

PDR

7590-01

UNITED STATES NUCLEAR REGULATORY COMMISSION
DUCKET NO. 50-267
PUBLIC SERVICE COMPANY OF COLORADO
NOTICE OF CONSIDERATION OF ISSUANCE OF
ORDERS AUTHORIZING DECOMMISSIONING
OF FORT ST. VRAIN NUCLEAR GENERATING STATION
AND TERMINATION OF POSSESSION ONLY LICENSE

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an order to authorize Public Service Company of Colorado (PSC) to decommission the Fort St. Vrain Nuclear generating Station (FSV) and subsequently an order to terminate Possession Only License No. DPR-34. This action is in response to PSC's application dated November 5, 1990, as revised December 17 and 21, 1990, January 14, 1991, April 15 and 26, 1991, May 15, 1991, June 6 and 17, 1991, July 1, 1991, August 28 and 30, 1991, November 15, 1991, December 6, 1991, and January 9, 1992.

The proposed FSV Decommissioning Plan involves prompt decontamination of FSV and removal of radioactive components (DECON option) and a revision to the Technical Specifications (TS) to be consistent with the plan. The first order would be issued following the Commission's review and approval of PSC's detailed plan for decommissioning of FSV and the related TS revision. It would amend the FSV operating license to allow implementation of the FSV Decommissioning Plan and would also revise the TS. Following completion of FSV decommissioning and verification by the Commission that acceptable radioactive contamination levels had been achieved, the Commission would issue a second order terminating Possession Only License No. DPR-34 and any further NRC jurisdiction over the FSV 10 CFR Part 50 reactor facility. Before issuance of each order, the Commission will have made the findings required by the Atomic Energy Act of 1954,

9203300317 920306
PDR ADOCK 05000267
P PDR

DFOB 1/0

as amended (the Act), and the Commission's regulations.

By APR 13 1992, the licensee may file a request for a hearing with respect to issuance of the subject Orders 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 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, N.W., Washington, D.C. 20555, and at the Local Public Document Room located at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631. 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, 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 Panel 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 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 orders 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 those 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 must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 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) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Seymour H. Weiss: petitioner's name and telephone number; date petition was mailed; Public Service Company of Colorado; 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, D.C. 20555, and to Mr. J. K. Tarpey, Public Service Company Building, Room 900, 550 15th Street, Denver, Colorado 80202, attorney for licensee.

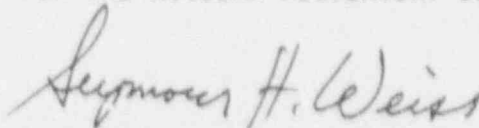
Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board (ASLB) that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment 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 licensee's application dated November 5, 1990 as revised, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C. 20555 and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

Dated at Rockville, Maryland, this 6th day of March 1992.

FOR THE NUCLEAR REGULATORY COMMISSION



Seymour H. Weiss, Director
Non-Power Reactors, Decommissioning and
Environmental Project Directorate
Division of Advanced Reactors
and Special Projects
Office of Nuclear Reactor Regulation