



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

May 14, 2013

Ms. Cheryl Marie and Mr. Michael Patrick  
Rural Route 1  
New Buffalo Township  
19409 W. U.S. 12  
New Buffalo, MI 49117

Dear Ms. Cheryl Marie and Mr. Michael Patrick:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter to Chairman Allison M. Macfarlane and others, received on February 5, 2013, regarding the Donald C. Cook Nuclear Plant (D.C. Cook), Units 1 and 2, and your supplemental correspondence dated March 19, 2013, and April 2, 2013, respectively.

In your initial letter, you requested the shutdown of D.C. Cook and the removal or containment of all radioactive material. You further requested the subsequent conversion of the facility to non-fissile, non-fossil fuel energy generation, if such conversion is structurally possible and without the use of the private credit. In your supplemental correspondence, you also requested the shutdown of the Palisades Nuclear Plant (Palisades) and Fermi Power Plant, Unit 2 (Fermi).

The NRC is an independent federal agency, whose mission is to license and regulate the nation's civilian use of byproduct, source, and special nuclear materials to ensure the adequate protection of public health and safety, protect the common defense and security, and protect the environment. The NRC's regulations are designed to protect both the public and workers against radiation hazards from industries that use radioactive materials.

As part of its oversight responsibility, the NRC assesses operating nuclear plant performance continuously, and communicates its assessment of plant performance in letters to licensees. In its most recent assessment of D.C. Cook and Palisades, the NRC determined that overall, both plants operated in a manner that preserved public health and safety and met all cornerstone objectives. The NRC determined that, during the most recent quarter, the performance at both D.C. Cook and Palisades, was within the Licensee Response Column of the NRC's Reactor Oversight Process (ROP) Action Matrix because all inspection findings had very low safety significance, and all performance indicators indicated that its performance was within the nominal, expected range.

In addition, the NRC determined that the performance at Fermi, during the most recent quarter, was within the Regulatory Response Column of the NRC's ROP Action Matrix. Although this indicates that Fermi's performance was at a lower level than that of the D.C. Cook and Palisades facilities, the deficiencies were isolated in nature and warranted the lowest level of supplemental inspection by the NRC. Moreover, in accordance with NRC Inspection Manual, Manual Chapter 0308, page 16: "The increased regulatory response band would be entered

when licensee performance is outside the normal performance range, but would still represent an acceptable level of performance."

Therefore, in accordance with the NRC oversight process, a plant shutdown would not be requested or ordered, since all of the sites operated in a manner that preserved public health and safety and protected the environment. You can find additional information on the NRC's inspection and oversight of operating nuclear power plants at the NRC's public website at <http://www.nrc.gov/reactors/operating/oversight.html>.

Regarding your proposal to convert D.C. Cook to non-fissile, non-fossil fuel energy generation, the NRC has the regulatory authority and the responsibility to ensure that D.C. Cook is operated in a manner that adequately protects the public health and safety and the environment. However, the NRC's jurisdiction does not extend to directing a utility to build a new power plant, as you have requested.

Finally, your letter of April 2, 2013, questioned whether the authorizing public officials at the NRC have recorded a proper precedent oath of office. In accordance with NRC policy, we have forwarded your letter to the NRC Office of the Inspector General.

Thank you for conveying your concerns about these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Carlson", with a long horizontal flourish extending to the right.

Robert D. Carlson, Chief  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-255, 50-315, 50-316, and 50-341

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**/RA/**

Robert D. Carlson, Chief  
Plant Licensing Branch III-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

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