

Docket No. 50-323

Mr. J. D. Shiffer, Vice President
Nuclear Power Generation
c/o Nuclear Power Generation, Licensing
Pacific Gas and Electric Company
77 Beale Street, Room 1451
San Francisco, CA 94106

Dear Mr. Shiffer:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT
DIABLO CANYON NUCLEAR POWER PLANT, UNIT 2 (TAC NO. 65297)

The Office of Nuclear Reactor Regulation has issued a Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing related to your application dated March 17, 1987, as supplemented May 6, 1987, requesting a change to Diablo Canyon Unit 2 License Condition 2.C.(9) to permit the submittal of a plant-specific steam generator tube rupture (SGTR) analysis in April 1988, rather than prior to startup following the first refueling outage. The delayed submittal would allow the use of the results and methodology of the Westinghouse Owners Group SGTR Subgroup.

A copy of the notice is enclosed for your information.

Sincerely,

Charles M. Trammell, Project Manager
Project Directorate V
Division of Reactor Projects - III/IV/V
& Special Projects

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P. PDR

Enclosure:
Notice

cc: See next page

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

Diablo Canyon

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UNITED STATES NUCLEAR REGULATORY COMMISSIONPACIFIC GAS AND ELECTRIC COMPANYDOCKET NO. 50-323NOTICE 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-82 issued to Pacific Gas and Electric Company (the licensee), for operation of Diablo Canyon Nuclear Power Plant, Unit 2, located in San Luis Obispo County, California. The request for amendment was submitted by letter dated March 17, 1987, as supplemented May 6, 1987.

The proposed amendment would revise the Diablo Canyon Unit 2 License Condition 2.C.(9) to allow the submittal of a plant-specific steam generator tube rupture (SGTR) analysis in April 1988, rather than prior to startup following the first refueling outage, to allow the use of the results and methodology of the Westinghouse Owners Group SGTR Subgroup (Subgroup).

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 request for amendment 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.

The licensee has determined that the proposed change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated because (a) based on the Subgroup's generic evaluation, the operators can respond to a design basis SGTR and perform the required actions to locate and terminate primary to secondary leakage before steam generator overfill occurs; (b) based on the Subgroup's generic evaluation, the offsite radiation doses for a design basis SGTR will be less than the allowable limits; and (c) the extension of time for submittal of the SGTR analysis is administrative in nature and has no effect on cause mechanisms.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed extension does not necessitate physical alteration of the plant or changes in parameters governing normal plant operation.

(3) Involve a significant reduction in the margin of safety because the extension of time for submitting the SGTR analysis is an administrative change.

Accordingly, the licensee has determined that the proposed change to License Condition 2.C.(9) involves no significant hazards consideration. The NRC staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that no significant hazards consideration is involved in the proposed amendment.

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 Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this FEDERAL REGISTER notice.

By June 11, 1987, 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. Request for a hearing and petitions for leave to intervene must 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 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 must 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 aspects(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, 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 request for amendment 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.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice 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 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 Office of the General Counsel-Bethesda, U. S. Nuclear Regulatory Commission, Washington, D.C. 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, 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 presiding 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 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, Government Documents and Maps Department, San Luis Obispo, California 93407.

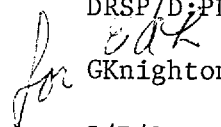
Dated at Bethesda, Maryland, this 7th day of May, 1987.

FOR THE NUCLEAR REGULATORY COMMISSION

Charles M. Trammell, Project Manager
Project Directorate V
Division of Reactor Projects - III/IV/V
and Special Projects


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5/7/87

DRSP/PD5

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