The NRC staff considers that startup activities are infrequently performed tasks that require additional licensed operator resources, as more licensed operators are required to perform the many tasks associated with a plant startup. If these licensed operator resources are diverted due to the requirement to complete the requalification training cycle, unnecessary distractions may occur due to the operators' need to study for requalification examinations. These distractions have the potential to increase the probability of equipment being operated incorrectly, and for components to be mispositioned due to operator errors. The NRC staff also finds that diverting licensed operator resources due to the requirement to complete the requalification training cycle could increase fatigue, due to the need for licensed operators to work extra shifts and longer hours to compensate for any licensed operator resources that are diverted for requalification.

With the Diablo Canyon requalification program being extended by 1 month, the NRC staff finds the extension will allow operators to focus on preparing for and performing activities associated with plant startup. Ensuring that licensed operators are free of distractions will reduce the probability of operator errors and help to protect life and property. Therefore, the NRC staff has

concluded that allowing operators to focus on startup activities and minimizing the distractions of needing to complete the requalification cycle is in the public interest.

The NRC staff further finds that the extension will maximize the number of licensed operators available to perform licensed duties during startup. This will assist in managing operator fatigue during startup activities. The NRC staff has concluded that this exemption will allow the licensee to better manage licensed operator fatigue during a period of high workload which will reduce the probability of errors due to high work hours and exhaustion. Therefore, the NRC staff has concluded that allowing the licensee to reduce licensed operator fatigue is in the public interest.

Finally, the NRC staff finds that the extension will enable the licensee to complete startup activities and restore Diablo Canyon Unit 2 to full power operation without diverting attention and resources needed to complete requalification training cycle. By being allowed to allocate the maximum amount of resources to startup activities, the licensee will be able to complete the Unit 2 refueling outage in a safe manner and resume normal operational activities and supply electrical power to the grid, particularly during the high demand season of summer, which promotes grid stability. Therefore, the NRC staff has concluded allowing the licensee to devote its licensed operators' full attention to Unit 2 startup activities is in the public interest.

Based on the above, the NRC staff finds reasonable assurance that the exemption request will promote safe operation of the plant by allowing the licensed operators to be focused and available to support startup activities at Diablo Canyon Unit 2. The NRC staff also finds that granting the exemption is in the public interest because it enhances the licensee's ability to safely restart from the Unit 2 outage and to provide electricity to the grid, by minimizing distractions, reducing operator fatigue, and ensuring that the maximum amount of licensed operator resources are allocated to outage and restart activities.

### **Environmental Considerations**

The NRC's approval of this exemption request is categorically excluded under 10 CFR 51.22(c)(25), and there are no special circumstances present that would preclude reliance on this exclusion. The NRC staff determined, per 10 CFR 51.22(c)(25)(vi)(E), that the requirements from which this exemption is sought involve education, training, experience, qualification, requalification, or other related requirements. The NRC staff also determined that approval of this exemption request involves no significant hazards consideration because it does not authorize any physical changes to the facility or any of its safety systems, nor does it change any of the assumptions or limits used in the facility licensee's safety analyses or introduce any new failure modes. There is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite because this exemption does not affect any effluent release limits as provided in the facility licensee's technical specifications or the regulations in 10 CFR Part 20, "Standards for Protection Against Radiation." There is no significant increase in individual or cumulative public or occupational radiation exposure because this exemption does not affect the limits provided in 10 CFR Part 20 for radiation exposure to workers or members of the public. There is no significant construction impact because this exemption does not involve any construction activities or changes to a construction permit. There is no significant increase in the potential for or consequences from radiological accidents because this exemption does not alter any of the assumptions or limits in the facility licensee's safety analysis. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the approval of this requested exemption.

## **Conclusions**

Accordingly, the NRC finds that, pursuant to 10 CFR 55.11, (1) the exemption is authorized by law, (2) the exemption will not endanger life or property, and (3) the exemption is otherwise in the public interest. Therefore, the NRC hereby grants the licensee's request to exempt Diablo Canyon from 10 CFR 55.59(a)(1), (a)(2), and (c)(1) on a one-time basis until June 30, 2021.

This exemption is effective upon issuance until June 30, 2021.

If you have any questions, please contact the Diablo Canyon project manager, Samson Lee, at 301-415-3168 or [Samson.Lee@nrc.gov](mailto:Samson.Lee@nrc.gov).

Sincerely,

Craig G. Erlanger, Director  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-275 and 50-323

cc: Listserv

SUBJECT: DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2 – EXEMPTION FROM SELECT REQUIREMENTS OF 10 CFR PART 55, “OPERATORS’ LICENSES” (EPID L-2021-LLE-0007) DATED APRIL 1, 2021

**DISTRIBUTION:**

PUBLIC

PM File Copy

RidsACRS\_MailCTR Resource

RidsNrrDorLpl4 Resource

RidsNrrDroIolb Resource

RidsNrrLAPBlechman Resource

RidsNrrPMDiabloCanyon Resource

RidsRgn4MailCenter Resource

BJain, NRR

BHartle, NRR

TBuchanan, NRR

LNist, NRR

SLee, NRR

MMcCoppin, OEDO

MHaire, OEDO

**ADAMS Accession No. ML21067A058**

OFFICE	NRR/DORL/LPL4/PM	NRR/DORL/LPL4/LA	NRR/DRO/IOLB/BC
NAME	BJain	PBlechman	CCowdrey
DATE	03/04/2021	03/09/2021	03/04/2021
OFFICE	OGC – NLO	NRR/DORL/LPL4/BC	NRR/DORL/D
NAME	TSherwin	JDixon-Herrity	CErlanger
DATE	03/31/2021	03/26/2021	04/01/2021

**OFFICIAL RECORD COPY**