



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

June 28, 2022

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

SUBJECT: PALISADES NUCLEAR PLANT – WITHDRAWAL OF INTERIM
COMPENSATORY MEASURE B.1.a IN EA-02-026, “ORDER FOR INTERIM
SAFEGUARDS AND SECURITY COMPENSATORY MEASURES”
(EPID L-2021-LLL-0015)

Dear Mr. Corbin:

By letter dated February 25, 2002 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML020500572), the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-02-026, “Order for Interim Safeguards and Security Compensatory Measures,” to all operating nuclear power reactor licensees. Following the terrorist attacks on September 11, 2001, the NRC supplemented the security measures required for protection against the design-basis threat at nuclear power reactor facilities through a series of security orders. These orders, including Order EA-02-026, established new requirements for specific training; access authorization enhancements; and enhancements to defensive strategies, mitigative measures, and integrated response.

The NRC amended Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, “Domestic Licensing of Production and Utilization Facilities”; 10 CFR Part 52, “Licenses, Certifications, and Approvals for Nuclear Power Plants”; 10 CFR Part 72, “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste”; 10 CFR Part 73, “Physical Protection of Plants and Materials”; and Appendix B, “General Criteria for Security Personnel,” and Appendix C, “Licensee Safeguards Contingency Plans,” to 10 CFR Part 73, through a final rule, “Power Reactor Security Requirements,” which the agency published in Volume 74 of the *Federal Register*, page 13925, on March 27, 2009 (74 FR 13925). The rulemaking codified generically applicable security requirements that the agency previously issued by orders and updated the existing power reactor security requirements. The rule became effective on May 26, 2009.

By letter dated November 28, 2011 (ML111220447), the NRC partially rescinded Order EA-02-026. The requirements of Order EA-02-026 addressed by Interim Compensatory Measure (ICM) B.1.a involved operator training for specific security-initiated events that were not covered by proposed or existing regulations and remained in effect.

By letter dated January 4, 2017 (ML17004A062), as supplemented by letters dated September 28, 2017, and October 19, 2017 (ML17271A233 and ML17292A032, respectively), Entergy Nuclear Operations, Inc. (Entergy or the licensee) submitted a notification of permanent

cessation of power operations for Palisades Nuclear Plant (Palisades). In this letter, Entergy notified the NRC of its intent to permanently cease operations at Palisades no later than May 31, 2022.

By letter dated June 13, 2022 (ML22164A067), Entergy certified that power operations ceased at Palisades on May 20, 2022, and that the fuel was permanently removed from the Palisades reactor vessel and placed in the Palisades spent fuel pool on June 10, 2022. Entergy further acknowledged that the Palisades 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel.

Section III of Order EA-02-026 gives the director of the NRC Office of Nuclear Reactor Regulation the authority to relax or rescind any or all of the conditions of the orders upon demonstration by a licensee of good cause.

By letter dated July 21, 2021 (ML21202A211), Entergy requested that the NRC rescind ICM B.1.a in Order EA-02-026 for Palisades based on the transition from an operating reactor to a non-operating reactor. Entergy cited the following reasons to demonstrate good cause for rescinding ICM B.1.a in Order EA-02-026:

Per 10 CFR 50.82(a)(2), once the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel are submitted to the NRC in accordance with 10 CFR 50.82(a)(1)(i) and (ii), the 10 CFR Part 50 license will no longer authorize operation of the reactor or retention of fuel in the reactor vessel. As a result, there is no longer a need to address the specific security-initiated event in ICM B.1.a in Order EA-02-026, which is primarily associated with reactor operation.

The NRC staff notes that since Palisades is permanently shut down and defueled, the primary security focus is the protection of the spent fuel. The operator training for the specific security-initiated event addressed in ICM B.1.a of Order EA-02-026 does not have any immediate effect on the storage or cooling of spent fuel.

In addition, the NRC staff recognizes that Palisades will maintain mitigation strategies for the protection of spent fuel under License Condition 2.C.(6) of its license. License Condition 2.C.(6) requires Palisades to develop and maintain strategies and staff training to address large fires and explosions, including for protection of the spent fuel. The NRC staff has determined that withdrawing ICM B.1.a in Order EA-02-026 with respect to Palisades will not reduce the licensee's capability to mitigate any consequences from the specific security-initiated event described in Order EA-02-026, even in the unlikely case that the event could have some effect on the systems used for storage and cooling of spent fuel.

For the reasons discussed above, the NRC staff concludes that the licensee has demonstrated good cause to withdraw ICM B.1.a in Order EA-02-026. Therefore, in light of the docketing of the 10 CFR 50.82(a)(1)(i) and (ii) certifications for permanent cessation of operations and removal of fuel from the reactor vessel, the NRC withdraws ICM B.1.a in Order EA-02-026 for Palisades.

Sincerely,

Andrea D. Veil, Director
Office of Nuclear Reactor Regulation

Docket No. 50-255

cc: Listserv

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 (EPID L-2021-LLL-0015) DATED JUNE 28, 2022

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