

October 27, 1986

DMB 016

Docket No. 50-255

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

Dear Mr. Berry:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" for your information. This notice relates to your October 20, 1986 application requesting deletion of the operability requirement for containment air cooler V 4A.

The notice, which affords an opportunity for hearing, has been forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

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

Enclosure:  
Notice

cc w/enclosure:  
See next page

DISTRIBUTION

Docket File

- NRC PDR
- L PDR
- PBD#8 Rdg
- Gray File
- FMiraglia
- DCrutchfield
- ERossi
- PKreutzer
- TWambach
- OELD
- LHarmon
- OPA
- ACRS-10

AT

8610310029 861027  
PDR ADDCK 05000255  
P PDR

PBD#8  
PKreutzer  
10/27/86

PBD#8 *JW*  
TWambach;cf  
10/27/86

PBD#8  
ATHadani  
10/27/86

J. Scinto  
concurred by  
telephone to this  
conversion to a 30 day notice from the exigent  
notice he concurred in on 10/24/86.

October 27, 1986

DISTRIBUTION:  
Docket File  
PBD#8 Rdg  
Pkreutzer

DOCKET NO. 50-255  
MEMORANDUM FOR: Rules and Procedures Branch  
Division of Rules and Records  
Office of Administration  
FROM: Office of Nuclear Reactor Regulation  
SUBJECT: Consumers Power Company, Palisades Plant

One signed original of the *Federal Register* Notice identified below is enclosed for your transmittal to the Office of the Federal Register for publication. Additional conformed copies ( 6 ) of the Notice are enclosed for your use.

- Notice of Receipt of Application for Construction Permit(s) and Operating License(s).
- Notice of Receipt of Partial Application for Construction Permit(s) and Facility License(s): Time for Submission of Views on Antitrust Matters.
- Notice of Consideration of Issuance of Amendment to Facility Operating License.
- Notice of Receipt of Application for Facility License(s); Notice of Availability of Applicant's Environmental Report; and Notice of Consideration of Issuance of Facility License(s) and Notice of Opportunity for Hearing.
- Notice of Availability of NRC Draft/Final Environmental Statement.
- Notice of Limited Work Authorization.
- Notice of Availability of Safety Evaluation Report.
- Notice of Issuance of Construction Permit(s).
- Notice of Issuance of Facility Operating License(s) or Amendment(s).
- Order.
- Exemption.
- Notice of Granting Exemption.
- Environmental Assessment.
- Notice of Preparation of Environmental Assessment.
- Other:

Please call Pat Kreutzer (28075) re date (30 days) inserted on page 2. ALSO, please arrange for publication at the earliest possible date.

Office of Nuclear Reactor Regulation

Enclosure:  
As stated

Contact: Pat Kreutzer  
Phone: x-28075

OFFICE	DL-B:PBD-8					
SURNAME	Kreutzer					
DATE	10/27/86					

Mr. Kenneth W. Berry  
Consumers Power Company

Palisades Plant

cc:

M. I. Miller, Esquire  
Isham, Lincoln & Beale  
51st Floor  
Three First National Plaza  
Chicago, Illinois 60602

Nuclear Facilities and  
Environmental Monitoring  
Section Office  
Division of Radiological  
Health  
P.O. Box 30035  
Lansing, Michigan 48909

Mr. Thomas A. McNish, Secretary  
Consumers Power Company  
212 West Michigan Avenue  
Jackson, Michigan 49201

Judd L. Bacon, Esquire  
Consumers Power Company  
212 West Michigan Avenue  
Jackson, Michigan 49201

Regional Administrator, Region III  
U.S. Nuclear Regulatory Commission  
799 Roosevelt Road  
Glen Ellyn, Illinois 60137

Jerry Sarno  
Township Supervisor  
Covert Township  
36197 M-140 Highway  
Covert, Michigan 49043

Office of the Governor  
Room 1 - Capitol Building  
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

UNITED STATES NUCLEAR REGULATORY COMMISSIONCONSUMERS POWER COMPANYDOCKET NO. 50-255NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR 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 Covert Township in Van Buren County, Michigan.

The amendment proposed by the licensee would allow deletion of the operability requirement in the Plant Technical Specifications for containment air cooler V 4A. This containment air cooler was not taken credit for in any of the accident analyses previously performed which provide the licensing basis for the Palisades Plant. The purpose of deleting its operability requirement is to allow the service water that feeds this cooler to be automatically isolated in the event of an accident, diverting that service water flow to cool other safety related equipment that is required to be operable and which was relied upon in the accident analyses.

Before 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.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant

increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment does not increase the probability or consequences of an accident previously evaluated because the cooling capability of this component was not used for mitigation of any accident previously evaluated. It does not create the possibility of a new or different kind of accident because other service water loads to non-critical equipment, some of higher capacity, are similarly, automatically isolated during an accident and the effects of malfunction of that isolation were evaluated and found acceptable under the single-failure criterion of the regulations. Finally, it does not involve a reduction in a margin of safety because its operability was not needed and, in fact, it may increase the margin of safety by diverting more cooling flow to those components which are relied upon in the accident analyses. Additional flow to such components is required before plant startup.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing. Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, office of Administration, U.S. Nuclear Regulatory Commission, Washington, D. C. 20555.

By December 1, 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. Request 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.

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.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the

license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

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, 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

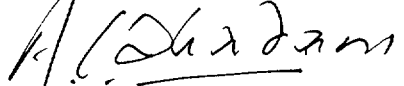


Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 20, 1986, which is 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.

Dated at Bethesda, Maryland, this 27th day of October 1986.

FOR THE NUCLEAR REGULATORY COMMISSION



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