

March 15, 1990

Docket Nos. 50-275  
and 50-323

Mr. J. D. Shiffer, Vice President  
Nuclear Power Generation  
c/o Nuclear Power Generation, Licensing  
77 Beale St., Room 1451  
San Francisco, California 94106

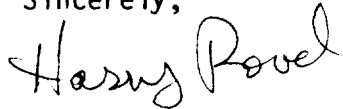
Dear Mr. Shiffer:

SUBJECT: ISSUANCE OF NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS,  
DIABLO CANYON, UNITS 1 AND 2 (LAR 90-04)

Enclosed for your information is a copy of a Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing related to your application dated March 14, 1990 to revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 relating to the schedule for removal of the Boron Injection Tank (BIT). Specifically, the revised TS would allow the BIT removal to be implemented at the fourth refueling outage for both units. The current TS require the BIT removal to be implemented at the third refueling outage for Unit 2 and the fourth refueling outage for Unit 1.

This Notice has been forwarded to the Office of the Federal Register for publication.

Sincerely,



Harry Rood, Senior Project Manager  
Project Directorate V  
Division of Reactor Projects III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

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Enclosure:  
Federal Register Notice

cc w/enclosure:  
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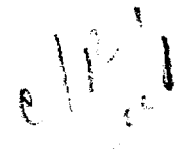
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

March 15, 1990

Docket Nos. 50-275  
and 50-323

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Nuclear Power Generation  
c/o Nuclear Power Generation, Licensing  
77 Beale St., Room 1451  
San Francisco, California 94106

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Sincerely,

A handwritten signature in cursive script that reads "Harry Rood".

Harry Rood, Senior Project Manager  
Project Directorate V  
Division of Reactor Projects III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation

Enclosure:  
Federal Register Notice

cc w/enclosure:  
See next page

Mr. J. D. Shiffer  
Pacific Gas and Electric Company

Diablo Canyon

cc:

NRC Resident Inspector  
Diablo Canyon Nuclear Power Plant  
c/o U.S. Nuclear Regulatory Commission  
P. O. Box 369  
Avila Beach, California 93424

Dr. R. B. Ferguson  
Sierra Club - Santa Lucia Chapter  
Rocky Canyon Star Route Company  
Creston, California 93432

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Department of Justice  
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Los Angeles, California 90010

UNITED STATES NUCLEAR REGULATORY COMMISSIONPACIFIC GAS AND ELECTRIC COMPANYDOCKET NOS. 50-275 AND 50-323NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO  
FACILITY OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR-80 and DPR-82, issued to the Pacific Gas and Electric Company (PG&E or the licensee) for operation of the Diablo Canyon Nuclear Power Plant (DCPP) Units 1 and 2 located in San Luis Obispo County, California.

The amendments would revise the combined Technical Specifications (TS) for DCPP Unit Nos. 1 and 2 relating to the schedule for removal of the Boron Injection Tank (BIT). Specifically, the revised TS would allow the BIT removal to be implemented at the fourth refueling outage for both units. The current TS require the BIT removal to be implemented at the third refueling outage for Unit 2 and the fourth refueling outage for Unit 1. The proposed amendments were requested by the licensee's letter of March 14, 1990.

Before issuance of the proposed license amendments, 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 request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments 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 licensee, in its submittal of March 14, 1990, evaluated the proposed change against the significant hazards criteria of 10 CFR 50.92 and against the Commission guidance concerning application of this standard. Based on the evaluation given below, the licensee has concluded that the proposed change does not involve a significant hazards consideration. The licensee's evaluation is as follows:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change will result in the same condition that was originally assumed in the safety analyses with the BIT. This change is administrative and will only extend the in service time for the Unit 2 BIT for one additional fuel cycle. The changes to TS Table 3.3-5 provide for consistency with the previous analyses, performed with the BIT installed, and will only be applicable during Units 1 and 2 Cycle 4. The Unit 2 BIT has been recently inspected and the evaluation has determined that it is structurally satisfactory for continued operation.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

This change is administrative and only extends the operability requirement of the BIT and associated heat tracing channels through Unit 2 Cycle 4 operation. The change to the ESF response times will ensure that all assumptions of the safety analyses are met.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

As discussed above, the proposed change will result in the same condition that was originally assumed in the safety analyses with the BIT. The change to the ESF response times ensures that the safety analyses assumptions with the BIT installed are satisfied.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The Commission has reviewed the proposed changes and the licensee's no significant hazards consideration determination and finds them acceptable. Therefore, based on the above considerations, the Commission proposes to determine that these changes do not involve 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.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments may be examined at the NRC Public Document Room, 2120 L Street N.W., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 19, 1990, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses 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 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street N.W., Washington, DC 20555, and at the California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407. 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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 amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the request for amendments involve a 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 before the issuance of the amendments.

If a 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 amendments 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 amendments before the expiration of the

30-day notice period, provided that its final determination is that the amendments involve 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.

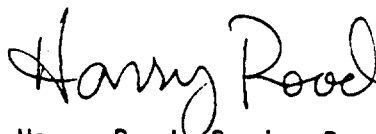
A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street N.W., Washington, DC 20555, 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 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Charles M. Trammell: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the FEDERAL REGISTER notice. A copy of the petition should also be sent to the Office of General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Richard R. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., c/o Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

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, that the petition and/or request should be granted 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 amendments dated March 14, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland this 15th day of March, 1990.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script that reads "Harry Rood".

Harry Rood, Senior Project Manager  
Project Directorate V  
Division of Reactor Projects - III,  
IV, V and Special Projects  
Office of Nuclear Reactor Regulation