

January 30, 2009

EA-08-322

Mr. Christopher J. Schwarz  
Vice President, Operations  
Entergy Nuclear Operations, Inc.  
Palisades Nuclear Plant  
27780 Blue Star Memorial Highway  
Covert, MI 49043-9530

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND  
NOTICE OF VIOLATION; NRC INSPECTION REPORT NO. 05000255/2008011;  
PALISADES NUCLEAR PLANT

Dear Mr. Schwarz:

This letter provides you the final significance determination of the preliminary White finding discussed in our previous communication dated December 19, 2008, which included the subject inspection report. The finding involved a failure to meet the regulatory requirements of 10 CFR 20.1501 which requires surveys (evaluations) of the radiological conditions and potential hazards incident to the use and presence of radioactive material or other sources of radiation. Specifically, the finding involved a failure to evaluate radiological hazards and assess dose to workers that handled tools used for reconstituting failed fuel during work on the refueling floor in October 2007.

In a January 5, 2009, telephone conversation with Mr. Steven Orth of the U.S. Nuclear Regulatory Commission (NRC), Region III, Ms. Laurie Lahti of your staff indicated that Entergy Nuclear Operations, Inc., did not contest the characterization of the risk significance of this finding and that you declined your opportunity to discuss this issue in a Regulatory Conference or to provide a written response.

After considering the information developed during the inspection, the NRC has concluded that the finding is appropriately characterized as White, i.e., a finding having low to moderate safety significance.

The NRC has also determined that the failure to evaluate radiological hazards and assess dose to workers is a violation of 10 CFR 20.1501, as cited in the enclosed Notice of Violation (Notice). The circumstances surrounding the violation were described in detail in the subject inspection report, dated December 19, 2008. In accordance with the NRC Enforcement Policy, the Notice is considered escalated enforcement action because it is associated with a White finding.

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response.

Because plant performance for this issue has been determined to be beyond the licensee response band, we will use the NRC's Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosure, and your response, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. To the extent possible, your response should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction.

Sincerely,

***/RA by Mark A. Satorius Acting for/***

James L. Caldwell  
Regional Administrator

Docket No. 50-255  
License No. DPR-20

Enclosure:  
Notice of Violation

cc w/encl: Senior Vice President  
Vice President Oversight  
Senior Manager, Nuclear Safety & Licensing  
Senior Vice President and COO  
Assistant General Counsel  
Manager, Licensing  
W. DiProfio  
W. Russell  
G. Randolph  
Supervisor, Covert Township  
Office of the Governor  
T. Strong, State Liaison Officer  
Michigan Department of Environmental Quality  
Michigan Office of the Attorney General

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James L. Caldwell  
Regional Administrator

Docket No. 50-255  
License No. DPR-20

Enclosure: Notice of Violation

cc w/encl: Senior Vice President  
Vice President Oversight  
Senior Manager, Nuclear Safety & Licensing  
Senior Vice President and COO  
Assistant General Counsel  
Manager, Licensing  
W. DiProfio  
W. Russell  
G. Randolph  
Supervisor, Covert Township  
Office of the Governor  
T. Strong, State Liaison Officer  
Michigan Department of Environmental Quality  
Michigan Office of the Attorney General

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NAME	Lougheed	Orth	Yerokun for West	Wray for Carpenter <sup>1</sup>	O'Brien	Satorius for Caldwell
DATE	01/27/09	01/27/09	01/29/09	01/26/09	01/29/09	01/29/09

**OFFICIAL RECORD COPY**

<sup>1</sup> OE concurrence received via e-mail from J. Wray on January 26, 2009.

Letter to Christopher J. Schwarz from James L. Caldwell dated January 30, 2009

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR A WHITE FINDING AND  
NOTICE OF VIOLATION; NRC INSPECTION REPORT NO. 05000255/2008011;  
PALISADES NUCLEAR PLANT

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## NOTICE OF VIOLATION

Entergy Nuclear Operations, Inc.  
Palisades Nuclear Plant

Docket No. 50-255  
License No. DPR-20  
EA-08-322

During an NRC inspection conducted between July 22, 2008, and November 19, 2008, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

Title 10 CFR 20.1501 requires that each licensee make, or cause to be made, surveys that may be necessary for the licensee to comply with the regulations in Part 20 and that are reasonable under the circumstances to evaluate the: (1) magnitude and extent of radiation levels; (2) concentrations or quantities of radioactive materials; and (3) potential radiological hazards.

Title 10 CFR 20.1003 defines "survey" as an evaluation of the radiological conditions and potential hazards incident to the production, use, transfer, release, disposal, or presence of radioactive material or other sources of radiation.

Title 10 CFR 20.1201 states that the occupational annual dose limits for the skin of the extremities for adults is 50 rems and the total effective dose equivalent is 5 rems.

Contrary to the above, as of January 18, 2008, the licensee failed to evaluate the radiological hazards and assess dose to workers that handled tools used for reconstituting failed fuel during work on the refueling floor in October 2007, as required by 10 CFR 20.1501 to demonstrate compliance with the dose limits of 20.1201.

This violation is associated with a White SDP finding.

Pursuant to the provisions of 10 CFR 2.201, Entergy Nuclear Operations, Inc., is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555-0001, with a copy to the Regional Administrator, Region III, and a copy to the NRC Resident Inspector at the Palisades Nuclear Plant, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation; EA-08-322" and should include for each violation the: (1) reason for the violation, or, if contested, the basis for disputing the violation or significance; (2) corrective steps that have been taken and the results achieved; (3) corrective steps that will be taken to avoid further violations; and (4) date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an Order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

ENCLOSURE

If you contest this enforcement action, you should also provide a copy of your response, with the basis for your denial, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Because your response will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>, to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be made available to the public without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.390(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

In accordance with 10 CFR 19.11, you may be required to post this Notice within two working days.

Dated this 30<sup>th</sup> day of January 2009

ENCLOSURE