

August 30, 1989

Docket No. 50-255
Serial No. PAL-89-29

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

Dear Mr. Berry:

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO PROVISIONAL
OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING
(TAC NO. 72752)

Please replace the enclosed notice for the notice issued August 10, 1989, same
TAC number. Due to a clerical error, the August 10 notice was not forwarded
to the Office of the Federal Register for publication. To correct the
problem, it was necessary to reissue the original notice. The enclosed,
reissued notice has been forwarded for publication.

We regret any inconvenience this error may cause you.

Sincerely,

[Signature]

Jeffrey Lyash, Project Manager
Project Directorate III-1
Division of Reactor Projects - III,
IV, V & Special Projects
Office of Nuclear Reactor Regulation

Enclosure:
As stated

cc w/enclosure:
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08/30/89

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Enclosed is a copy of the subject notice which relates to your application for amendment dated April 3, 1989. The notice has been forwarded to the Office of the Federal Register for publication. As previously discussed, those portions of your change request affecting Specification 3.0.4 will be processed separately.

Sincerely,

Jeffrey J. Lyash, Project Manager
Project Directorate III-1
Division of Reactor Projects - III,
IV, V & Special Projects
Office of Nuclear Reactor Regulation

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DOCUMENT NAME: PALISADES INDIVIDUAL NOTICE

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RIngram
08/15/89

PM: PD31: DRSP
JLyash: jw
08/29/89

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
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Jeffrey Lyash, Project Manager
Project Directorate III-1
Division of Reactor Projects - III,
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Office of Nuclear Reactor Regulation

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Mr. Kenneth W. Berry
Consumers Power Company

Palisades Plant

cc:

M. I. Miller, Esquire
Sidley & Austin
54th Floor
One First National Plaza
Chicago, Illinois 60603

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

Mr. Gerald B. Slade
Plant General Manager
Palisades Plant
27780 Blue Star Memorial Hwy.
Covert, Michigan 49043

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

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



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c/o U.S. Nuclear Regulatory Commission
Palisades Plant
27782 Blue Star Memorial Hwy.
Covert, Michigan 49043

UNITED STATES REGULATORY COMMISSIONCONSUMERS POWER COMPANYDOCKET NO. 50-255

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
PROVISIONAL 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 Provisional 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 amendment would revise the Technical Specifications (TS) related to the applicability of limiting conditions for operation (LCO) and surveillance requirements of TS Tables 3.17.1, 4.1.1, 4.1.2 and section 4.0, based in part on recommendations provided by the staff in Generic Letter (GL) 87-09. Several changes of an administrative nature are also requested in accordance with the licensee's application for amendment dated April 3, 1989.

Specification 4.0.3 is added to incorporate an appropriate time period for completion of missed surveillance testing prior to initiating the Action Requirements, when the Action Requirements provide a restoration time of less than 24 hours.

Specification 4.0.4 is added to strengthen the definition of the plant surveillance program and to provide conformance with the Standard Technical Specifications (STS).

Specification 4.0.5 is added to consolidate requirements for inservice inspection of ASME Code Class 1, 2, and 3 components. The new specification includes requirements previously addressed by Specification 4.3 and adds appropriate requirements for inservice testing of valves. The portions of Specifications 4.3 superseded by this revision are deleted.

TS Tables 3.17.1, 4.1.1, and 4.1.2 are revised to identify operational conditions during which certain reactor protection system instrumentation is required to be operable, and when associated instrument checks are required. These changes are needed to ensure consistency with the proposed revisions to Section 4.0.

Several administrative changes deleting outdated references and statements, and the addition of relevant Basis statements for the changes discussed above, are also included.

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 request for amendment 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 licensee has evaluated the proposed changes against the above three standards as required by 10 CFR 50.91(a) and has concluded:

1. The proposed change will not involve a significant increase in the probability or consequences of any accident previously evaluated. The proposed changes to the TS do not involve physical changes to the plant. The changes do include requirements for testing of ASME Class 1, 2, and 3 valves. This testing is presently accomplished under an administratively controlled program at Palisades and, therefore, no additional surveillance tests are required. The addition of reactor protection system (RPS) instrumentation operability requirements and exceptions to when certain RPS surveillances are required to be performed is consistent with the plant safety analysis and the STS.
2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated. No physical modification to the plant is involved in this proposed change. The operability and surveillance requirements for RPS instrumentation are not reduced with respect to the safety analysis.
3. The proposed change does not involve a significant reduction in a margin of safety. The addition of operability/applicability requirements for RPS instrumentation to TS Table 3.17.1 is consistent with

the safety analysis requirements. The revisions to Tables 4.1.1 and 4.1.2 allow surveillances to be omitted when the RPS equipment is not required to be operable. The addition of Specifications 4.0.3, 4.0.4, 4.0.5, and a Basis statement for Section 4.0 serves to strengthen the definition of the Palisades Plant surveillance program and will ensure that interpretation of the specifications of Section 4.0 will be consistent with their intent. Incorporation of a time limit into Specification 4.0.3 for completion of missed surveillances prior to initiating the applicable Action Requirement balances the risks associated with the additional time allowance, against the risks associated with the potential for plant upset and challenge to safety systems when the alternative is a shutdown to comply with Action Requirements before the surveillance can be completed. The addition of Specification 4.0.5 includes inservice testing requirements for both pumps and valves versus the present 4.3 requirements which apply only to testing of pumps. Therefore, there is no reduction in a margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendment involves no significant hazards consideration.

The staff also concludes that the licensee's no significant hazards determination given above would apply to the administrative changes identified.

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.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and should cite the publication date and page number of this notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 8:15 am to 4:00 pm. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street N.W., Washington, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By October 13, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional 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 must 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 the 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 request for amendment 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, 2120 L 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 John O. Thoma, Acting Director, Project Directorate III-1: 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, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Judd L. Bacon, Esquire, 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 presiding 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 which is available for public inspection at the Commission's Public Document Room, 2120 L Street, N.W., Washington, D.C. and at the Van Zoeren Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 30th day of August 1989.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, reading "Albert M. De Agazio".

Albert De Agazio, Acting Director
Project Directorate III-1
Division of Reactor Projects - III,
IV, V & Special Projects
Office of Nuclear Reactor Regulation