

JUN 20 1984

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

DL DLB#3
JLee/yt
6/7/84

BB DLB#3
BBuckley
6/7/84

up to legal
OELD
LChandler
6/7/84

DLB#3 DLB#3
GWhighton
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June 20, 1984

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

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

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Energy Resources Conservation and
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1111 Howe Avenue
Sacramento, California 95825

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San Francisco, California 94102

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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 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.

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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.

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

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.

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., 202 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 20th day of June, 1984.

FOR THE NUCLEAR REGULATORY COMMISSION

ORIGINAL SIGNED BY

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

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