



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

April 14, 2022

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

SUBJECT: PALISADES NUCLEAR PLANT – REQUEST FOR ADDITIONAL
INFORMATION REGARDING LICENSE AMENDMENT REQUEST FOR
PERMANENTLY DEFUELED AMENDMENT REQUEST
(EPID L-2021-LLA-0099)

Dear Sir or Madam:

By application dated June 1, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21152A108), Entergy Nuclear Operations, Inc. (ENO) requested changes to Renewed Facility Operating License (RFOL) No. DPR-20 for Palisades Nuclear Plant (PNP). Specifically, ENO requested an amendment to revise the PNP RFOL, including the Appendix A technical specifications (TSs) and Appendix B environmental protection plan, to reflect the permanent cessation of operations and permanent removal of fuel from the reactor vessel.

The U.S. Nuclear Regulatory Commission staff has reviewed the submittals and determined that additional information is needed to complete its review. The specific questions are found in the enclosed request for additional information (RAI). By email dated April 14, 2022, the Entergy staff indicated that a response to the RAI would be provided by May 16, 2022.

If you have questions, please contact me at 301-415-2855 or via e-mail at Scott.Wall@nrc.gov.

Sincerely,

/RA/

Scott P. Wall, Senior Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-255

Enclosure:
Request for Additional Information

cc: Listserv

REQUEST FOR ADDITIONAL INFORMATION

LICENSE AMENDMENT REQUEST FOR PERMANENTLY DEFUELED

AMENDMENT REQUEST

ENTERGY NUCLEAR OPERATIONS, INC.

PALISADES NUCLEAR PLANT

DOCKET NO. 50-255

By application dated June 1, 2021 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML21152A108), Entergy Nuclear Operations, Inc. (ENO) requested changes to Renewed Facility Operating License (RFOL) No. DPR-20 for Palisades Nuclear Plant (PNP). Specifically, ENO requested an amendment to revise the PNP RFOL, including the Appendix A technical specifications (TSs) and Appendix B environmental protection plan, to reflect the permanent cessation of operations and permanent removal of fuel from the reactor vessel.

The U.S. Nuclear Regulatory Commission (NRC, the Commission) staff reviewed the submittal and determined that the following additional information is needed to complete its review.

NRR-DORL-01

Applicable Regulation and Guidance

Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50.2, "Definitions," states, in part:

License means a license, including a construction permit or operating license under this part

10 CFR 50.51, "Continuation of license," states, in part:

- (b) Each license for a facility that has permanently ceased operations, continues in effect beyond the expiration date to authorize ownership and possession of the production or utilization facility, until the Commission notifies the licensee in writing that the license is terminated. During such period of continued effectiveness, the licensee shall –
 - (1) Take actions necessary to decommission and decontaminate the facility and continue to maintain the facility, including, where applicable, the storage, control and maintenance of the spent fuel, in a safe condition, and
 - (2) Conduct activities in accordance with all other restrictions applicable to the facility in accordance with the NRC regulations and the provisions of the specific 10 CFR part 50 license for the facility.

Issue

On February 21, 1991, the NRC issued an operating license for PNP in accordance with 10 CFR Part 50. This operating license was renewed on January 17, 2007, in accordance with 10 CFR Part 54.

The licensee plans to permanently shut down PNP by May 31, 2022. In accordance with 10 CFR 50.82(a)(2), upon docketing of the licensee's certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel, the 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of the fuel in the reactor vessel. The LAR proposes changes to the license to reflect the permanent shutdown of the facility. These changes include removing the word "operating" from the PNP license when the word appears in "renewed facility operating license" or "renewed operating license" (except that this change was not proposed for License Finding 1.C).

However, docketing of the certifications under 10 CFR 50.82(a)(2) does not change the form of the license—under 10 CFR 50.51(b), the operating license continues in effect until the Commission notifies the licensee in writing that the license is terminated. Therefore, PNP would continue to have a renewed facility operating license in accordance with 10 CFR Parts 50 and 54.

The NRC staff recognizes that there have been prior cases for other facilities where it authorized removing the word "operating" from the license when the word appeared in "renewed facility operating license" or "renewed operating license." However, the license is still an operating license, and there are regulations that apply specifically to "operating license," not a generic "facility license." To ensure clarity regarding the applicability of such regulations and the nature of the license itself, the term "operating" should remain when "renewed facility operating license" or "renewed operating license" is used.

Request

Provide a regulatory justification for removing the word "operating" when it appears in the phrases "renewed facility operating license" or "renewed operating license" in the following portions of the PNP license; or confirm that these requested changes are no longer applicable and are withdrawn:

- License Title
- License Finding 1.A,
- License Finding 1.E
- License Finding 1.F
- License Finding 1.H
- License Finding 1.I
- License Finding 1.J
- License Condition 2
- License Condition 2.C
- Appendix A, Technical Specification Title Page
- Appendix B, Environmental Protection Plan Title Page

NRR-DORL-02

Applicable Regulation and Guidance

10 CFR 50.57, "Issuance of operating license," states, in part:

- (a) Pursuant to § 50.56, an operating license may be issued by the Commission, up to the full term authorized by § 50.51, upon finding that: ...
 - (2) The facility will operate in conformity with the application as amended, the provisions of the Act, and the rules and regulations of the Commission; and

10 CFR 50.92, "Issuance of amendment," states, in part:

- (a) In determining whether an amendment to a license, construction permit, or early site permit will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of initial licenses, construction permits, or early site permits to the extent applicable and appropriate.

Issue

Currently, License Finding 1.D reads:

The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;

The licensee proposed License Finding 1.D to read:

The facility will be maintained in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;

License Finding 1.D is an NRC finding, not a license condition, and the wording reflects the finding required by 10 CFR 50.57(a)(2) that the NRC made when issuing the operating license. Thus, when the operating license was issued, and when it was renewed, the current language in License Finding 1.D was designed to mirror the language of 10 CFR 50.57(a)(2). When issuing amendments, the NRC staff uses the same 10 CFR 50.57(a)(2) language since 10 CFR 50.92(a) *requires* the staff to "be guided by the considerations which govern the issuance of initial licenses ... to the extent applicable and appropriate."

The NRC staff recognizes that there have been prior cases for other facilities where it authorized changing the pertinent finding language from "will operate" to "will be maintained." However even though operation of the reactor will not be allowed after the 10 CFR 50.82(a) certifications are docketed, the "facility will operate" language in 10 CFR 50.57(a)(2) is still "applicable and appropriate" since this language can refer to operation of the facility's systems, structures and components (SSCs) during decommissioning. This position was explained in the recently published proposed rule "Regulatory Improvements for Production and Utilization Facilities Transitioning to Decommissioning" (87 FR 12254; March 3, 2022) on page 12297.

Request

Provide a regulatory justification for changing the wording of License Finding 1.D from “will operate” to “will be maintained,” or confirm that this specific License Finding 1.D change request is no longer applicable and is withdrawn.

SUBJECT: PALISADES NUCLEAR PLANT – REQUEST FOR ADDITIONAL
INFORMATION REGARDING LICENSE AMENDMENT REQUEST FOR
PERMANENTLY DEFUELED TECHNICAL SPECIFICATIONS
(EPID L-2021-LLA-0099) DATED: APRIL 14, 2022

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