

Mr. Thomas C. Bordine  
Manager, Licensing  
Palisades Plant  
27780 Blue Star Memorial Highway  
Covert, MI 49043

August 22, 1996

SUBJECT: PALISADES PLANT - NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT  
(TAC NO. M94487)

Dear Mr. Bordine:

The Commission has requested the Office of the Federal Register to publish the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for Hearing." This notice relates to your application for amendment dated January 5, 1996, supplemented by letter dated July 12, 1996. The proposed amendment would revise Technical Specification (TS) Section 3.1.9, "Shutdown Cooling (SDC)." Specifically, the proposed amendment would revise the requirements of TS 3.1.9.3 to permit a filled refueling cavity to serve as a backup means of decay heat removal.

Sincerely,

Original signed by:

Robert G. Schaaf, Project Manager  
Project Directorate III-1  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation

Docket No. 50-255

Enclosure: Notice

cc w/encl: See next page

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Mr. Thomas C. Bordine  
Consumers Power Company

Palisades Plant

cc:

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Covert, Michigan 49043

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Resident Inspector's Office  
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Covert, Michigan 49043

UNITED STATES NUCLEAR REGULATORY COMMISSION

CONSUMERS POWER COMPANY

DOCKET NO. 50-255

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE, PROPOSED NO SIGNIFICANT HAZARDS  
CONSIDERATION DETERMINATION, AND OPPORTUNITY FOR A 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 amendment would revise the requirements of technical specification (TS) 3.1.9.3 to permit a filled refueling cavity to serve as a back-up means of decay heat removal.

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. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards

consideration. The NRC staff has reviewed the licensee's analysis against the three standards of 10 CFR 50.92(c). The staff's review is presented below.

1. Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes emulate the Standard Technical Specifications by allowing use of a filled reactor cavity as the required backup capability for decay heat removal; only an operable train of shutdown cooling is currently allowed to fulfill this function. The decay heat removal backup capability need not provide forced flow through the reactor core. This is because Action 2.a of TS 3.1.9.3 currently requires discontinuation of all operations involving a reduction in primary coolant system (PCS) boron concentration if loss of the inservice system caused flow to be reduced below that required. The proposed changes do not affect the requirements for the inservice train of shutdown cooling. Since the proposed changes do not affect the requirements for equipment that would be in operation, allowing use of an alternate decay heat removal backup capability cannot alter any plant operating conditions, equipment settings, or capabilities or operating equipment. Therefore, operating the facility in accordance with the proposed changes would not increase the probability or consequences of an accident previously evaluated.

2. Do the proposed changes create the possibility of a new or different kind of accident from any previously evaluated?

As discussed in the response to question 1, above, the proposed changes would not affect the plant configuration or the capability of equipment required to be in operation. The changes simply allow substitution of one means of decay heat removal for another as a backup capability. The equipment

used as a backup capability is only actuated after occurrence of an event that disables the decay heat removal equipment that is required to be in operation. Because the backup capability for decay heat removal, either as currently required or as proposed, would not be placed into service until after an event had occurred, operating the facility in accordance with the proposed changes would not create the possibility of a new or different kind of accident from any previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

The objectives of TS 3.1.9.3 are to ensure that the PCS is mixed by forced flow to avoid the potential for development of pockets of unborated or diluted coolant, and to ensure that sufficient decay heat removal capability is available to withstand loss of the operating decay heat removal system due to equipment failure or personnel error. These objectives are fulfilled by requiring (1) forced flow through the reactor core, (2) one operable system capable of decay heat removal to be in operation, and (3) another operable system capable of decay heat removal to provide a backup capability.

The proposed changes allow use of a filled refueling cavity as the required backup capability for decay heat removal; only an operable train of shutdown cooling is currently allowed to fulfill this function. The proposed changes do not affect the requirements for flow through the reactor core or the inservice train of shutdown cooling. The decay heat removal backup capability need not provide forced flow through the reactor core. This is because Action 2.a of TS 3.1.9.3 requires discontinuation of all operations involving a reduction in PCS boron concentration if loss of the inservice

system caused flow to be reduced below that required. Since the proposed changes only allow substitution of an alternate method of meeting the third objective for that currently specified, all objectives of the specification are still met. Therefore, operating the facility in accordance with the proposed changes would not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

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.

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 in the FEDERAL REGISTER 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.

Written comments may be submitted by mail to the Chief, Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this FEDERAL REGISTER notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 27, 1996, 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 request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition 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. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423. 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 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 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 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. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion

which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. 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 immediately 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 request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

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 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 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 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Mark Reinhart, 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, DC 20555-0001, 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 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 January 5, 1996, as supplemented July 12, 1996, which are

available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 22nd day of August 1996.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in cursive script, appearing to read "Robert G. Schaaf".

Robert G. Schaaf, Project Manager  
Project Directorate III-1  
Division of Reactor Projects - III/IV  
Office of Nuclear Reactor Regulation