

November 12, 1986

Docket No. 50-255

Mr. Kenneth W. Berry
Director, Nuclear Licensing
Consumers Power Company
1945 West Parnall Road
Jackson, Michigan 49201

Dear Mr. Berry:

The Commission has forwarded the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing" to the Office of the Federal Register for publication.

The notice relates to your applications for license amendments dated February 20, 1986 as supplemented on April 16 and 24, July 24 and October 16, 1986.

Sincerely,

/s/

Ashok C. Thadani, Director
PWR Project Directorate #8
Division of PWR Licensing-B

Enclosure:
Notice

cc w/enclosure:
See next page

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Mr. Kenneth W. Berry
Consumers Power Company

Palisades Plant

cc:

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Environmental Monitoring
Section Office
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Jackson, Michigan 49201

Regional Administrator, Region III
U.S. Nuclear Regulatory Commission
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Jerry Sarno
Township Supervisor
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Covert, Michigan 49043

Office of the Governor
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Lansing, Michigan 48913

Palisades Plant
ATTN: Mr. Joseph F. Firlit
Plant General Manager
27780 Blue Star Memorial Hwy.
Covert, Michigan 49043

Resident Inspector
c/o U.S. NRC
Palisades Plant
27782 Blue Star Memorial Hwy.
Covert, Michigan 49043

(7590-01)

UNITED STATES NUCLEAR REGULATORY COMMISSION

CONSUMERS POWER COMPANY

DOCKET NO. 50-255

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR PRIOR HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-20, issued to Consumers Power Company (the licensee), for operation of the Palisades Plant located in Van Buren County, Michigan.

The proposed license amendment would provide Technical Specifications applicable to an expanded storage capability for spent fuel at Palisades Plant. This expansion is to be accomplished by installing new storage racks in approximately one-half of the spent fuel pool. The proposed modifications will increase the spent fuel storage capacity of Palisades from 798 to 892 fuel assemblies, thus allowing a full core discharge capability for two fuel cycles (Cycle 8 and Cycle 9) longer than with existing racks. The spent fuel storage pool will be divided into two regions. Region 1 contains the existing storage racks which have a nominal center-to-center spacing of 10.25 inches and is designed to accommodate non-irradiated, fully enriched fuel. Region 2 will contain the new racks which have a nominal center-to-center spacing of 9.17 inches. Placement of fuel in Region 2 is restricted by burnup and enrichment limits.

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The specific changes proposed to Technical Specifications are:

Specification 4.2.1 - Reference 7 for Table 4.2.1 has been expanded to include the new Specification 5.4.2f.

Specification 5.4.2b - This section is deleted because no spent fuel storage racks with an 11.25-inch center-to-center distance exist in the Palisades spent fuel pool. A single rack with 11.25 inch by 10.69 inch center-to-center spacing will be located in the spare (north) tilt pit. The other racks which will exist in the spent fuel pool and spare (north) tilt pit have either 10.25 inch (Region I) or 9.17 inch (Region II) center-to-center distances. [These three types of racks are covered by Specifications 5.4.2c and 5.4.2d.]

Specification 5.4.2c - This section has been expanded to describe the two region spent fuel pool and the existing racks which make up Region I of the spent fuel pool.

Specification 5.4.2d - Describes the Region II racks and the method used to determine which spent fuel can be stored in Region II.

Specification 5.4.2e - Limits the maximum amount of U-235 which can be stored in the spent fuel pool and, therefore, ensures the applicability of the calculations used in the Safety Analysis.

Specification 5.4.2f - Clarifies the requirement that spent fuel pool water boron concentration will be at least 1720 ppm.

Specification 5.4.2g and h - Changes the alpha character designation.

Specification 5.4.2i - Restricts the storage of spent fuel in Region II racks to that fuel which has the required minimum burnup and assures the fuel enrichment limits assumed in the Safety Analysis will not be exceeded.

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.

By December 18, 1986, 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 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 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, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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.

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. ¶ 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, is authorized to use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudictory hearing. Actual adjudictory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rule implementing section 134 of the NWPA are found in 10 CFR Part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at

50 FR 41662 (October 15, 1985). Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, subpart G, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding timely requests oral argument, and if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, subpart G, apply.

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 Service Branch, 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 promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Ashok C. Thadani: (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-Bethesda, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

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)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 20, 1986 as supplemented by submittals dated April 16 and 24, July 24 and October 16, 1986, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Van Zoeren Library, Hope College, Holland, Michigan 49423.

Dated at Bethesda, Maryland, this 12th day of November 1986.

FOR THE NUCLEAR REGULATORY COMMISSION

A. C. Thadani

Ashok C. Thadani, Director
PWR Project Directorate #8
Division of PWR Licensing-B