

March 21, 1989

Docket No. 50-255

Serial No. PL-89-001

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

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Dear Mr. Berry:

SUBJECT: PALISADES PLANT: APPLICATION TO AMEND PROVISIONAL OPERATING LICENSE TO ALLOW TRANSFER OF OWNERSHIP (TAC NO. 72245)

Enclosed is a "Notice of Consideration of Issuance of Amendment to Provisional Operating License and Opportunity for Hearing" concerning your application for amendment dated February 27, 1989. This Notice was forwarded to the Office of the Federal Register for publication.

Sincerely,

*original signed by*

Albert W. De Agazio, Project Manager  
Project Directorate III-1  
Division of Reactor Projects - III, IV, V  
& Special Projects

Enclosure:  
As stated

cc w/enclosure:  
See next page

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Mr. Kenneth W. Berry  
Consumers Power Company

Palisades Plant

cc:

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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

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U.S. Nuclear Regulatory Commission  
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Glen Ellyn, Illinois 60137

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Township Supervisor  
Covert Township  
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Covert, Michigan 49043

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Lansing, Michigan 48913

Mr. David P. Hoffman  
Plant General Manager  
Palisades Plant  
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Covert, Michigan 49043

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

UNITED STATES NUCLEAR REGULATORY COMMISSION  
CONSUMERS POWER COMPANY  
DOCKET NO. 50-255  
NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT  
TO PROVISIONAL OPERATING LICENSE AND  
OPPORTUNITY FOR HEARING

The United States 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 provisions in the Palisades Plant Provisional Operating License relating to (1) the ownership of the facility, (2) the entities authorized to operate, possess, and use the facility, (3) the entity authorized to receive, possess and use special nuclear material as nuclear fuel, (4) the entity authorized to receive, possess, and use special nuclear material, byproduct, source, or special nuclear material in sealed neutron or other types of sealed sources or in fission detectors, or for use with sample analysis, instrument calibration, or associated apparatus, and (5) the entity authorized to possess but not separate byproduct and special nuclear materials as may be produced through operation of the Palisades Plant. The amendment would also specify the entity responsible for operation of the facility in accordance with the Technical Specifications, for record keeping and reporting, for completing certain fire protection modifications,

and for implementing and maintaining physical security and safeguards requirements. Additionally, Section 5.1 of the Technical Specifications would be modified to be consistent with the above described changes.

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 April 27, 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 request for hearing and a 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.

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.

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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, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Theodore R. Quay: (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, DC 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 presiding 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).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the

completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated February 27, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the Van Zoeren Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 21st day of March , 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



Dominic C. DiIanni, Acting Director  
Project Directorate III-1  
Division of Reactor Projects - III, IV, V  
& Special Projects