

Document Control 50-275

NRC PDR

L PDR

NSIC

OCT 11 1983

Docket No.: 50-275

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

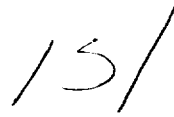
PRC System
LB#3 Reading
GWKnighton
JLee(5)*
LChandler*
ELJordan, IE
JTaylor, IE
HDenton
DEisenhut
TMNovak
JMiller
PKruetzer*

Dear Mr.Schuyler:

Subject: Issuance of Notice of Consideration of Issuance of Amendment

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 for Hearing" related to your application of July 1, 1983, regarding Diablo Canyon Unit 1 proposed Technical Specifications changes to add a new requirement to provide limiting conditions for operation should the ocean inlet water temperature exceed 64°F and require surveillance requirements to ensure operability of the ultimate heat sink. This Notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,



Bart Buckley, Project Manager
Licensing Branch No. 3
Division of Licensing

Enclosure:
Federal Register Notice

cc w/encl.: See next page

DL:LB#3
JLee/yt
10/11/83

DL:LB#3
JWilson
10/11/83

DL:LB#3
GWKnighton
10/11/83

Mr. J. J. Schuyler, Vice President
Nuclear Power Generation
c/o Nuclear Power Generation, Licensing
Pacific Gas and Electric Company
77 Beale Street, Room 1435
San Francisco, California 94106

Philip A. Crane, Jr., Esq.
Pacific Gas & Electric Company
Post Office Box 7442
San Francisco, California 94120

Mr. Malcolm H. Furbush
Vice President - General Counsel
Pacific Gas & Electric Company
Post Office Box 7442
San Francisco, California 94120

Janice E. Kerr, Esq.
California Public Utilities Commission
350 McAllister Street
San Francisco, California 94102

Mr. Frederick Eissler, President
Scenic Shoreline Preservation
Conference, Inc.
4623 More Mesa Drive
Santa Barbara, California 93105

Ms. Elizabeth Apfelberg
7415 Cozadero
San Luis Obispo, CA 93401

Mr. Gordon A. Silver
Ms. Sandra A. Silver
1760 Alisal Street
San Luis Obispo, CA 93401

Harry M. Willis, Esq.
Seymour & Willis
601 California Street, Suite 2100
San Francisco, CA 94108

Mr. Richard Hubbard
MHB Technical Associates
Suite K
1725 Hamilton Avenue
San Jose, CA 96125

Mr. John Marrs, Managing Editor
San Luis Obispo County Telegram Tribune
1321 Johnson Avenue
P. O. Box 112
San Luis Obispo, CA 93406

Resident Inspector/Diablo Canyon NPS
c/o US Nuclear Regulatory Commission
P. O. Box 369
Avila Beach, California 93424

Ms. Raye Fleming
1920 Mattie Road
Shell Beach, California 93440

Joel Reynolds, Esq.
John R. Phillips, Esq.
Center for Law in the Public Interest
10951 West Pico Boulevard
Third Floor
Los Angeles, California 90064

Paul C. Valentine, Esq.
321 Lytton Avenue
Palo Alto, California 94302

Dr. William E. Cooper
Project Manager - 5511
Teledyne Engineering Services
130 Second Avenue
Waltham, Massachusetts 02254

Mr. Dick Blankenburg
Editor & Co-Publisher
South County Publishing Company
P. O. Box 460
Arroyo Grande, California 93420

Norton, Burke, Berry & French, P.C.
2002 E. Osborn Road
P. O. Box 10569
Phoenix, Arizona 85064

Mr. W. C. Gangloff
Westinghouse Electric Corporation
P. O. Box 355
Pittsburg, Pennsylvania 15230

David F. Fleischaker, Esq.
P. O. Box 1178
Oklahoma City, Oklahoma 73101

Arthur C. Genn, Esq.
Snell & Wilmer
3100 Valley Center
Phoenix, Arizona 85073

Mr. Lee M. Gustafson, Director
Federal Agency Relations
Pacific Gas & Electric Company
1050 17th Street, N. W.
Suite 1180
Washington, D. C. 20036

Regional Administrator - Region V
US Nuclear Regulatory Commission
1450 Maria Lane
Suite 210
Walnut Creek, California 94596

Dr. Jose Roesset
3506 Duval Road
Austin, Texas 78759

Michael J. Strumwasser, Esq.
Special Council to the Attorney General
State of California
3580 Wilshire Boulevard, Suite 300
Los Angeles 90010

Mr. Thomas H. Harris
San Jose Mercury News
750 Ridder Park Drive
San Jose, California 95190

Mr. Mark Gottlieb
California Energy Commission
1111 Howe Avenue, MS 27
Sacramento, California 95825

Maurice Axelrad, Esq.
Lowenstein, Newman, Reis and Axelrad
1025 Connecticut Avenue, NW
Washington, D. C. 20036

Chairman
San Luis Obispo County Board of Supervisors
Room 220
County Courthouse Annex
San Luis Obispo, California 93401

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

Director
Energy Facilities Siting Division
Energy Resources Conservation and
Development Commission
1111 Howe Avenue
Sacramento, California 95825

President
California Public Utilities Commission
California State Building
350 McAllister Street
San Francisco, California 94102

Mr. Joseph O. Ward, Chief
Radiological Health Branch
State Department of Health Services
714 P Street, Office Building #8
Sacramento, California 95814

UNITED STATES NUCLEAR REGULATORY COMMISSIONPACIFIC GAS AND ELECTRIC COMPANY

DOCKET NO. 50-275

NOTICE 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 Pacific Gas and Electric Company (the licensee) for operation of the Diablo Canyon Nuclear Power Plant, Unit 1 located in San Luis Obispo, California.

The amendment would add a new requirement into the Technical Specifications to provide limiting conditions for operation should the inlet ocean water temperature exceed 64°F and require surveillance requirements to ensure operability of the ultimate heat sink in accordance with the licensee's application for amendment dated July 1, 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 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 has provided guidance for the application of the criteria in 10 CFR 50.92 by providing examples of amendments that are considered not likely to involve a significant hazards consideration (48 FR 14870). One such example is (ii) a change that constitutes an additional limitation, restriction or control not presently included in the technical specifications. The proposed amendment is to add an additional limitation in the event that the ocean water inlet temperature exceeds 64°F. There presently is no ocean water inlet temperature limitation in the facility's Technical Specifications. Inclusion of the proposed 64°F limitation follows from a reanalysis of component cooling water performance for heat removal. Based on this consideration and the three criteria given above, we have made a proposed determination that this amendment requests involves no significant hazards consideration.

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 Service Branch.

By November 16, 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, (301)492-7161: 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 11th day of October, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

/s/

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

DL:LB#3
JLee/yt
10/11/83

DL:GAA
JWilson
10/11/83

DL:LB#3
GWKnighton
10/11/83

SEND ENCLOSURE TO CENTRAL
FILES ONLY - DO NOT SEND
TO PDR, LPDR, NTIS OR NSIC

INITIAL
NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION
AND NOTICING ACTION

Docket No. 50-275 Facility: Diablo Canyon, Unit 1

Licensee: Pacific Gas & Electric Company Date of application: 7/1/83

Request for: The proposed amendment is to add a new requirement into the Technical Specifications to provide limiting conditions for operation should the inlet ocean water temperature exceed 64°F and also requires surveillance requirements to ensure operability of the ultimate heat sink.

(See attached notice or press release for more details.)

Initial Determination:

- () Proposed determination - amendment request involves no significant hazards considerations (NSHC).
- () Final determination - amendment request involves significant hazards considerations (SHC).

Basis for Determination

- () Licensee's NSHC discussion has been reviewed and is accepted. See attached amendment request.
- () Basis for this determination is presented in the attached notice.
- (X) Other (state): NRC See Attachment

835448

(Attach additional sheets as needed.)

Initial Noticing Action: (Attach appropriate notice or input for monthly FRN)

1. (X) Monthly FRN. Notice of opportunity for hearing (30 days) and request for comments on proposed NSHC determination - monthly FRN input is attached (Attachment 8).
2. (X) Individual FRN (30 days). Same notice matter as above. Time does not allow waiting for next monthly FRN (Attachments 9a and 9b).

(THIS FORM SHOULD BE TYPED EXCEPT FOR UNUSUAL, URGENT CIRCUMSTANCES.)

Attachment

One of the examples of actions involving no significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed amendment is to add an additional limitation in the event that the ocean water inlet temperature exceeds 64°F, and matches example (ii) provided by the Commission on actions involving no significant hazards (48 FR 14870).

There presently is no ocean water inlet temperature limitation included in the facility's Technical Specifications. Inclusion of the proposed 64°F limitation follows from a reanalysis of CCI performance for heat removal.

- 3. () Local media notice. Valid exigent circumstances exist (evaluated below). Local media notice requesting public comments on proposed NSHC determination is attached (Attachment 10).
- 4. () No notice. A valid emergency situation exists (evaluated below) and there is no time for public notice on proposed NSHC determination. (No attachment.)
- 5. () Individual FRN (30-days). Licensee's claim of exigent or emergency circumstances is invalid (evaluated below). Notice of opportunity for hearing (30 days) and request for comments on proposed NSHC determination is attached (Attachments 9a and 9b). Letter of explanation to licensee is also attached.
- 6. () Individual FRN (30-days). The amendment request involves SHC. Notice of opportunity for prior hearing is attached (Attachment 5). Letter to licensee also attached.
- 7. () Individual Short FRN. Valid emergency circumstances exist (evaluated below). There is no time for the usual 30-day FRN. (Attachment 16).

Evaluation of exigent or emergency circumstances (if applicable):

(attach additional sheets as needed)

Approvals:

Date:

- | | |
|--|----------------------|
| 1. <u>Bart Buckley</u>
(Project Manager) | <u>July 12, 1983</u> |
| 2. <u>[Signature]</u>
(Branch Chief) | <u>July 12 1983</u> |
| 3. _____
(Assistant Director) | _____ |
| 4. <u>[Signature]</u> subject to amendment on Attachment
(OELD) | <u>Aug. 1, 1983</u> |

Additional approval(for noticing action types 4 and 5):

- 5. _____
(Director, Division of Licensing)

Attachment: as indicated.

cc: Original - Docket File (with note "Docket File only")

PM
LA
Branch files