



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 11, 2019

Ms. Jody Flynn  
80036 Ramblewood Drive  
Covert, MI 49043

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION RESPONSE TO THE  
MICHIGAN SAFE ENERGY FUTURE COMMUNITY GROUP RE: THE SAFETY  
OF THE PALISADES NUCLEAR PLANT

Dear Ms. Flynn:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated May 22, 2019 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML19143A360). I appreciate your willingness to contact the NRC to express your concerns about the safety of the Palisades Nuclear Plant (Palisades), located in Covert, Michigan.

In your letter, you stated concerns with (1) the continued safe operation of the plant, (2) the safety of the decommissioning process, and (3) the safety of the future storage of nuclear waste on site. Additionally, you requested that the NRC consider the imposition of fines on the plant's operator, Entergy Nuclear Operations, Inc. (ENO or the licensee), for violations of safety regulations.

### **The Continued Safe Operation of the Plant**

The NRC stations resident inspectors at all nuclear power plants, including Palisades, to ensure compliance with safety requirements. These operations experts perform baseline inspections focusing on licensee activities and systems that are the most safety significant. In addition to these inspections, the NRC performs additional inspections to ensure performance at each plant meets NRC regulations.

The NRC's latest assessment of Palisades concluded that the plant is operating safely and within NRC regulatory requirements. The NRC inspection findings were of low safety significance. From this assessment, the NRC determined the performance at Palisades was within the Licensee Response Column (Column 1), the highest performance category of the NRC's Reactor Oversight Process Action Matrix. Details of the Palisades' performance assessment can be found in the NRC's annual assessment letter, "Annual Assessment Letter for Palisades Nuclear Plant (Report 05000255/2018006)" dated March 4, 2019 (ADAMS Accession No. ML19063B485).

### **The Safety of the Decommissioning Process**

All domestic holders of a power reactor license, such as Palisades, must comply with NRC regulatory requirements regardless of the plants operating status. The NRC has strict rules governing nuclear power plant decommissioning, involving cleanup of contaminated plant systems and structures, and removal of radioactive fuel. These requirements protect workers and the public and ensure that an operating reactor transitions safely and securely from a permanent cessation of power until all decommissioning activities have been completed.

The NRC is currently engaged in development of a rulemaking to support added efficiencies and transparency to the current decommissioning process. These regulations are expected to be final by 2022. For information regarding the NRC's decommissioning rulemaking, please refer to, "Proposed Rule: Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning" (ADAMS Accession No. ML18012A021).

Associated with the planned decommissioning of Palisades, your letter stated that ENO made requests to the NRC to defer compliance with regulations. The NRC staff is currently reviewing two license amendment requests to defer compliance of requirements beyond the planned date for final shutdown. One request was submitted on March 8, 2019 (ADAMS Accession No. ML19067A004), that proposes to delay the transition date for compliance with new risk-informed fire protection requirements per 10 CFR 50.48(c) "National Fire Protection Association Standard NFPA 805." The license amendment request proposes to modify the existing fire protection license condition to state that ENO will comply with the new requirements if it operates beyond May 2022. Palisades currently plans to cease operation permanently in May 2022. Thus, if ENO's plans for the permanent shutdown of Palisades changes to a later date, it must comply with the fire protection requirements.

The other license amendment request, submitted on May 8, 2019 (ADAMS Accession No. ML19115A413), proposes to defer required actions associated with post-Fukushima seismic hazard reevaluations. ENO proposed to defer this reevaluation until December 31, 2022, which is after the planned shutdown date in May 2022. However, should the licensee decide to continue to operate beyond the planned decommissioning date, it would be required to provide the seismic probabilistic risk assessment by December 31, 2022.

In the above requested licensing actions, the licensee is required to meet all required NRC regulatory requirements if it intends to continue to operate beyond the planned decommissioning date.

### **The Safety of the Future Storage of Nuclear Waste on Site**

The NRC oversees the design, manufacturing, and use of dry casks used to store spent nuclear fuel at nuclear power plants. This oversight ensures licensees, like Palisades, and designers are following safety and security requirements, meeting the terms of their licenses, and implementing quality assurance programs. Cask are designed to keep spent fuel confined, prevent nuclear fission, provide radiation shielding, and resist earthquakes, tornadoes, floods, temperature extremes, and other scenarios. The NRC has conducted several studies and determined that the risks from storing spent fuel in dry casks at nuclear power plants is low. The NRC, however, continues to study how these casks perform over time in coordination with the Department of Energy and the nuclear industry.

For related information regarding the NRC's spent fuel storage program, please refer to: <https://www.nrc.gov/waste/spent-fuel-storage/regs-guides-comm.html>

### **Imposing Fines on ENO**

You state in your letter that the NRC has a policy not to impose fines on nuclear power plants that violate safety regulations. However, the NRC has and will take appropriate enforcement action, including imposing fines and civil penalties, on any licensee that does not comply with regulatory requirements.

You asked the NRC to consider imposing fines on ENO for violations of safety regulations, however, your letter does not provide information on specific violations occurring at Palisades. If you have specific information regarding the occurrence of a violation of NRC regulations that have not been addressed by the NRC, please contact Mr. Russell Haskell of my staff. He can be reached at (301) 415-1129 or via e-mail at [Russell.Haskell@nrc.gov](mailto:Russell.Haskell@nrc.gov).

Thank you again for sharing your concerns. The NRC takes its mission of ensuring public health and safety very seriously. The NRC's regulations and associated licensing, inspection, and enforcement programs provide assurance that all of the Nation's nuclear power plants, including Palisades, are operated in a safe manner.

Sincerely,

***/RA by Michele G. Evans for H. K. Nieh/***

Ho K. Nieh, Director  
Office of Nuclear Reactor Regulation

Docket No. 50-255

cc: ListServ

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**ADAMS Accession No. ML19168A209 (ADAMS Package No. ML19143A361) \*via e-mail**

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