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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555

DOCKETED  
USNRC

OFFICE OF THE  
SECRETARY

September 1, 1992

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OFFICE OF SECRETARY  
DOCKETING & RECORDS  
SECTION 1

MEMORANDUM FOR: B. Paul Cotter, Jr.  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel

FROM: Samuel J. Chilk, Secretary

SUBJECT: PETITIONS FOR LEAVE TO INTERVENE SUBMITTED  
BY THE SAN LUIS OBISPO MOTHERS FOR PEACE

Attached is a petition to intervene dated August 18, 1992 and submitted by Nancy Culver on behalf of the San Luis Obispo Mothers for Peace. The petition was filed in response to a notice of proposed issuance by the NRC staff of an amendment to the operating license for the Diablo Canyon Nuclear Power Plant, Units 1 and 2 (Docket Nos. 50-275/323). The amendment would change the expiration date for the license for Unit 1 operation from April 23, 2008 to September 22, 2021 and the expiration date for Unit 2 operation from December 9, 2010 to April 26 2025. The notice was published in the Federal Register at 57 Fed. Reg. 32571, 32575 (July 22, 1992) (copy attached).

The petition to intervene is being referred to you for appropriate action in accordance with 10 C.F.R. Sec. 2.772(j).

Attachments: as stated

cc: Commission Legal Assistants  
OGC  
CAA  
EDO  
NRR  
Nancy Culver, Pres.  
Mothers for Peace  
Christopher J. Warner, Esq.  
Pacific Gas and Electric Co.

DS02

August 18, 1992

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington D.C. 20555

DOCKETED  
USNRC  
'92 AUG 21 12:43

Attention: Docketing and Service Branch

Re: Federal Register, Vol. 51, No. 141, July 22, 1992  
Pacific Gas and Electric Co. Docket Nos. 50-275  
and 50-323, Diablo Canyon Nuclear Power Plant, Unit  
Nos. 1 and 2, San Luis Obispo County, California.

Ref.: LAR 9204

SUBJECT: REQUEST FOR A HEARING AND PETITION FOR  
LEAVE TO INTERVENE AS REQUIRED BY CFR 2.714

Dear Sir:

The San Luis Obispo Mothers for Peace originally intervened in the licensing proceedings for the Diablo Canyon Nuclear Power Plant in 1973 and continued until Units 1 and 2 were licensed to operate. The majority of our members live and own property in San Luis Obispo County in which Diablo Canyon Nuclear Plant Units 1 and 2 are located. We have exhibited a longstanding interest in and concern about the Diablo Canyon Nuclear Power Plant, its daily operation and problems related to the plant.

We do have specific concerns regarding the extension of the expiration dates of the licenses for operation of Units 1 and 2. Construction of the plant began in 1967 although actual operation of the plant was initiated much later. Diablo Canyon, therefore, is an old plant with some of the materials being at least 20 years old. The aging of nuclear power plant components is one of the most important issues facing the nuclear industry and the Nuclear Regulatory Commission as well as the persons living near these plants.

We may be confronted with potential accident scenarios which go beyond the design basis of current safety systems. Steam generator tubes are susceptible to a host of aging problems. Other problems of aging plants are pipe thinning, weld and pipe cracking and the embrittlement of reactor pressure vessels and reactor pressure vessel supports. The unsolved problem of the Thermo-lag material used in fire safety, material failure in recent testing, is also of great concern.

The plant's location in an area of high seismic activity and the possibility of the D.O.E.'s reneging on the responsibility of storage of high level radioactive waste are additional reasons for our petition to intervene.

cc: General Counsel, NRC  
Legal Dept., P.G. & E

Respectfully submitted,  
*Nancy Culver*  
Nancy Culver, Pres.  
Board of Directors  
Mothers for Peace

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ervative measurement of the actual leakage expected through a pathway under post-accident conditions can be determined. The minimum pathway data from the last two Unit 2 refuel outages also indicates that on a minimum pathway basis, the quality of primary containment does not degrade excessively through the course of the fuel cycle. In addition, the previous outage "As Left" Integrated Leak Rate Test, completed on December 18, 1990, indicated that the primary containment overall integrated leakage rate, which obtains the summation of all potential leakage paths including containment welds, valves, fittings, and penetrations, was 0.8128 weight percent per day plus the calculated leak rate of 0.7428 weight percent per day plus the leakage rate of all nonvented pathways and the leakage compensation for the change in the drywell sump levels. This value is approximately 67 percent of the limit specified in the Technical Specifications (1.2 weight percent per day or 0.75 L<sub>w</sub>).

The above data, along with the station imposed limit for maximum pathway leakage, provide a basis for showing that the probability of exceeding the off site dose rates established in 10 CFR part 100 will not be increased by extending the current 24-month Type B and C testing interval for a maximum of 122 days. The proposed exemption does not affect plant nonradiological effluents and has no other environmental impact. Therefore, the Commission concludes there are no measurable environmental impacts associated with the proposed exemption.

#### *Alternative to the Proposed Action*

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require rigid compliance with the requirements of section III.D.2(a) and III.D.3 of appendix J to 10 CFR part 50. Such action would not enhance the protection of the environment and would result in unjustified costs for the licensee.

#### *Alternative Use of Resources*

This action does not involve the use of resources not considered previously in the Final Environmental Statement for Dresden, Units 2 and 3 dated November 1973.

#### *Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

#### **Findings of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the licensee's request for exemption dated May 27, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451.

Dated at Rockville, Maryland, this 14th day of July 1992.

For the Nuclear Regulatory Commission,  
Byron L. Siegel,

*Acting Director, Project Directorate III-2,  
Division of Reactor Projects III/IV/V, Office  
of Nuclear Reactor Regulation.*

[FR Doc. 92-17268 Filed 7-21-92; 8:45 am]

BILLING CODE 7590-01-M

#### **Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations**

##### **I. Background**

Pursuant to Public Law (Pub.L.) 97-415, the Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from June 28, 1992 through July 10, 1992. The last biweekly notice was published on July 8, 1992 (57 FR 30240).

##### **Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity For Hearing**

The Commission has made a proposed determination that the following

amendment requests involve 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 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 basis for this proposed determination for each amendment request is shown below.

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 Rules and Directives Review 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-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By August 21, 1992, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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, NW., Washington, DC 20555 and at the local public document room for the particular facility involved. 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 intends to rely in proving the contention at the hearing. 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 amendment 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 amendment and make it immediately 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 request 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 90-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 90-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 before action is taken. Should the Commission take this action, it will publish in the Federal Register 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, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., 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) 342-8700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to (Project Director): 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, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney 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 that the petition and/or request should be granted based upon a balancing of 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, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room for the particular facility involved.

Houston Lighting & Power Company, City Public Service Board of San Antonio, Central Power and Light Company, City of Austin, Texas, Docket Nos. 50-498 and 50-499, South Texas Project, Units 1 and 2, Matagorda County, Texas

*Date of amendment request:* May 26, 1992, as supplemented by letter dated June 3, 1992.

*Description of amendment request:* The proposed amendment revises spent fuel pool related Technical Specifications in Sections 3/4.9 and 5.8. The revised specifications introduce a required boron concentration in the spent fuel pool during refueling operations and define categories of fuel assemblies based upon enrichment, burnup and presence of burnable poisons. The allowable arrangement of assemblies within the spent fuel pool is determined as a function of the defined categories.

*Basis for proposed no significant hazards consideration determination:* As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

Pacific Gas and Electric Company,  
Docket Nos. 50-275 and 50-323, Diablo  
Canyon Nuclear Power Plant, Unit Nos.  
1 and 2, San Luis Obispo County,  
California

*Date of amendment requests:* July 9,  
1992 (Reference LAR 92-04)

*Description of amendment requests:*  
The proposed amendments would revise  
Facility Operating License Nos. DPR-80  
and DPR-82 for the Diablo Canyon  
Power Plant Unit Nos. 1 and 2 to change  
the expiration date of the Unit 1 license  
from April 23, 2008, to September 22,  
2021, and the expiration date for the  
Unit 2 license from December 9, 2010, to  
April 28, 2025. These proposed  
expiration dates would allow for 40  
years of operation as permitted by 10  
CFR 50.51.

The present operating license terms  
for Diablo Canyon are based on NRC  
policy in effect prior to the 1982  
determination by the Commission that  
the 40-year term of operation may begin  
upon issuance of the first operating  
license, rather than upon issuance of the  
construction permit. Therefore, the  
present operating license terms for  
Diablo Canyon commence with the  
dates of issuance of the construction  
permits for Units 1 and 2, April 23, 1968,  
and December 9, 1970, respectively.  
Accordingly, the expiration date for the  
Unit 1 operating license is April 23, 2008,  
and the expiration date for the Unit 2  
operating license is December 9, 2010.

Since 1982, the Commission has  
accepted and approved requests to  
amend existing operating licenses to  
change the expiration dates and recover  
the time between the effective dates of  
the construction permit and the first  
operating license. More than 50 such  
license amendments have been granted  
by the Commission. Consistent with  
current NRC policy, the proposed 40-  
year term start dates for Diablo Canyon  
are September 22, 1981, for Unit 1 and  
April 28, 1985, for Unit 2, which  
correspond to the effective dates of the  
fuel-load/low-power operating licenses  
for each unit.

*Basis for proposed no significant  
hazards consideration determination:*  
As required by 10 CFR 50.91(a), the  
licensee has provided its analysis of the  
issue of no significant hazards  
consideration, which is presented  
below:

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

The proposed 40-year operating license  
terms do not affect the probability or  
consequences of an accident previously  
evaluated since the requested extensions  
entail no physical change in the plant  
equipment or operating procedures and the

FSAR Update safety analyses are based on  
40-year plant operation.

Surveillance and maintenance practices, as  
well as other programs such as  
environmental qualification of equipment,  
ensure timely identification and correction of  
any degradation of safety-related plant  
equipment. The long term integrity of the  
reactor vessels has been recently reevaluated  
using currently acceptable NRC calculational  
methods and best available DCPD-specific  
data. The evaluation results demonstrate, as  
before, that both reactor vessels are safe for  
normal operations in excess of 40 years. Also,  
the offsite radiation exposures resulting from  
postulated accidents have been reanalyzed  
using population projections for the proposed  
40-year operating license terms. The  
calculated exposures are not significantly  
different from those documented in the FSAR  
Update and are well within 10 CFR 100  
guideline values.

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

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

The possibility of a new or different kind of  
accident is not created by the proposed 40-  
year operating license terms since at least 40-  
years operation was assumed in the design  
and construction of DCPD Units 1 and 2. The  
plant Maintenance Program is designed to  
both maintain and determine the need to  
replace safety-related components. Thus, any  
degradation that might possibly create a new  
or different kind of postulated accident would  
be detected and corrected before the  
occurrence of such an event.

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

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

The proposed 40-year operating license  
terms do not involve a significant reduction  
in a margin of safety since degradation of  
safety-related equipment will be identified  
and corrected by ongoing surveillance and  
maintenance practices. Existing programs,  
routine maintenance, and compliance with  
Technical Specifications assure that an  
adequate margin of safety is maintained.  
These activities will remain in effect for the  
duration of the operating licenses.

Therefore, the proposed changes do not  
involve a significant reduction in a margin of  
safety.

The NRC staff has reviewed the  
licensee's analysis and, based on this  
review, it appears that the three  
standards of 50.92(c) are satisfied.  
Therefore, the NRC staff proposes to  
determine that the amendment requests  
involve no significant hazards  
consideration.

*Local Public Document Room  
location:* California Polytechnic State  
University, Robert E. Kennedy Library,  
Government Documents and Maps  
Department, San Luis Obispo, California  
93407

*Attorney for licensee:* Christopher J.  
Warner, Esq., Pacific Gas and Electric  
Company, P.O. Box 7442, San Francisco,  
California 94120

*NRC Project Director:* Theodore R.  
Quay

Portland General Electric Company, et  
al., Docket No. 50-344, Trojan Nuclear  
Plant, Columbia County, Oregon

*Date of amendment request:* June 28,  
1992

*Description of amendment request:*  
The licensee has proposed to revise  
Technical Specification Section 6.0,  
Administrative Controls, to clarify the  
responsibilities of the Vice President  
and Chief Nuclear Officer and  
responsibilities of the Vice President,  
Nuclear. Additionally, the licensee has  
proposed to correct several editorial  
errors. These errors consist of  
misspelled words, improper  
capitalization of terms, omitted words,  
an omitted definition, improper  
punctuation, and errors introduced by  
overlapping amendments.

*Basis for proposed no significant  
hazards consideration determination:*  
As required by 10 CFR 50.91(a), the  
licensees have provided their analysis of  
the issue of no significant hazards  
consideration, which is presented  
below:

1. These changes do not involve a  
significant increase in the probability or  
consequences of an accident previously  
evaluated.

The change in management reporting  
relationships will provide for increased  
senior management attention to each of the  
functional areas in the Trojan Nuclear Plant  
(TNP) organization. In particular, the Vice  
President, Nuclear will be able to devote  
direct day-to-day attention to Plant  
operations. The Vice President, Nuclear is  
located at the Trojan site and is responsible  
for the functional areas directly related to  
day-to-day operation of the facility. The Vice  
President and Chief Nuclear Officer retains  
responsibility for overall nuclear safety.

This change does not affect Plant operating  
procedures nor does it affect any systems,  
structures or components and, therefore, does  
not involve a significant increase in the  
probability or consequences of an accident  
previously evaluated.

The editorial changes are purely  
administrative in nature and do not affect the  
way systems or components are operated or  
maintained. The editorial corrections do not  
change the intent of the Technical  
Specifications and, therefore, do not involve  
a significant increase in the probability or  
consequences of an accident previously  
evaluated.

2. These changes do not create the  
possibility of a new or a different kind of  
accident from any accident previously  
evaluated.

The change in management reporting  
relationships will provide for increased