

July 18, 1994

4  
Docket Nos. STN 50-520, STN 50-529,  
and STN 50-530

Mr. William L. Stewart  
Executive Vice President, Nuclear  
Arizona Public Service Company  
P. O. Box 53999  
Phoenix, Arizona 85072-3999

Dear Mr. Stewart:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT - PROPOSED  
NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, OPPORTUNITY FOR  
HEARING - PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, AND 3  
(TAC NOS. M89706, M88707, M88708)

The Commission has requested the Office of the Federal Register to  
publish the enclosed "Notice of Consideration of Issuance of Amendment,  
Proposed No Significant Hazards Consideration Determination, and Opportunity  
for Hearing." This notice relates to your application for amendment dated  
January 4, 1994, which requested changes to the Technical Specifications as  
recommended in Generic Letter (GL) 93-05, "Line-Item Technical Specification  
Improvements to Reduce Surveillance Requirements for Testing During Power  
Operation." Specifically, the licensee proposed to change their Technical  
Specifications corresponding to the following GL 93-05 line numbers: 4.1.2,  
5.8, 5.14, 6.1, 7.5, 8.1, 9.1, 12, and 14.

Sincerely,

ORIGINAL SIGNED BY:  
Linh N. Tran, Project Manager  
Project Directorate IV-2  
Division of Reactor Project III/IV  
Office of Nuclear Reactor Regulation

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Enclosure:  
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ORIGINAL SIGNED BY:  
Linh N. Tran, Project Manager  
Project Directorate IV-2  
Division of Reactor Project III/IV  
Office of Nuclear Reactor Regulation

Enclosure:  
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cc w/enclosure:  
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OFFICE	DRPW/LA	PDIV-2/PM	PDIV-2/PM	PDIV-2/D
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UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

July 18, 1994

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and STN 50-530

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Executive Vice President, Nuclear  
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The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for amendment dated January 4, 1994, which requested changes to the Technical Specifications as recommended in Generic Letter (GL) 93-05, "Line-Item Technical Specification Improvements to Reduce Surveillance Requirements for Testing During Power Operation." Specifically, the licensee proposed to change their Technical Specifications corresponding to the following GL 93-05 line numbers: 4.1.2, 5.8, 5.14, 6.1, 7.5, 8.1, 9.1, 12, and 14.

Sincerely,

A handwritten signature in black ink, appearing to read "Linh N. Tran".

Linh N. Tran, Project Manager  
Project Directorate IV-2  
Division of Reactor Project III/IV  
Office of Nuclear Reactor Regulation

Enclosure:  
Notice

cc w/enclosure:  
See next page

Mr. William L. Stewart  
Arizona Public Service Company

Palo Verde

cc:

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Phoenix, Arizona 85003

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Arizona Radiation Regulatory Agency  
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Phoenix, Arizona 85040

UNITED STATES NUCLEAR REGULATORY COMMISSION  
ARIZONA PUBLIC SERVICE COMPANY  
PALO VERDE NUCLEAR GENERATING STATION, UNITS 1, 2, AND 3  
DOCKET NOS. STN 50-520, STN 50-529, AND STN 50-530  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-41, NPF-51, and NPF-74 issued to Arizona Public Service Company (the licensee) for operation of the Palo Verde Nuclear Generating Station, Units 1, 2, and 3 located in Maricopa County, Arizona.

The proposed amendment would implement recommended changes from Generic Letter (GL) 93-05, "Line-Item Technical Specification Improvements to Reduce Surveillance Requirements for Testing During Power Operation." Specifically, the licensee proposed to change their Technical Specifications corresponding to the following GL 93-05 line numbers: 4.1.2, 5.8, 5.14, 6.1, 7.5, 8.1, 9.1, 12, and 14.

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. 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:

**Standard 1** -- Involve a significant increase in the probability or consequences of an accident previously evaluated.

This amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated based on the safety analysis, because the proposed changes to the TS do not affect the assumptions, design parameters, or results of any UFSAR accident analysis. The proposed amendment does not add or modify any existing equipment. The changes to the surveillance requirements will result in an overall improvement in plant safety by reducing the frequency of plant trips and subsequent challenges to the safety systems, decreasing equipment degradation due to excessive testing, reducing radiation exposure to plant personnel (which is not justified by the safety significance of the surveillance), and eliminating an unnecessary burden on plant personnel (time required for testing is not justified by the safety significance of the testing). Therefore, the proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

**Standard 2** -- Create the possibility of a new or different kind of accident from any accident previously analyzed.

This amendment request does not create the possibility of a new or different kind of accident from any accident previously analyzed since the proposed TS changes do not involve modifications to any of the existing equipment or affect the operation or design basis of the equipment. The proposed changes increase the surveillance intervals for a small fraction of the SR [surveillance requirement], while ensuring that overall plant safety is improved. Therefore, the proposed TS changes would not create the possibility of a new or different kind of accident from any previously evaluated.

**Standard 3** -- Involve a significant reduction in a margin of safety.

The margin of safety presently provided is not reduced by the proposed changes in surveillance intervals in this TS amendment. The operability requirements of the affected systems, structures, and components are not changed by this TS amendment. Although the proposed changes increase the

surveillance intervals for the affected TS, the reliability and operability of systems, components, and structures continues to be ensured by periodic testing. Since equipment reliability and operability will be maintained, the proposed TS changes will not involve a significant reduction in margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no 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.

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 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.

Written comments may be submitted by mail to the Rules Review and Directives 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 6D22, Two White Flint North, 11545 Rockville Pike, Rockville 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 22, 1994 , 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 located at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004. 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 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 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 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.

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 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) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Theodore R. Quay: 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 Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072-3999, attorney for the licensee.

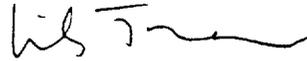
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or

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 dated January 4, 1994, 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 located at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 18th day of July 1994.

FOR THE NUCLEAR REGULATORY COMMISSION



Linh N. Tran, Project Manager  
Project Directorate IV-2  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation