

OCT 31 1983

Docket No.: 50-275

Mr. James O. Schuyler
Vice President - Nuclear Generation
Department
Pacific Gas & Electric Company
77 Beale, Room 1451
San Francisco, California 94106

Dear Mr. Schuyler:

Subject: Issuance of Notice of Consideration of Issuance of Amendment

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Enclosed for your information is a copy of the "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity of Hearing" related to your application request of February 10, 1983, to grant a temporary one-time exception to the facility Technical Specifications (which presently require corrective action to return at least one reactor coolant loop to operation within one hour) to permit natural circulation tests to be performed during the startup test program with no reactor coolant loops in operation. This Notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,



George W. Knighton, Chief
Licensing Branch No. 3
Division of Licensing

Enclosure:
Federal Register Notice

cc w/encl.: See next page

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Diablo Canyon

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California Department of Health
ATTN: Chief, Environmental Radiation
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741 P Street - Room 498
Sacramento, California 95814

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1111 Howe Avenue
Sacramento, California 95825

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San Francisco, California 94102

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State Department of Health Services
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Sacramento, California 95814

UNITED STATES NUCLEAR REGULATORY COMMISSIONPACIFIC GAS AND ELECTRIC COMPANYDOCKET NO. 50-275NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-76, issued to the Pacific Gas and Electric Company (PG&E, the licensee), for operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located at San Luis Obispo, California.

The amendment would grant a temporary one-time exception to the facility Technical Specifications (which presently require corrective action to return at least one reactor coolant loop to operation within one hour) to permit natural circulation tests to be performed during the startup test program with no reactor coolant loops in operation in accordance with the licensee's application for amendment dated February 10, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create

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the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission's proposed determination is based on its findings that the natural circulation test does not increase the probability of malfunction of safety-related equipment nor does it diminish the ability to mitigate the consequences of a postulated accident. In addition, the following compensatory conditions will exist during the one-time test:

- 1) No safety related equipment will be required to operate outside of its normal operating parameters;
- 2) The reactor coolant pumps will be available at all times to return the RCS to a forced circulation condition;
- 3) The reactor will be shut down in Mode 3.
- 4) A situation which could lead to an accident or malfunction different than was previously evaluated in the FSAR is not created by performing the test as the ability to remove decay heat under natural circulation conditions has been demonstrated at similar plants (North Anna, Salem and San Onofre;) and
- 5) All safety related equipment will be operable.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, ATTN: Docketing and Services Branch.

By December 7, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave

to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D. C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. George W. Knighton: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page

number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Philip A. Crane, Jr., Esq., Pacific Gas & Electric Company, 77 Beale Street, San Francisco, California 94106 and Norton, Burke, Berry & French P.C., Attn: Bruce Norton, Esq., 2002 East Osborn Road, Phoenix, Arizona 85016, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Bethesda, Maryland, this 31st day of October, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

151

George W. Knighton, Chief
Licensing Branch No. 3
Division of Licensing

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