



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

April 6, 2023

Diane Curran
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1725 DeSales Street N.W., Suite 500
Washington, DC 20036

Dear Attorney Curran:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your submittal, dated January 10, 2023, concerning two requests made to the NRC by Pacific Gas & Electric Company (PG&E) asking the Commission to take certain actions regarding the Diablo Canyon Power Plant.¹

Specifically, you requested that the Commission exercise its inherent supervisory authority over the NRC staff to reject the two requests made by PG&E via letter to the NRC. The first PG&E request sought resumption of the NRC's review of the 2009 license renewal application for the Diablo Canyon Power Plant that PG&E submitted in 2009 and subsequently withdrew in March 2018. The second PG&E request, in the event the first request was not granted, sought an exemption for the Diablo Canyon Power Plant from the NRC's timely renewal provision in 10 C.F.R. § 2.109(b).

The NRC staff has recently taken actions that relate to the topics discussed in your submittal. On January 24, 2023, the NRC staff explained in a letter to PG&E that it would not resume its review of PG&E's withdrawn license renewal application.² That letter also indicated that the NRC staff's determination on the exemption request from 10 C.F.R. § 2.109(b), was pending at that time.

On March 2, 2023, the NRC staff granted PG&E an exemption from 10 C.F.R. § 2.109(b), the "timely renewal" provision.³ The exemption provides that if PG&E submits a

¹ Petition by San Luis Obispo Mothers for Peace, Friends of the Earth and Environmental Working Group to Deny Pacific Gas & Electric Company's Request to Review Undocketed License Renewal Application for the Diablo Canyon Unit 1 and Unit 2 Reactors and Petition to Deny Pacific Gas & Electric Company's Request to Extend the Diablo Canyon Reactors' License Terms Without Renewing the Licenses (Jan. 10, 2023) (ADAMS accession no. ML23052A192); Letter from Paula Gerfen, PG&E, to NRC Document Control Desk (Oct. 31, 2022) (ML22304A691).

² Letter from Lauren K. Gibson, NRC, to Paula Gerfen, PG&E, "Diablo Canyon Power Plant, Units 1 and 2 – Staff Decision to Not Resume Review of Withdrawn License Renewal Application" (Jan. 24, 2023) (ML22343A179).

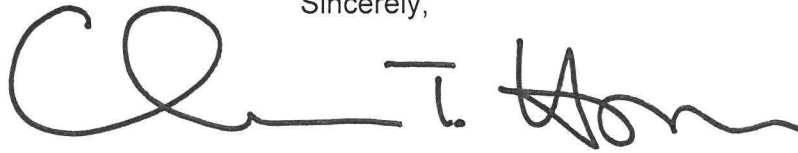
³ Letter from Brian K. Harris, NRC, to Paula Gerfen, PG&E, "Diablo Canyon Power Plant, Units 1 and 2 – Exemption from the Requirements Related to Submission of a License Renewal

license renewal application by December 31, 2023, and the NRC staff finds it acceptable for docketing, the existing operating licenses for Diablo Canyon Power Plant will not be considered expired until the NRC has made a final determination on the application. The exemption, which was published in the *Federal Register* at 88 Fed. Reg. 14,395 (Mar. 8, 2023), explains the NRC staff's rationale for concluding that the exemption is authorized by law, will not present an undue risk to the public health and safety, is consistent with the common defense and security, and that special circumstances are present. As indicated in the Federal Register notice, the Executive Director for Operations consulted with the Commission prior to taking this action.

Please be assured, if PG&E submits a renewal application that the NRC staff deems acceptable to docket for review, there would be an opportunity for interested parties to file intervention petitions, consistent with 10 C.F.R. § 2.309.

Thank you for your interest in the Diablo Canyon Power Plant and for sharing your views with the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher T. Hanson". The signature is fluid and cursive, with a large initial "C" and a distinct "H".

Christopher T. Hanson

Application" (Mar. 2, 2023) (ML23026A115). The Commission received a separate letter on March 28, 2023, concerning this exemption. Request for Reversal of Exemption from Timely Renewal Regulation 10 C.F.R. § 2.109(b) to allow Indefinite Extended Operation of Diablo Canyon Reactors Units 1 and 2, Docket Nos. 50-275, 50-323 (March 28, 2023) (ML23088A219). The agency's response to this letter is pending.

Identical letter sent to:

Diane Curran
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1725 DeSales Street N.W., Suite 500
Washington, DC 20036
dcurran@harmoncurran.com

Hallie Templeton
Friends of the Earth
1101 15th Street, 11th Floor
Washington, DC 20005
h templeton@foe.org

Caroline Leary
Environmental Working Group
1250 I St N.W.
Washington, DC 20005
cleary@ewg.org