



AA61-2 PDR

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

September 19, 1978

MEMORANDUM FOR: DOR Assistant Directors
DOR Branch Chiefs
DOR Project Managers
DOR Licensing Assistants

FROM: Victor Stello, Director, Division of Operating Reactors

SUBJECT: DOR MEMORANDUM NO. 5: REVISION TO ENCLOSURE 12

Enclosure 12, "Notice of Proposed Issuance of Amendment to Facility Operating License", has been revised to incorporate changes necessitated by recent amendments to 10 CFR Part 2 and to eliminate the need for a "waiting period" after the expiration of the notice period before issuance of the prenoticed license amendment.

Amendments may not be issued if a petition to intervene has been filed within the 30 days. Since petitions may be mailed up to the 30th day, it has been necessary to wait an additional 5 days to be reasonably sure that no petition has been filed. In some instances, waiting the extra days may impose severe burdens upon the licensee and the public.

A statement has been added to the Prenotice that requests a petitioner to promptly inform the Commission, by a telephone call via Western Union Datagram to the appropriate Branch Chief, of any petitions filed during the last 10 days of the notice period. This will allow issuance of the prenoticed amendment on the 31st day if no Datagrams are received and if there is no other reason to believe that a petition has been filed.

Datagram is Western Union's new 24-hour message service. By merely telephoning the toll-free number and following the simple instructions outlined in the new Prenotice statement, a petitioner's notice of filing will be received by the NRC Message Center (P-814) and transmitted to the appropriate Branch Chief within minutes. Before issuing a prenoticed

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license amendment on the 31st day, telephone the Message Center (X27371) for confirmation that no Datagrams have been received.



Victor Stello, Jr., Director
Division of Operating Reactors
Office of Nuclear Reactor Regulation

Enclosure:
Revised Enclosure 12
to DOR Memo No. 5

cc w/enclosure:
H. Denton
E. Case
T. Englehardt, OELD
M. Grossman, OELD
J. Brilliant, TB
R. Boyd
D. Vassallo (4)
DPM LA's
DSE LA's

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO.NAME OF LICENSEENOTICE OF PROPOSED ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. _____, issued to name of licensee (the licensee), for operation of the facility name located in location.

The amendment would revise the provisions in the Technical Specifications relating to describe changes being made, in accordance with the licensee's application for amendment dated _____.

Prior to 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. (1)

By (30 days after publication in FR), 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 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. If a request

(1) if the proposed amendment is included in pre-notice package, add the following to the end of this paragraph: "which are set forth in the proposed license amendment."

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 his petition, 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, the 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, and the bases for each contention set forth with reasonable specificity. 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, United States Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6400 (in Missouri (800) 342-6600). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Branch Chief's name : (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 Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to licensee's attorney's name and address _____, 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 designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR §2.714(a)(i)-(v) and §2.714(d).

For further details with respect to this action, see the application for amendment dated _____, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W, Washington, D. C., and at the _____ local PDR _____.

Dated at Bethesda, Maryland this _____ day of _____, 19____.

FOR THE NUCLEAR REGULATORY COMMISSION

Chief
Branch
Division of Operating Reactors