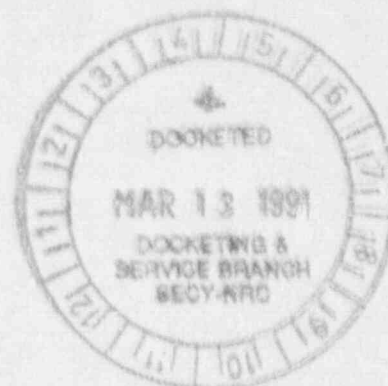


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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:
Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Jerry R. Kline



In the Matter of)	Docket Nos. 50-528-OLA-2
)	50-529-OLA-2
ARIZONA PUBLIC SERVICE)	50-530-OLA-2
COMPANY, <u>et al.</u>)	ASLBP No. 91-633-05-OLA-2
)	(Allowable Setpoint
(Palo Verde Nuclear Station))	Tolerance)
Unit Nos. 1, 2 and 3)	
)	

SUPPLEMENTAL AND AMENDED PETITION
TO INTERVENE OF
MYRON L. SCOTT, BARBARA S. BUSH AND THE
COALITION FOR RESPONSIBLE ENERGY EDUCATION

I. Introduction

Myron L. Scott hereby amends and supplements the Petition for Leave to Intervene," etc. filed in the above-captioned matter on behalf of Mr. Scott, Barabara S. Bush and the Coalition for Responsible Energy Education ("CREE"). This amendment responds to concerns addressed by the Board in its Memorandum and Order of February 19, 1991.

II. Standing of Petitioner Scott

Petitioner stipulates that his permanent residence is approximately 50 miles from Palo Verde Nuclear Generating Station ("PVNGS") (in Tempe, Arizona). Petitioner is a member of the CREE Board of Directors, formerly Executive Director, and Intervention Coordinator of CREE, and in that capacity asks to act as co-inteviewer representative for CREE, in

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addition to or in lieu of acting as intervenor pro per, in this proceeding.

In support of his personal standing and in support of CREE's standing, Mr. Scott states that he is an active hiker, camper, birdwatcher and photographer, and has and continues to engage in these activities within close proximity to PVNGS at locations including the Harquahala Valley, the Eagle Tail Mountains, Painted Rocks State Park, the Estrella Mountains (as recently as November, 1990), and the White Tank Mountains (as recently as January, 1991). Any PVNGS radiological accident could adversely affect Scott's recreational and option value interests in those locations.

Further, Mr. Scott states that he has filed several Petitions to Show Cause relating to PVNGS in the past, including Petitions directly dealing with questions of management competence and character, quality assurance, and whistleblower harassment and intimidation, that are pertinent to the contentions in these current proceedings. Further, Scott has worked and works closely with current and former PVNGS employees raising the aforementioned concerns and may be in a position to present evidence from some such workers that is pertinent to the current proceedings.

III. Standing of Petitioner Bush

All of the facts stated in support of Mr. Scott's standing apply equally to Ms. Bush, excepting that Ms. Bush

currently is CREE's Executive Director, is not and never has been CREE's Intervention Coordinator, and has never recreated in the Eagle Tail Mountains. In all other respects, Petitioners hereby adopt and incorporate the statement on Mr. Scott's grounds for standing as regards Ms. Bush's standing claim.

Owing to time and transportation problems, Ms. Bush was unable to provide an affidavit for service with this Petition. Duplicate copies of her affidavit will be served within 48 hours.

IV. CREE Standing

Both Mr. Scott and Ms. Bush are members, directors and present or past officers of CREE (and ABE). Therefore, the discussion of their standing is relevant to the issue of CREE's standing, and those discussions are hereby adopted and incorporated as regards CREE's standing.

In addition, several members CREE live and/or own property well within fifty miles of PVNGS, and CREE seeks to intervene on those members' behalf. Several such CREE members have or will submit affidavits attesting to their proximity to PVNGS and safety, health, and property interests that could be directly adversely affected by any reduction in PVNGS safety and operating efficiency.

Two such affidavits accompany this Petition. One affidavit is by CREE founder, former President, and member, John Stigner, who rents and lives within approximately 40 miles of PVNGS. The other accompanying affidavit is from

CREE Board of Directors member Lorain Kadish, who lives and owns property within approximately 45 miles of PVNGS.

In addition, Petitioners will submit an affidavit from Claire Estes within the next 48 hours. Ms. Estes, a CREE member, lives and owns property and livestock within approximately 30 miles or less of PVNGS. Ms. Estes' address is:

4929 W. Steinway Dr.
Laveen, AZ 85339
(phone: (602)237-2158)
(mailing address:
Rt. 1
P.O. Box 33
Laveen, AZ 85339).

Owing to time and transportation difficulties, Ms. Estes' affidavit was not available for filing at this time.

In addition to representing members who will be adversely affected by radiological or other accidents at PVNGS, intervention by CREE is consistent with past NRC practice of recognizing intervenor status on behalf of the general (local) public interest. Indeed, the NRC has recognized this role for CREE in numerous past Petitions to Show Cause, as has the Department of Labor in proceedings under the federal Nuclear Whistleblower Protection statute. CREE has also intervened in the public interest in a half-dozen Arizona Public Service proceedings before the Arizona Corporation Commission including current hearings. Generally, CREE has been the leading public interest group on both public health, safety, and environmental impact issues, on the one hand, and economic and energy policy issues related to PVNGS,

on the other, for nearly a decade. Moreover, the original PVNGS ASLB public interest intervenor, the Palo Verde Intervention Fund, officially merged with CREE some six years ago. CREE's participation thus furthers public interest policy. Moreover, as discussed below, CREE's participation as intervenor will not unduly broaden the issues or lead to delay in this proceeding.

V. Contentions

In general, CREE moves the Board to accept the contentions raised by the Mitchell Petitioners as joint contentions. Jointly with the Mitchell Petitioners, Petitioners Scott, Bush and CREE contend, inter alia that:

(1.) the technical specifications are outside safety range, with the possible result of release of excess radiation;

(2.) the proposed change reflects (rather than meaningfully corrects) a general breakdown in quality assurance;

(3.) the licensee has improperly intimidated and harassed employees attempting to correct problems.

Moreover, Petitioners contend that these events, particularly inadequate quality assurance and worker harassment, reflect a continuing pattern during several PVNGS management personnel changes and therefore reflect general PVNGS management incompetence.

VI. Conclusion

For all the foregoing reasons, Petitioners should
allowed to intervene and their contentions admitted.

Respectfully submitted:



Myron L. Scott
Lewis & Clark Northwestern School of Law
10015 S.W. Terwilliger Blvd.
Portland, OR 97219
(503)234-6150

March 8, 1991

I, John T. Stigner, a member of the Coalition for Responsible Energy Education (CREE), do hereby state that My wife, Brenda, and I reside at and I work in my residence at Foxwood Apartments, 6131 N. 27th AV, Apt.#1003, Phoenix Arizona 85017-1750 — Phone: (602) 433-2070.

I authorize any representative of CREE to speak and/or act on my behalf during any and all discussions, meetings, hearings, etc. concerning any and all issues related to the Palo Verde Nuclear Generating Station.

John T. Stigner

John T. Stigner

Witness
W. Stigner

Notary
John T. Stigner

Notary

My Commission Expires Dec. 12, 1993

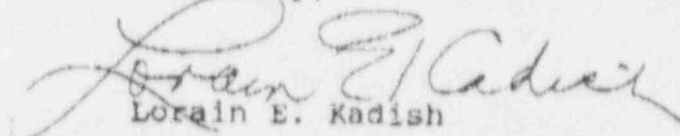
March 8, 1991

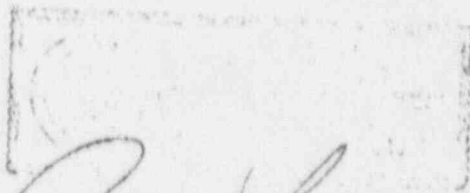

To Whom It May Concern:

This is to certify that I am a member of the Coalition for Responsible Energy (CREE) and do hereby authorize any responsible member of CREE to speak or act in my behalf at any and all discussions, meetings, hearings, etc., concerning any and all issues related to the Palo Verde Generating Station.

I hereby state that I reside at 3130 North 37th Street, Phoenix, AZ 85018 and that my telephone number is 602-957-7579.

Sincerely,

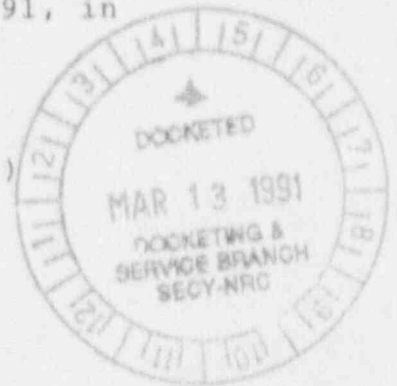

Lorain E. Kadish



5.19 94 Mesa, AZ

CERTIFICATE OF SERVICE

I hereby certify that the forgoing Supplemental
Petition has been served this 11th day of March, 1991, in
the manner noted below:

Office of the Secretary(1.)(2.)
U.S. Nuclear Regulatory Commission (USNRC)
Washington, D.C. 20555
ATTN.: Docketing and Service Branch
(301)492-7285



Administrative Law Judge(2.)
Ivan W. Smith, Chairman
Atomic Safety and Licensing Board (ASLB)
USNRC
Washington, D.C. 20555

Administrative Law Judge(2.)
Dr. Jerry L. Kline
ASLB
USNRC
Washington, D.C. 20555

Administrative Law Judge(2.)
Dr. Walter H. Jordan
ASLPB
881 West Outer Dr.
Oak Ridge, TN 37830

Office of the General Counsel(2.)
USNRC
Washington D.C. 20555

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Newman & Holtzinger, P.C.
1615 L. Street, N.W.
Washington, D.C. 20036

- (1.) by FAX
- (2.) by Express Mail at Portland, Oregon
- (3.) by First Class Mail at Portland, Oregon

BY:


Myron L. Scott