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AUG 1 1 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

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 May 2, 1983, regarding modifications of the Diablo Canyon Unit 1 Containment Isolation System. This Notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:  
**B. C. Buckley**

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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San Luis Obispo County Board of Supervisors  
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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  
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1111 Howe Avenue  
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California State Building  
350 McAllester Street  
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Mr. Joseph O. Ward, Chief  
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(w/enclosure and incoming)

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 result in certain changes to Table 3.6-1 (Containment Isolation Valves) of the facility Technical Specifications. These changes reflect proposed containment isolation system modifications, and entail adding several valves to the table, deleting others, and revising the footnoting in the table in accordance with the licensee's application dated May 2, 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 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.

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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 (i) a purley administrative change to technical specifications; for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or change in nomenclature. Another such example is (ii) a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example, a more stringent surveillance requirement.

The Licensee is installing a Post-Accident Sampling System in compliance with license condition 2.C(8).h. This license condition was imposed by the NRC staff to upgrade the post-accident sampling system in accordance with NUREG-0737. It requires the installation of six containment isolation valves. These six valves and one other valve have been identified as subject to local leak rate testing, in accordance with Appendix J to 10 CFR Part 50 and must be added to Table 3.6.1. An additional three check valves have also been identified as being subject to Appendix J leak testing and are designated as such in Table 3.6-1. Two isolation valves are also being removed and the penetration will be closed with caps welded into the pipe penetration. The function of these valves have been replaced by hydrogen recombiners and therefore since the valves are being removed any reference to them in Table 3.6-1 must be deleted. Additionally, thirteen valves will be subject to administrative control, which is necessary in order to conduct certain activities such as sampling, and will be designed as such in Table 3.6-1. The thirteen valves consist of the six new containment

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isolation valves mentioned above and seven valves which are currently listed in Table 3.6-1 but which are inadvertently not designated as being subject to administrative control. Without such designation, operation of these valves for sampling purposes would violate the Technical Specifications.

The proposed amendment reflects an upgraded post-accident sampling system, provides for consistency in the Technical Specifications, permits testing during normal routine plant activities, conforms more accurately to the provisions of Appendix J to 10 CFR Part 50, and, in part, reflects also the as-built condition of the plant.

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

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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 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.

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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.

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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 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

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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 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 May 2, 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 11<sup>th</sup> day of August, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

**Original signed by:  
George W. Knighton**

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

\*See previous concurrence

*Telephone concurrence  
Scinto to G Knighton  
8/11/83*

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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).

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Dated at Bethesda, Maryland, this            day of July, 1983.

FOR THE NUCLEAR REGULATORY COMMISSION

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

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