

6269

DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

'88 MAY 13 P4:22

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of )  
PACIFIC GAS AND ELECTRIC COMPANY )  
(Diablo Canyon Nuclear Power Plant, )  
Unit No. 1) )

OFFICE OF SAFETY )  
DOCKET - OCA )  
BRANCH )  
Docket No. 50-275 )  
Facility License DPR-80 )  
(License Amendment) )  
ASLBP No. 88-566-03 OLA )

Motion To Terminate Proceeding

On October 21, 1987 the NRC published in the Federal Register a "Notice of Consideration of Amendment to Facility License and Proposed No Significant Hazards Consideration and Opportunity for Hearing," 52 Fed. Reg. 39296, 39304. The proposed amendment was a request by Pacific Gas and Electric Company ("PG&E") to revise License Condition 2.C.(7) of the Diablo Canyon Unit 1 license, DPR-80, to allow submittal of the mandated Long-Term Seismic Program ("LTSP") Final Report by July 31, 1989 rather than July 31, 1988.<sup>1</sup>

On May 6, 1988 PG&E notified the NRC in writing that it was withdrawing its license amendment request seeking an additional year to complete the LTSP and file a Final Report (attached). In that letter PG&E stated that the Final Report will be

<sup>1</sup> The Unit 1 license contained several conditions, one of which required PG&E to conduct a Seismic Design Bases Reevaluation Program and file a Final Report with the NRC three years following approval of the program by the NRC staff. The PG&E program plan was approved by the NRC staff on July 31, 1985. Accordingly, the Final Report was required to be filed by July 31, 1988.

D503

submitted by July 31, 1988 as required by the Unit 1 license condition.

Due to these changed circumstances, PG&E hereby moves that the pending proceedings be terminated on the grounds of mootness. Undersigned counsel has discussed the foregoing with counsel for the NRC, and I have been authorized to state that the NRC has no objection to this motion.

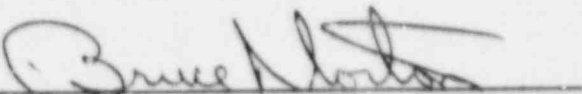
Respectfully submitted,

HOWARD V. GOLUB  
RICHARD F. LOCKE  
Pacific Gas and Electric Company  
P. O. Box 7442  
San Francisco, CA 94120  
(415) 972-6616

BRUCE NORTON  
c/o Richard F. Locke  
P. O. Box 7442  
San Francisco, CA 94120

Attorneys for  
PACIFIC GAS AND ELECTRIC COMPANY

By

  
Bruce Norton

DATED: May 11, 1988

Pacific Gas and Electric Company

77 Beale Street  
San Francisco, CA 94105  
415-973-4664  
TWX 910-372-6587

James U. Shiffer  
Vice President  
Nuclear Power Generation

May 6, 1988

PG&E Letter No. DCL-88-122



U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555

Re: Docket No. 50-275, OL-DPR-80  
Diablo Canyon Unit 1  
Withdrawal of License Amendment Request 87-08

Gentlemen:

On September 24, 1987, Pacific Gas and Electric Company (PG&E) submitted License Amendment Request 87-08 (LAR) to allow filing of the Long Term Seismic Program (LTSP) Final Report by July 31, 1989. Since the time of the submittal of the LAR, certain events have occurred which affect PG&E's need for the license amendment. First, the California Public Utilities Commission staff requested and has been granted a delay for the start of hearings in the Diablo Canyon Rate Case. Under this revised schedule, hearings on the geosciences issues will commence in late August 1988. As a result of this delay, key LTSP personnel have additional time to engage in LTSP activities.

In addition, it has become increasingly evident that the adjudicatory process which has been invoked to consider the LAR will take a considerable amount of time and effort before it is ultimately concluded. This process would divert personnel involved in the LTSP and the Rate Case from their primary and necessary functions.

Given these developments, PG&E has decided to submit the Diablo Canyon Long Term Seismic Program Final Report by July 31, 1988 and, hereby, withdraws the LAR.

Kindly acknowledge receipt of this material on the enclosed copy of this letter and return it in the enclosed addressed envelope.

Sincerely,

A handwritten signature in cursive script, appearing to read 'J. D. Shiffer'. The signature is written in dark ink on a light background.

J. D. Shiffer

cc: J. B. Martin  
M. M. Mendonca  
P. P. Narbut  
B. Norton  
H. Rood  
B. H. Vogler  
CPUC  
Diablo Distribution

2098S/0058K/DWO/1587

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

'88 MAY 13 P4:22

\_\_\_\_\_  
In the Matter of )  
 )  
PACIFIC GAS AND ELECTRIC COMPANY )  
 )  
(Diablo Canyon Nuclear Power )  
Plant Unit 1) )  
\_\_\_\_\_ )

DOCKET NO. 80-275-06A  
OFFICE OF SECRETARY  
DOCKETING  
BRANCH

(License Amendment)

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 1988, copies of the following document in the above-captioned proceeding have been served on the following by deposit in the United States mail:

Ivan W. Smith, Chairman  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Docketing and Services Branch  
Office of the Secretary  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555  
(1 original plus 3 copies)

Jerry Harbour  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Benjamin H. Vogler, Esq.  
Office of Executive Legal  
Director  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Gustave A. Linenberger, Jr.  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

Regional Counsel  
U.S. Nuclear Regulatory  
Commission  
Region V  
1450 Maria Lane, Suite 210  
Walnut Creek, CA 94596

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory  
Commission  
Washington, D.C. 20555

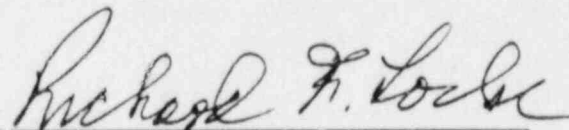
Samuel J. Chilk, Secretary  
General Counsel  
U.S. Nuclear Regulatory  
Commission  
1717 H Street, NW, MS 1035  
Washington, D.C. 20555

Richard E. Blankenburg  
Co-publisher  
Wayne A. Soroyan, News Reporter  
South County Publishing Company  
P. O. Box 460  
Arroyo Grande, CA 93420

Managing Editor  
San Luis Obispo County  
Telegram-Tribune  
1321 Johnson Avenue  
San Luis Obispo, CA 93406

Edie Clark  
Sandra A. Silver  
San Luis Obispo Mothers  
for Peace  
613 Stanford  
San Luis Obispo, CA 93401

Nancy Culver  
San Luis Obispo Mothers  
for Peace  
192 Luneta Street  
San Luis Obispo, CA 93401



Richard F. Locke  
Pacific Gas and Electric Company  
77 Beale Street, 27th Floor  
San Francisco, CA 94106

Dated at Bethesda, Maryland, California, this 11th day of  
May 1988.