Docket Nos.: 50-275 and 50-323

. ·

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 of Hearing" related to your application request of March 30, 1984, to modify the Diablo Canyon Unit 1 Technical Specifications concerning mechanical and hydraulic snubbers. This Notice has been forwarded to the Office of the Federal Register for publication.

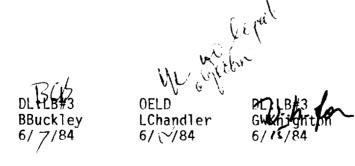
Sincerely,

Original signed by: Hans Schierling

Hans Schierling, Project Manager Licensing Branch No. 3 Division of Licensing

Enclosure: Federal Register Notice

cc w/encl.: See next page







· __.

ISSUANCE OF NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT

Docket File 50-275/323 NRC PDR Local PDR PRC System NSIC LB#3 Reading JLee (5) HSchierling BBuckley (4) TMNovak JSaltzman, SAB LChandler, OELD CMiles HDenton JRutberg AToalston WMiller, LFMB NGrace EJordan LHarmon DBrinkman, SSPB TBarnhart (4) IBailey

~

Diablo Canyon

Mr. J. O. 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 1415 Cozadero San Luis Obispo, California 93401

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

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

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

Mr. John Marrs, Managing Editor San Luis Obispo County Telegram Tribune 1321 Johnson Avenue P. O. Box 112 San Luis Obispo, California 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 90064

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

Bruce Norton, Esq. Norton, Burke, Berry & French, P.C. 202 E. Osborn Road P. O. Box 10569 Phoenix, Arizona 85064

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

David F. Fleischaker, Esq. P. O. Box 1178 Oklahoma City, Oklahoma 73101 Arthur C. Gehr, Esq. Snell & Wilmer 3100 Valley Center Phoenix, Arizona 85073

of the Contraction of the second

Mr. Lee M. Gustafson, Director Federal Agency Relations Pacific Gas & Electric Company 1050 17th Street, N.W. Suite 1180 Washington, DC 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 800 Los Angeles, California 90010

Mr. Tom Harris Sacremanto Bee 21st and O Streets Sacramento, California 95814

Mr. H. Daniel Nix California Energy Commission 1516 9th Street, MS 18 Sacramento, California 95814

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

Lewis Shollenberger, Esq. US Nuclear Regulatory Commission Region V 1450 Maria Lane Suite 210 Walnut Creek, California 94596 Mr. Thomas Devine Government Accountability Project Institute for Policy Studies 1901 Que Street, NW Washington, DC 20009 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 McAllester 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 COMMISSION PACIFIC 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 revise the Technical Specification concerning mechanical and hydraulic snubbers in accordance with the licensee's application for amendment dated March 30, 1984.

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.

8407090081 8400 PDR ADOCK 05000

7590-01

This change will revise the Technical Specifications concerning mechanical and hydraulic snubbers to reflect changes in piping supports that resulted from the Independent Design Verification Program and the Internal Technical Program which have been extensively evaluated by the staff as documented in Supplements 18, 19 and 20 to the NRC's Safety Evaluation Report. These modifications were necessary to assure that the affected systems were designed to meet the accepted seismic design criteria. This change will update the listing of mechanical and hydraulic snubbers in two tables of the Technical Specifications and will change the administrative controls accordingly. Without such updating, the identification of snubbers in Tables 3.7-3 and 3.7-4 of the Technical Specifications is no longer accurate and would not, in part, reflect the as built condition of the plant.

The Commission has provided guidance in the form of examples about the application of three standards set out in 10 CFR 50.92 for determining whether license amendments involve no significant hazards considerations (48 FR 14870). These examples are not applicable to the issue addressed in the proposed amendment. The basis for proposing that the proposed amendment does not involve a significant hazards consideration is that by assuring that of the Tables accurately reflect the snubbers at the plant (with attendant change in the administrative controls), the previously approved licensing criteria are met with no effect on any accident previously evaluated, any safety related design basis of the facility or its operation, or an any margin of safety. Therefore, the three standards are met because 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,(2) create the possibility of a new or different kind of accident, or (3) involve a significant reduction in a margin of safety.

- 2 -

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 July 30, 1984 , 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. Requests 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

- 3 -

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, and have 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.

- 4 -

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

- 5 -

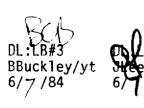
(800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Mr. George W. Knighton, (301) 492-7161: date petition was mailed; plant name, and publication date and page number of this FEDERAL REGISTER 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., 202 East Osborn Road, Phoenix, Arizona 85016, attorneys for the licensee.

Nontimely filings of petitions for leave to intervene, amended peitions, 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 20th day of June, 1984.

FOR THE NUCLEAR REGULATORY COMMISSION





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

ORIGINAL SIGNED BY

- 6 -