

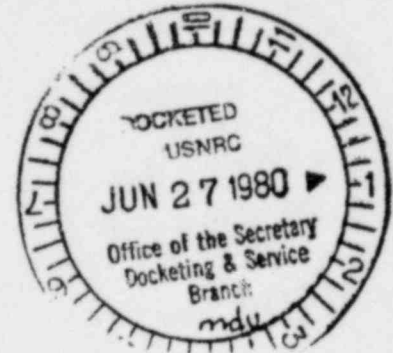


**Consumers
Power
Company**

DOCKET NUMBER
PROPOSED RULE **PR-250** (9)
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June 23, 1980



Secretary of the Commission
U S Nuclear Regulatory Commission
Washington, DC 20555

Attention Docketing and Service Branch

The following comments concerning the March 28, 1980, Federal Register Notice dealing with 10 CFR Parts 2 and 50, "No Significant Hazards Consideration", are presented for your consideration.

1. The first sentence of proposed paragraph 50.91(b) states that the subject criteria are intended to apply to both licenses and construction permits. However, the same sentence states that the basic "significant hazards" determination depends only on "whether operation of the facility...would involve any of the three enumerated criteria. Consumers Power Company believes that the basic significant hazards determination should be based on construction and operation considerations. Therefore, Consumers Power Company suggests the following wording for 50.91(b):

"...the Commission will consider whether construction or operation of the facility in accordance with the proposed amendment would (1)..."

2. Item v under the examples of amendments that are considered likely to involve significant hazards consideration deals with increases in power levels which were "not previously publicly noticed". Consumers Power Company believes that the fact the increase in power level was not publicly noticed is not relevant to a significant hazards finding. Rather, the real basis is whether or not the technical arguments compel an affirmative determination. Therefore, Consumers Power Company suggests that the phrase "not previously publicly noticed" be replaced with the phrase "not previously reviewed by NRC".

These comments supplement those sent to you previously by Consumers Power Company by letter dated May 27, 1980. Even though they are submitted beyond the due date, please consider them in future actions concerning 10 CFR Part 50.

David P. Hoffman

David P Hoffman
Nuclear Licensing Administrator

DPH-82-80

Acknowledged by card. 6/27/80. mdu.

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