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AUG 12 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

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 June 23, 1982 and supplemental letter dated July 26, 1983, regarding Diablo Canyon Unit 1 proposed Technical Specifications changes to the response time for containment spray initiation. This Notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

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

Enclosure:
Federal Register Notice

cc w/encl.: See next page

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UNITED STATES NUCLEAR REGULATORY COMMISSION

PACIFIC GAS & 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 & Electric Company, (the licensee), for operation of the Diablo Canyon, Unit 1, Nuclear Power Plant located in San Luis Obispo, California.

The proposed amendment would change the response time for containment spray initiation in Table 3.3-5 of the Facility Technical Specifications from equal to or less than 27.5 seconds to equal to or less than 48.5 seconds. As a result of this change, Sections 3.3.2, 3.4.6.1.4, 4.8.1 and Table 4.8-2 of the Technical Specifications would have to be updated to reflect this change in accordance with the Licensee's submittal dated June 23, 1983 and supplemental letter dated July 26, 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 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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OFFICE	the possibility of a new	or different	kind of accident	from any	accident previously	
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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 significant hazards consideration (48 FR 14870). One such example is (vi) a change which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan; for example, a change resulting from the application of a small refinement of a previously used calculational model or design method.

The Licensee is proposing to change maximum response time for initiation of containment spray from 27.5 seconds to 48.5. The licensee performed an analysis of the change in response time. The results of the analysis indicated an increase in containment peak pressure, following a loss-of-accident, from 46.65 psig to 46.91 psig. The FSAR value of the two-hour thyroid dose at the site boundary was previously calculated to be 95.9 REM for the case of no post-LOCA delay in the containment spray. The licensee has reanalyzed the above value and the value for the proposed delay in containment spray using a current verified code and dose conversion factors provided in Revision 1 to Regulatory Guide 1.109. The results of the reanalyses indicate that two-hour thyroid dose at the site would be 85.6 REM for no spray delay and 93.4 REM for the proposed delay. While there is a small reduction in the safety margin in both containment pressure and dose consideration on the basis of the analysis using the revised code, they are clearly within acceptable criteria, i.e. the design of the containment, 47 psig, and the 300 REM value in 10 CFR 100.

Therefore, based on these considerations and the three criteria given in the fourth paragraph above, we have made a proposed determination that this amendment request 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 Sept. 19, 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. The 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 of 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

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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 persons 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.

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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.

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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 were 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 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 Phillip 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

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petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. The 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 dated June 23, 1983, and supplemental information dated July 26, 1983 which are 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 12th day of August, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

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

*no need
objection
with comments*

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