

RAS 4993

DOCKETED
USNRC

Monday, November 4, 2002

November 6, 2002 (11:15AM)

Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attention: Rulemakings and Adjudications Staff

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

RE: DOCKET NO. 50-528, NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A HEARING

Dear Secretary:

COMES NOW, Thomas Saporito (hereinafter Petitioner) and hereby submits his Request for Hearing and Petition for Leave to Intervene in the above styled matter in accordance with 10 CFR 2.714. This matter is currently before the U.S. Nuclear Regulatory Commission ("NRC").

In accordance with 10 CFR 2.714(d)(1)(i), Petitions assert that:

Petitioner is entitled to a hearing and a right to intervene in any such hearing as a matter of right. Petitioner lives and works within a 10-mile radius of the Palo Verde Nuclear Generating Station and well within the NRC's zone of interest for requisite standing to request a hearing and leave to intervene in any such hearing. Thus, Petitioner has requisite standing as a matter of right to request a hearing on Arizona Public Service Company's ("APS") amendment request and the NRC's intent to issue a no significant hazards determination and the NRC's intent to grant the APS request to amend their operating license as described in Docket No. 50-528.

In accordance with 10 CFR 2.714(d)(1)(ii), Petitioner asserts that:

Petitioner maintains business offices within an approximate 10-mile radius of the licensee' Palo Verde Nuclear Generating Stations ("PVNGS"); and therefore lives and works within the NRC's requisite "Zone of Interest" to PVNGS. Petitioner resides within a 10-mile radius of PVNGS and owns real and personal property which could be lost if a nuclear accident at PVNGS resulted in a release of radiation or radioactive particles or materials.

In accordance with 10 CFR 2.714(1)(iii), Petitions assert that:

Petitioner has real property and interests which would be adversely affected should the proposed licensing amendment result in or cause a release of radioactive particles or substances from the PVNGS into the environment. Moreover, as stated above, Petitioner lives and works within the NRC's requisite "Zone of Interest" to PVNGS and any release of radioactive particles or substances from the PVNGS into the environment could cause physical harm to Petitioners.

Petitioner intends to challenge the licensee' request to NRC for issuance of an amendment to Facility Operating License No. NPF-41, issued to APS for operation of the PVNGS Unit 1, located in Maricopa County Arizona. Specifically, the proposed amendment would revise item a.10, definition of steam generator (SG) tube inspection, in Section 5.5.9.4, "Acceptance Criteria," of Technical Specification (TS) 5.59, "Steam Generator (SG) Tube Surveillance Program."

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Petitioner contends that the licensee' analysis and the NRC's review of the licensee' analysis of the proposed amendment does not appear to meet the standards of 10 CFR 50.92(c); and therefore the licensee' proposed amendment requires a finding of "significant hazards consideration" by NRC to ensure public safety and health and the protection of the environment.

Petitioner asserts here that he were not provided a 30-day notice by NRC of the licensee' proposed license amendment request, nor was Petitioner able to obtain through the normal process pertinent licensee documentation considered by NRC such as:

1. The APS September 26, 2002 licensee application requesting amendment to the licensee' Technical Specifications at 5.5.9, "Steam Generator (SG) Tube Surveillance Program"; and
2. The Westinghouse report "WCAP-15947, NDE Inspection Strategy for the Tubesheet Region in PVNGS Unit 1, Revision 0".

Accordingly, in the furtherance of public safety and health and the protection of the environment, Petitioner requests that the Atomic Safety and Licensing Board ("ASLB") issue an ORDER of INJUNCTION prohibiting NRC from considering or finding of "no significant hazards consideration" until any public hearing convened by the ASLB is concluded and proper determinations and adjudications are made.

WHEREFORE, having complied with the requirements of 10 CFR 2.714, Petitioners request that the Secretary convene a public hearing on this matter and provide Petitioners leave to intervene in that proceeding.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing was provided to the individuals identified below at their last know address by means indicated below on this 4/26 day of November 2002.

U.S. Mail and Email: hearingdocket@nrc.gov and FAX: 301-415 -1101

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By:


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