



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

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 scheduled has yet to be established. When this technical issue is resolved, the staff will respond to your petition in a timely manner.

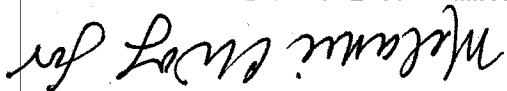
T. Lodge

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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](mailto: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,



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

Palisades Plant

cc:

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Notice is hereby given that by petition dated April 4, 2006, Mr. Terry J. Lodge (Counsel for Petitioners) has requested that the Nuclear Regulatory Commission (NRC) take action with regard to the Nuclear Management Company, LLC (NMC) Palisades Nuclear Plant (PNP). The petitioners' request that the NRC take enforcement action against PNP by condemning and stopping the use of the two independent spent fuel storage installation (ISFSI) concrete pads, constructed in 1992 and 2003, which hold dry spent fuel storage casks at the plant site.

**INTRODUCTION**

**FOR FURTHER INFORMATION CONTACT:** L. Raynard Wharton, Senior Project Manager, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 415-1396; Fax number: (301) 415-8555; E-mail: [lrw@nrc.gov](mailto:lrw@nrc.gov).

**AGENCY:** Nuclear Regulatory Commission  
**ACTION:** Receipt and consideration of request for action under 10 CFR 2.206.

**CONSIDERATION OF REQUEST FOR ACTION UNDER 10 CFR 2.206**

**U. S. NUCLEAR REGULATORY COMMISSION**  
**DOCKET NOS. 72-7 AND 50-255**  
**LICENSE NO. DPR-20**  
**NUCLEAR MANAGEMENT COMPANY, LLC**

**REQUEST**

As the basis for the request, the petitioners state that both ISFSI concrete pads at NPP do not conform to NRC requirements for earthquake stability standards and pose a distinct hazard in the event of an earthquake.

The request concerning slope stability of the 2003 concrete pad is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of the Spent Fuel Project Office within the Office of Nuclear Material Safety and Safeguards. As provided by 10 CFR 2.206, appropriate action will be taken on this petition within a reasonable time. Representatives of Mr. Lodge spoke with the Petition Review Board on April 26, 2006, to discuss the petition. The results of that discussion were considered in the Board's determination regarding condemning and stopping the use of the two ISFSI concrete pads and in establishing a schedule for the review of the petition. By letter dated June 27, 2006, the Spent Fuel Project Office Deputy Director accepted the petition for review in part, specifically with respect to slope stability of the concrete pad constructed in 2003.

**FURTHER INFORMATION**

A copy of the petition may be inspected at NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. This document may also be viewed electronically on the public computers located at the NRC's Public Document Room (PDR), O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee. Persons who do not have access to the NRC's

Agencywide Documents Access and Management System (ADAMS) or who encounter

problems in accessing the documents located in ADAMS, should contact the NRC PDR

Reference staff by telephone at 1-800-397-4209 or (301) 415-4737, or by e-mail to

[pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland this 27<sup>th</sup> day of June, 2006.

FOR THE NUCLEAR REGULATORY COMMISSION



L. Raynard Wharton, Senior Project Manager  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards