

June 27, 2006

Mr. Terry J. Lodge
Counsel for Petitioners
316 N. Michigan Street, Suite 520
Toledo, Ohio 43624-1627

SUBJECT: REVIEW CONSIDERATION OF 10 CFR 2.206 PETITION REGARDING
PALISADES NUCLEAR PLANT

Dear Mr. Lodge:

Your petition dated April 4, 2006, has been referred to me pursuant to 10 CFR 2.206 of the Nuclear Regulatory Commission (NRC) regulations. You requested that the NRC take enforcement action against the Palisades Nuclear Plant (PNP) by condemning and stopping the use of the two independent spent fuel storage installation (ISFSI) concrete pads holding dry spent fuel storage casks on the plant site. As the basis for your request, you state that the concrete cask storage pads do not conform with NRC regulations for earthquake stability as required by 10 CFR 72.212(b)(2)(i)(B) and 72.212(b)(3) and therefore, poses a hazard in the event of an earthquake. I would like to express my appreciation and thanks for your effort in bringing these matters to our attention.

Your representatives spoke with our Petition Review Board (PRB) on April 26, 2006, to discuss your petition. You were sent a transcription of the teleconference on May 3, 2006. By letter dated May 4, 2006, the staff acknowledged receipt of your petition and enclosed a copy of NRC publications regarding the 10 CFR 2.206 process, Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions," and NUREG/BR-0200, "Public Petition." On June 9, 2006, you were sent a status letter regarding your petition. The PRB has met and determined that your request to condemn and stop the use of the two ISFSI concrete pads at PNP does not require immediate action.

The PRB has determined that your petition is accepted for review in part, specifically with respect to slope stability of the concrete pad constructed in 2003. Those portions of your petition concerning the older concrete pad constructed in 1992 and soil liquefaction related to the newer pad were not accepted for review because those issues have already been the subject of NRC staff review and have been resolved. The staff review of the older pad is documented in the Palisades Plant - NRC Final Safety Assessment of ISFSI Support Pad, dated September 20, 1994. In that assessment the staff concluded that the location of the storage pad at the Palisades site is acceptable to support the concrete storage cask against all effects of the design basis earthquake for the site. The staff resolution of the issue regarding soil liquefaction due to earthquake amplification for the newer pad was documented in NRC Inspection Report 50-255/2006002, dated May 11, 2006.

NRC staff review of the slope stability analysis for the newer pad is currently ongoing; however, a revised schedule has yet to be established. When this technical issue is resolved, the staff will respond to your petition in a timely manner.

T. Lodge

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Your petition is being reviewed by the Spent Fuel Project Office within the Office of Nuclear Material Safety and Safeguards. Ray Wharton is currently the petition manager for your petition. He can be reached by telephone at 301-415-1396 or by e-mail at lrw@nrc.gov.

Enclosed for your information is a copy of the Federal Register notice regarding this action that will be forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA By M. Wong Acting For/

William H. Ruland, Deputy Director
Spent Fuel Project Office
Office of Nuclear Material Safety
and Safeguards

Docket Nos.: 72-7, 50-255

Enclosure: Federal Register Notice

cc: Nuclear Management Company, LLC,
Mailing List

T. Lodge

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DATE	06/21/06	06/21/06	06/27/06	06/27/06	

OFFICIAL RECORD COPY

Palisades Plant

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