



A CMS Energy Company

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Nathan L. Haskell
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March 5, 2001

U S Nuclear Regulatory Commission
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DOCKET 50-255 - LICENSE DPR-20 - PALISADES PLANT
TECHNICAL SPECIFICATION CHANGE REQUEST INCORPORATING CHANGES TO
10 CFR 50.59

This letter proposes Technical Specifications changes to provide consistency with the changes to 10 CFR 50.59 as published in the Federal Register dated October 4, 1999 (Volume 64, Number 191). This change is consistent with the Nuclear Energy Institute (NEI) Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-364, Revision 0, "Revision to TS Bases Control Program to Incorporate Changes to 10 CFR 50.59." Commission approval of TSTF-364, Revision 0, was documented in NRC letter to Mr. James Davis, Director, Operations Department - NEI, dated June 16, 2000.

Consumers Energy requests the amendment be approved by September 1, 2001, with 30 days granted for implementation.

A copy of this letter has been sent to the appropriate official of the State of Michigan.

SUMMARY OF COMMITMENTS

This letter establishes no new commitments and makes no revisions to existing commitments.

Nathan L. Haskell
Director, Licensing and Performance Assessment

CC: Administrator, Region III, USNRC
Project Manager, NRR, USNRC
NRC Resident Inspector - Palisades
Lou Brandon, Michigan Department of Environmental Quality

Enclosure

ADD 1

CONSUMERS ENERGY COMPANY

**TECHNICAL SPECIFICATION CHANGE REQUEST
INCORPORATING CHANGES TO 10 CFR 50.59**

To the best of my knowledge, the content of this Technical Specifications change request, which revises the Palisades Technical Specifications to incorporate changes to 10 CFR 50.59, is truthful and complete.



Nathan L. Haskell
Director, Licensing and Performance Assessment

Sworn and subscribed to before me this 5th day of March 2001



Norma Jean Fowler, Notary Public
Van Buren County, Michigan
My commission expires May 14, 2002

(Seal)

ENCLOSURE 1

**CONSUMERS ENERGY COMPANY
PALISADES PLANT
DOCKET 50-255**

**TECHNICAL SPECIFICATION CHANGE REQUEST
INCORPORATING CHANGES TO 10 CFR 50.59**

CONSUMERS ENERGY COMPANY

Docket 50-255
License DPR-20

Request for Change to the Technical Specifications
INCORPORATING CHANGES TO 10 CFR 50.59

It is requested that the Technical Specifications contained in the Facility Operating License DPR-20, Docket 50-255, issued to Consumers Power Company on February 21, 1991, for the Palisades Plant be changed as described below.

The following attachments have been included with this change request :

1. The proposed Technical Specifications pages; changes are indicated by a vertical line in the margin.
2. The existing Technical Specifications pages marked to show the proposed change. Deleted text is shown as strike-out; added text is shown with a shaded background.

I. Proposed Changes

Technical Specification 5.5.12, "Technical Specification (TS) Bases Control Program," requires a program for processing changes to the Bases of the Palisades Technical Specifications. TS 5.5.12.b. states: "Licensees may make changes to the Bases without prior NRC approval provided the changes do not involve either of the following: 1. a change in the TS incorporated in the license; or 2. a change to the updated FSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59."

TS 5.5.12.b.2 is revised to state: "a change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59."

II. Discussion

10 CFR 50.59 establishes the conditions under which licensees may make changes to the facility or procedures and conduct tests or experiments without prior NRC approval.

In 1999, the NRC revised the regulation controlling changes, tests and experiments performed by nuclear plant licensees ((Federal Register - Volume 64, Number 191 dated October 4, 1999). The changes were prompted by the need to resolve differences in interpretation of the rule's requirements by the industry and the NRC. The rule changes had two principle objectives, both aimed at restoring much needed regulatory stability to this extensively used regulation:

- Establish clear definitions to promote common understanding of the rule's requirements

**Request for Change to the Technical Specifications
INCORPORATING CHANGES TO 10 CFR 50.59**

- Clarify the criteria for determining when changes, tests and experiments require prior NRC approval.

The changes approved by the Commission in 1999 made 10 CFR 50.59 more focused and efficient by:

- Providing greater flexibility to licensees, primarily by allowing changes that have minimal safety impact to be made without prior NRC approval.
- Clarifying the threshold for "screening out" changes that do not require full evaluation under 10 CFR 50.59, primarily by adoption of key definitions.

Proposed changes, tests and experiments that satisfy the definitions and one or more of the criteria in the rule must be reviewed and approved by the NRC before implementation.

As indicated above, the Bases Control Program required by TS 5.5.12 allows Palisades Plant to make changes to the Bases without prior NRC approval provided the change does not involve a change to the updated FSAR or Bases that involves an unreviewed safety question as defined in 10 CFR 50.59. With the revisions to 10 CFR 50.59, the definition of unreviewed safety question was eliminated. Therefore, Palisades TS should be revised consistent with the revision to 10 CFR 50.59.

III. Analysis of No Significant Hazards Consideration

Consumers Energy finds the activities associated with this proposed Technical Specifications (TS) change involve no significant hazards and accordingly, a no significant hazards determination in accordance with 10 CFR 50.92(c) is justified. The proposed change would make the wording of the Technical Specification Bases Control Program, TS 5.5.12, consistent with the revision to 10 CFR 50.59.

The following evaluation supports the finding that operation of the facility in accordance with the proposed changes would not:

- a. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change deletes the reference to unreviewed safety question as defined in 10 CFR 50.59. Deletion of the definition of unreviewed safety question was approved by the NRC with the revision of 10 CFR 50.59. Consequently, the probability of an accident previously evaluated is not significantly increased. Changes to the TS Bases are still evaluated in accordance with 10 CFR 50.59. As a result, the consequences of any accident previously evaluated are not significantly affected. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Request for Change to the Technical Specifications
INCORPORATING CHANGES TO 10 CFR 50.59

- b. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. Therefore, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

- c. Involve a significant reduction in a margin of safety.

The proposed change will not reduce a margin of safety because it has no direct effect on any safety analyses assumptions. Changes to the TS Bases that result in meeting the criteria in paragraph 10 CFR 50.59(c)(2) will still require NRC approval pursuant to 10 CFR 50.59. This change is administrative in nature based on the revision to 10 CFR 50.59. Therefore the proposed change does not involve a significant reduction in a margin of safety.

IV. Environmental Review

The proposed change to the TS Bases Control Program does not alter any design requirements, equipment specifications or safety analysis modeling assumptions. The change does not require any hardware modifications. The plant operating procedures are not impacted. Therefore, the proposed change will not increase the type or amount of any effluent which may be released offsite, or the individual or cumulative occupational radiation exposure. In addition, Consumers Energy has determined that the proposed change involves no significant hazards consideration. As such, this change meets the criteria for "categorical exclusion" for not requiring an environmental review in accordance with 10 CFR 51.22.

V. Conclusion

The Palisades Plant Review Committee has reviewed this Technical Specifications change request and has determined that the change involves no significant hazards consideration.

**ENCLOSURE
ATTACHMENT 1**

**CONSUMERS ENERGY COMPANY
PALISADES PLANT
DOCKET 50-255**

**TECHNICAL SPECIFICATION CHANGE REQUEST
INCORPORATING CHANGES TO 10 CFR 50.59**

PROPOSED PAGE 5.0-19

5.5 Programs and Manuals

5.5.11 Fuel Oil Testing Program

A fuel oil testing program to implement required testing of both new fuel oil and stored fuel oil shall be established. The program shall include sampling requirements, testing requirements, and acceptance criteria, based on the diesel manufacturer's specifications and applicable ASTM Standards. The program shall establish the following:

- a. Acceptability of new fuel oil prior to addition to the Fuel Oil Storage Tank, and acceptability of fuel oil stored in the Fuel Oil Storage Tank, by determining that the fuel oil has the following properties within limits:
 1. API gravity or an absolute specific gravity,
 2. Kinematic viscosity, and
 3. Water and sediment content.
- b. Other properties of fuel oil stored in the Fuel Oil Storage Tank, specified by the diesel manufacturers or specified for grade 2D fuel oil in ASTM D 975, are within limits.

The provisions of SR 3.0.2 and SR 3.0.3 are applicable to the Fuel Oil Testing Program.

5.5.12 Technical Specifications (TS) Bases Control Program

This program provides a means for processing changes to the Bases of these Technical Specifications.

- a. Changes to the Bases of the TS shall be made under appropriate administrative controls and reviews.
- b. Licensees may make changes to Bases without prior NRC approval provided the changes do not involve either of the following:
 1. A change in the TS incorporated in the license; or
 2. A change to the updated FSAR or Bases that requires NRC approval pursuant to 10 CFR 50.59.

**ENCLOSURE
ATTACHMENT 2**

**CONSUMERS ENERGY COMPANY
PALISADES PLANT
DOCKET 50-255**

**TECHNICAL SPECIFICATION CHANGE REQUEST
INCORPORATING CHANGES TO 10 CFR 50.59**

EXISTING PAGE 5.0-19 MARKED TO SHOW PROPOSED CHANGES

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 1. A change in the TS incorporated in the license; or
 2. A change to the updated FSAR or Bases that ~~requires NRC approval pursuant to involves an unreviewed safety question as defined in 10 CFR 50.59.~~ **requires NRC approval**