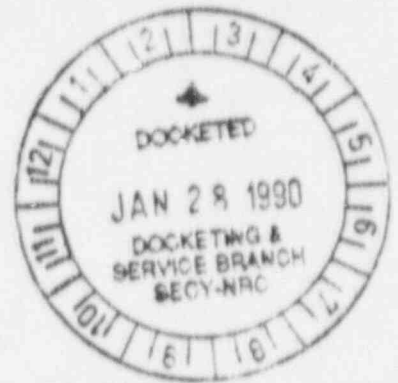


UNITED STATES OF AMERICA  
BEFORE THE NUCLEAR REGULATORY COMMISSION



In the Matter of,  
ARIZONA PUBLIC SERVICE CO.,  
et al.,

Docket Nos. 50-528, 50-529  
and 50-530

PETITION FOR LEAVE TO INTERVENE AND REQUEST FOR HEARING

To: Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
Attention: Docketing and Service Branch

Pursuant to 10 C.F.R. 2.714, Petitioners Allan L. Mitchell and Linda E. Mitchell hereby request leave to intervene in the above-captioned proceedings. Specifically, Petitioners seek intervention and request that a hearing be held on the application for amendment dated November 13, 1990. See, Vol. 55, No. 249, Federal Register 53220-21 (Dec. 27, 1990). Petitioners' request is timely. The factors in support of Petitioners' timely request for intervention are as follows:

1. Petitioners Allan L. Mitchell and Linda E. Mitchell are residents of the City of Buckeye, County of Maricopa, State of Arizona.
2. The Mitchells reside and own property within a five (5) mile radius of the Palo Verde Nuclear Generating Station ("Palo Verde").
3. Linda Mitchell is an associate electrical engineer at Palo Verde. She has been an employee of Arizona Public

Service Co. at Palo Verde since 1985.

4. Allan Mitchell is a former staff engineer for the Arizona Corporation Commission ("ACC"), who had oversight responsibilities regarding the operation of Palo Verde.

5. Petitioners seek to exercise their rights under the Act as citizens of the State of Arizona and of the United States regarding issues affecting the operation of Palo Verde.

6. Petitioners are extremely knowledgeable about the operation of nuclear power plants and about Palo Verde, in particular. Petitioners have information which is relevant to the determination of the licensee's request to amend.

7. Petitioners have an interest in the proceedings regarding the operation of Palo Verde since they live and own property within five (5) miles of the plant. Also, as a Palo Verde employee, Mrs. Mitchell has a financial interest in the operation of the plant.

8. The Petitioners also have an interest in protecting the health of safety of themselves and the public at large.

9. Petitioners' health and safety as well as the value of their property could be affected by an order granting the request for amendment, particularly in the event of an accident during plant shutdown.

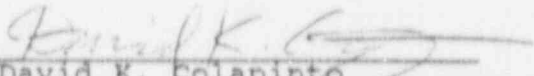
WHEREFORE, the Petitioners, through counsel, hereby request the following relief:

(1) that Petitioners' request for leave to intervene be granted;

(2) that an Atomic Safety and Licensing Board be appointed regarding the proposed license amendments; and

(3) that a hearing be held on Petitioners' contentions.

Respectfully submitted,

  
David K. Colapinto

Kohn, Kohn & Colapinto, P.C.  
517 Florida Ave., N.W.  
Washington, D.C. 20001  
(202) 234-4663

Attorneys for Petitioners

January 28, 1991

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that a copy of the foregoing was served upon the following parties on this 28th day of January, 1991:

Public Document Room  
U.S. Nuclear Regulatory Commission  
Gelman Building  
1200 L Street, N.W.  
Washington, D.C.

General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Arthur C. Gehr, Esq.  
Snell & Wilmer  
3100 Valley Bank Center  
Phoenix, AZ 85073

By:

  
David K. Colapinto

provisions of the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) guidelines, and the Commission's procedures by presenting for regulatory review the initial actions and decommitment and dewatering plans. The initial actions in a single license of action to transfer the license to Shoreham and to decommission the plant.

On August 4, 1989, Leonard Bickwit, Jr. submitted a Petition on behalf of the Long Island Association requesting action similar to that requested by Mr. J. C. Granery and on similar bases. Specifically, the Long Island Association's Petition requested that the Commission order the suspension of LILCO's actions in furtherance of a "minimum posture condition" at Shoreham, undertake an investigation into whether license violations have occurred, initiate an environmental review of the planned decommissioning of Shoreham, and devise a process to consider Shoreham issues. As grounds for the requests, the Petitioner asserted that LILCO has taken actions that are inconsistent with the premises underlying its license, including actions that constitute changes to its facility without the Commission's previous approval and that give rise to an unresolved safety question, having allowed New York State authorities to assume unauthorized control over the Shoreham license, and having commenced *de facto* decommissioning, and the LILCO is taking actions that will support the ultimate filing of a decommissioning application, mandating that the Commission perform an environmental review under NEPA and the regulations of the Council on Environmental Quality.

A notice was published in the Federal Register indicating that the Commission was considering the Petitioners' requests, 54 FR 38077 (August 31, 1989).

The Director has now completed his evaluation of the School District and LILCO Petitions and the Petition filed by the Long Island Association. The Director has determined that the Petitioners' requests should be denied for the reasons given in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-90-6). This document is available for inspection and copying in 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 Shoreham Nuclear Power Station, Unit 1, at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786-0087.

A copy of the Decision will be filed with the Secretary of the Commission

for review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the Decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland this 20th day of December 1990.

For the Nuclear Regulatory Commission:

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 90-30323 Filed 12-26-90; 8:45 am]

BILLING CODE 7590-01-M

### Regulatory Impact Survey Report

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of availability.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is announcing the availability of SECY 90-347 "Regulatory Impact Survey Report" (dated October 9, 1990) for public comment. In particular, the NRC invites comment on the issue of consistency and uniformity among its regions and among its inspectors. SECY 90-347 is available in the NRC Public Document Room, 2120 L Street, Washington, DC, telephone (202) 634-3273. In the fall of 1989, the staff initiated the regulatory impact survey (RIS). This effort consisted of three surveys and was patterned after a survey conducted in 1981 to determine utility views on the effect of the large number of NRC regulatory initiatives and requirements imposed in the wake of the accident at Three Mile Island Unit 2. As a result of the 1981 survey, NRC made a number of changes in its organization and regulatory practices.

This RIS was performed to obtain the perceptions of the industry and regulatory staff of the effect of NRC's current activities on the safe operation of nuclear power plants, to assist the staff in determining if its regulatory programs require modification.

SECY 90-347 contains the senior management's evaluation of the results of all three surveys and the proposed actions to respond to the identified concerns.

In accordance with Nuclear Regulatory Commission direction given in a staff requirements memorandum dated November 29, 1990, the staff is requesting public comment on the proposed corrective action presented in the staff paper, SECY-90-347.

**DATES:** The comment period expires January 28, 1991.

**ADDRESSES:** Send written comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. (Attention: Docketing and Service Branch). Hand deliver comments to 11555 Rockville Pike, Rockville, MD between 7:30 a.m. and 4:15 p.m.

**FOR FURTHER INFORMATION CONTACT:** Jon B. Hopkins, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-1287.

Dated at Rockville, Maryland, this 20th day of Dec. 1990.

For the Nuclear Regulatory Commission:

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90-30324 Filed 12-26-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 59-528, 50-529, and 50-530]

### Arizona Public Service Co., et al, Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3; Consideration of Issuance of Amendments to Facility Operating Licenses and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-41, NPF-51, and NPF-74, issued to Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power and Southern California Public Power Authority (licensees), for operation of the Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3 located in Maricopa County, Arizona. The request for amendments was submitted by letter dated November 13, 1990.

The proposed changes would increase the allowable setpoint tolerance for the pressurizer safety valves from 2500 psia plus or minus 1% to 2500 psia plus 3% or minus 1%; increase the allowable setpoint tolerance for the main steam safety valves from 1250 psig and 1315 psig plus or minus 1% to the same settings plus or minus 3%; reduce the minimum required feedwater flow from 750 gpm to 850 gpm; and reduce the response time for the high pressurizer pressure reactor trip from 1.15 seconds to 0.5 seconds.

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.

By January 28, 1991, the licensees 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 a 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 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 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 the 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.

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 NW., Washington, DC, 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 Telegram Identification Number 3737 and the following message addressed to James E. Dyer: 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 Arthur C. Gehr, Esq.,

Snell and Wilmer, 3100 Valley Center, Phoenix, Arizona 85073, attorney for the licensees.

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 facts specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for hearing is received the Commission's staff may issue the amendments after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated November 13, 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 local public document room, Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Dated at Rockville, Maryland this 17th day of December, 1990.

For the Nuclear Regulatory Commission,

Charles M. Trammell,

Senior Project Manager, Project Directorate V, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 90-30325 Filed 12-26-90; 8:45 am]

BILLING CODE 759C-01-M

[Docket No. 50-219]

#### GPU Nuclear Corp.; Consideration of Issuance of Amendment to Provisional Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16, issued to GPU Nuclear Corporation (GPUN, the licensee), for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey.

The amendment would revise Technical Specification Table 4.13-1, Item 1 to extend the channel calibrations for the Primary and Safety Valve Position Indicator (Primary Detector), the Relief and Safety Valve Position Indicator (Backup Indications),