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**Subject:** [External\_Sender] Re: (Docket ID NRC-2018-0237) Public Comments on Oyster Creek Nuclear Plant License Transfer by January 9, 2019 by Concerned Citizens for Lacey Coalition  
**Date:** Monday, January 07, 2019 9:57:42 AM

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**Date:** January 7, 2019

**To:** NRC Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

**Subject:** :(Docket ID NRC-2018-0237) Public Comments on Oyster Creek Nuclear Plant License Transfer by January 9, 2019

**From:** The Concerned Citizens for Lacey Coalition submission of comments to the NRC regarding Request for Public Hearing on Oyster Creek Nuclear Plant License Transfer by January 9, 2019 include: Financial, Safety, Technical, Security, and Environmental Concerns

**1) Does Oyster Creek have enough funds to complete the decommissioning?**

**Subject:** Exelon: No need for hearing on how Oyster Creek closing hits Lacey Patricia Miller, Special to the Times-Beacon Newspapers

<https://www.app.com/story/news/local/redevelopment/2018/12/21/exelon-no-need-hearing-how-oyster-creek-closing-hits-lacey/2380673002/>

The linked article states "The Lacey officials say there is not enough money in the decommissioning fund, according to a recent petition filed by Township Attorney Lauren R. Staiger of Toms River-based Gilmore and Monahan. The township's petition estimates that decommissioning process will cost \$1.4 billion, and there was \$945 million in the fund in July 2018".

<https://www.chicagotribune.com/business/ct-zion-plant-111-biz-20150109-story.html>

**Exelon: Company dismantling Zion nuclear plant is running out of money**

If you look what has happened at other plant decommissioning such Zion the dollars are running out. How does the NRC monitor this more efficiently moving forward?

Holtec Post Shutdown Decommissioning Activities Report

[ML18275A116](#)

<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML18275A116>

Accession Number: [ML18275A116](#)

Holtec has filed the above PSDAR Report which shows costs, expenses, etc . As example take a look at page 19 which indicates decommissioning DECON cost summary total at \$885 million. The trust fund dollars is \$1.4 billion. The difference is \$515 million. Another question arises. Does Holtec gets this or the taxpayers? Also, Holtec's financial calculations of the costs of decommissioning in its Post Shutdown Decommissioning Activities Report appear suspect because they conveniently mirror total the amount Exelon has reported in its Decommissioning Trust Fund, raising credibility. Is there a way Holtec can be held to these numbers by the NRC?

<https://cdi-decom.com/>

Holtec has one of the business entities Comprehensive Decommissioning International, Limited Liability Company (CDI) which will be involved in the decommissioning. ) An LLC is setup to run the decommissioning.

A limited liability company is a corporate structure whereby the members of the company are not personally liable for the company's debts or liabilities. [Limited liability](#) companies are hybrid entities that combine the characteristics of a corporation and a partnership or [sole proprietorship](#).

**Should there be any shortcomings with the decommissioning of the Oyster Creek Nuclear plant, will Holtec then cover any additional costs to complete the decommissioning, etc?**

<https://www.utilitydive.com/news/holtec-to-buy-three-nuclear-plants-greatly-accelerate-decommissioning/529047/>

In addition to purchasing the Oyster Creek Nuclear Plant, Holtec has also reached agreements to purchase nuclear plants in Massachusetts and Michigan and perform expedited decommissioning there.

**Has the NRC done its due diligence to see if Holtec have enough financial funds as well as manpower to decommission all three plants simultaneously?**

The terms of the Exelon and Holtec agreement, Purchase Sale Agreement, for the sale of Oyster Creek and transfer of the license and decommissioning trust fund needs to be made public so Lacey Township, the State of New Jersey, and other stakeholders can be assured that the decommissioning and site restoration will be done in a safe and responsible manner. **A redacted version of the agreement can be provided to black out any competitive information and serve to meet that objective.**

The NRC and New Jersey Board of Public Utilities have the responsibility for financial due diligence and ratepayer protection related to the proposed sale. **Please explain who would be responsible for any decommissioning plan cost overruns or who would benefit from any cost savings from**

the decommissioning trust fund.

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## 2) SNC Lavalin Corruption and dealings with Libya on terrorist list

**Subject: Exelon: No need for hearing on how Oyster Creek closing hits Lacey - Patricia Miller, Special to the Times-Beacon Newspapers**

<https://www.app.com/story/news/local/redevelopment/2018/12/21/exelon-no-need-hearing-how-oyster-creek-closing-hits-lacey/2380673002/>

This linked article states "SNC-Lavalin has been charged with corruption, fraud and bribery in Canada, the petition states, and: "A company with a reputation such as SNC's involvement in such an endeavor is troubling, at best."

Please see the linked articles below

[SNC-Lavalin Shareholder Class Actions Settle for \\$110 million](https://www.newswire.ca/news-releases/snc-lavalin-shareholder...)

<https://www.newswire.ca/news-releases/snc-lavalin-shareholder...>

LONDON, ON and TORONTO, May 23, 2018- SNC-Lavalin Shareholder Class Actions Settle for **\$110 million**

**Earlier this year, the company settled two civil suits over allegations of misleading investors about its activities in Libya. The company said it would pay \$88 million and insurance payments would bring the total settlement to \$110 million.**

[SNC-Lavalin's Montreal offices raided by RCMP | CBC News](https://www.cbc.ca/news/canada/montreal/snc-lavalin-s-montreal...)

<https://www.cbc.ca/news/canada/montreal/snc-lavalin-s-montreal...>

SNC-Lavalin's Montreal offices raided by RCMP RCMP are raiding engineering firm SNC-Lavalin's headquarters in Montreal, although officials won't confirm the nature of the investigation

[SNC-Lavalin Plots Course After Canada Rejects Bribe Plea ...](https://www.enr.com/articles/45592-snc-lavalin-plots-course-after...)

<https://www.enr.com/articles/45592-snc-lavalin-plots-course-after...>

Canada-based global engineer-constructor SNC-Lavalin could face pressure to sell or exit the public market, analysts say, after the Ottawa government said it would not negotiate a remediation deal .

[SNC-Lavalin: federal prosecutors won't negotiate a deal ...](https://www.ctvnews.ca/business/snc-lavalin-federal-prosecutors...)

<https://www.ctvnews.ca/business/snc-lavalin-federal-prosecutors...>

MONTREAL -- SNC-Lavalin Group Inc. shares plunged to their lowest level in years on Wednesday after it announced that federal prosecutors won't agree to negotiate a deal that would set aside.

The charges stem from allegations that SNC-Lavalin paid nearly \$48 million to public officials in Libya between 2001 and 2011 to influence government decisions. The RCMP has also charged the company, its construction division and a subsidiary with one charge each of fraud and corruption for allegedly defrauding various Libyan organizations of roughly \$130 million.

[http://digital.njmonthly.com/njmonthly/january\\_2019/](http://digital.njmonthly.com/njmonthly/january_2019/)

**Oyster Creek is done producing nuclear energy. Now comes the hard part: cleaning up five decades of radioactive waste.** By Ian T. Shearn (Correspondent **Ian T. Shearn** writes about politics and current affairs for *New Jersey Monthly*). SNC-Lavalin has had a legal cloud over its head since 2015 (the same year it began collaborating with Holtec) when allegations surfaced that former employees paid \$150 million in bribes to officials in Libya to influence government policy and win contracts. In one case, a former SNC-Lavalin vice president is awaiting trial on charges he made bribes to the Gaddafi regime. In a separate case, a former SNC-Lavalin vice president of construction pleaded guilty in July to using a forged document following a widespread corruption investigation involving the construction of a super-hospital in Canada. And in May, Canadian authorities filed charges against SNC-Lavalin after a multiyear probe related to illegal political contributions. **"Is this the company we want to be handling a \$1 billion trust fund?" asks Gunter.**

From SNC website

<http://www.snclavalin.com/en/snc-lavalin-contests-the-federal-charges-february-19-2015>

[SNC-Lavalin contests the federal charges by the public prosecution service of Canada, and will enter a non-guilty plea](http://www.snclavalin.com/en/snc-lavalin-contests-the-federal-charges-february-19-2015)

Today, SNC-Lavalin (TSX: SNC) was informed that federal charges have been laid by the Public Prosecution Service of Canada against SNC-Lavalin Group Inc., SNC-Lavalin International Inc. and SNC-Lavalin Construction Inc. Each entity has been charged with one count of fraud under section 380 of the Criminal Code of Canada and one count of corruption under Section 3(1)(b) of the Corruption of Foreign Public Officials Act. SNC-Lavalin firmly considers that the charges are without merit and will vigorously defend itself and plead not guilty in the interest of its current employees, families, partners, clients, investors and other stakeholders.

**In Summary- In Canada, SNC has been charged with corruption, fraud and bribery relating to business dealings in Libya committed over a period of 10 years. Isn't Libya on the U.S. Terrorist List of not doing business with? Does the NJ Attorney General Office, US Attorney General Office need to be contacted and involved in the process? Is this the company we want to be handling a \$1 billion trust fund?**

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## 3)Storage of the nuclear rods in Lacey

[https://www.nj.gov/dep/docs/oyster\\_creek\\_decommissioning\\_faqs.pdf](https://www.nj.gov/dep/docs/oyster_creek_decommissioning_faqs.pdf)

How long will the dry casks be stored on the Independent Spent Fuel Storage Installation pad? When will U.S. Department of Energy accept the fuel? Can the NRC expedite the Department of Energy's fuel move to either a permanent repository or a consolidated interim storage facility? Currently all dry-cask designs are issued a Certificate of Compliance by the NRC that is valid for 20 years and may be extended in 20-year increments. The U.S.

Department of Energy will accept the spent nuclear fuel as soon as either a permanent repository or a consolidated interim storage facility is approved. Currently, there are no licensed facilities that can accept spent nuclear fuel for either interim or long-term storage. The NRC has no legal or regulatory authority to expedite the process.

**The nuclear rods do not become safe for some 240,000+ years. Will Holtec be responsible for the safety, repair and or replacement of these casks over the lifetime of nuclear storage?**

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#### **4) The casks the nuclear rods leak in California?**

<https://sanonofresafety.org/2018/11/08/san-onofre-defective-holtec-nuclear-waste-storage-system-must-be-recalled/>

#### **[San Onofre defective Holtec nuclear waste storage system is a lemon and must be recalled](#)**

Posted on [November 8, 2018](#) by [Donna Gilmore](#)

The article states The Holtec nuclear waste dry storage system (Hi-STORM UMAX) is a lemon and is putting California's safety, economy and security at great risk. It must be recalled. The Nuclear Regulatory Commission (NRC), Southern California Edison, California Coastal Commission (CCC), and California Public Utilities Commission (CPUC) must reject this system on both safety and financial grounds. *They cannot make lemonade out of this lemon.*

Decommission Trust Funds would be better spent replacing the defective thin-wall canister systems with proven thick-wall cask technology used throughout the world. Thick-wall cask systems are 10" to 19.75" thick and can be inspected, maintained, repaired and monitored to **prevent** radioactive leaks and hydrogen gas explosions.

The NRC is investigating numerous Holtec failures at San Onofre but has yet to issue a final investigation of these engineering failures. If it wasn't for whistleblowers, we would not know about any of these serious safety problems that are still unresolved — and likely cannot be solved with this defective Holtec system.

**HOLTEC FAILURE #2: Canister #30 was in the queue for moving to a storage hole, but is now stuck in limbo in a transfer cask in the Unit 3 fuel handling facility.** The NRC and Edison refuse to tell us how they are keeping this canister from overheating. Canisters require either air cooling or water cooling. Transfer casks are not designed to cool and store these hot canisters that are 200 to 300 degrees Celsius (just under 30kW). The transfer casks only function is to transfer a canister from the pool to a Holtec storage hole (vault). There are already 51 aging San Onofre thin-wall canisters previously loaded from another vendor that are up to 15 years old.

**None of these or any other welded thin-wall canisters have ever been inspected for cracks, because they cannot be inspected for cracks or repaired once loaded with highly radioactive nuclear waste.** The nuclear industry and government have spent millions of dollars and wasted limited resources over the last 27 years to figure this out, yet still no solutions. It's a bad design they need to be abandoned before it's too late.

Even [Holtec President, Kris Singh, admits it isn't practical to repair these canisters, even if you could find the cracks and a way to repair them](#). [Singh statement transcript](#).

Instead, Holtec and Edison are advocating for [H.R. 3053](#) (pending in the US Senate) and other bills that would remove critical safety requirements for both storage and transport and remove a number of federal and state rights, including transparency, input and oversight. The House already approved this bill, under the misguided assumption they can trust the NRC to protect our safety. The bill would allow the DOE to take title to the waste at the current San Onofre site, eliminating Edison's liability and responsibility for this mess they created. All funding for waste management is currently mandatory. This unfunded bill makes funding discretionary with Congress.

The NRC should revoke the license of this and other Holtec nuclear waste storage and transport systems. Holtec has repeatedly demonstrated they are not a qualified vendor.

**The article mentions a number of cask manufacturing as well as safety issues. What is the NRC plan regarding these casks? What is the inspection process, etc? Holtec's trustworthiness, it brings can they be trusted on to cut corners with the Oyster Creek Nuclear Plant Decommissioning? How will the NRC police Holtec if the sale is approved?**

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#### **5) Insurance-what happens of an accident occurs?**

<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML18229A005>

On 12/19/2018, Exelon has requested exemption to reduce \$450 million liability insurance to \$100 million and eliminate the secondary financial protection. The exemption is effective 12 months after the permanent fuel removal from the reactor vessel of Oyster Creek. o

The review material causes some concerns. In the first place, the \$450 million liability limit for an operating nuclear plant is sufficient. Some people who have two cars and one home have an umbrella policy with liability limits of \$5 or 10 million. Is there any logical comparison of the exposure to risk for one individual vs Oyster Creek? On pg 2 of the NRC Exemption under Discussion the report states that the " exemption is authorized by law and is otherwise in the public interest ". How can an 88 percent reduction in liability limits be in the public interest? The higher the policy limits the greater the protection to the public. As long as the insurance company is solvent. On pages 13 &14 they try to explain how the reduction in liability limits is in the public interest, but I don't buy it. We all know that Exelon wants to reduce their liability premium but how does this benefit the public in Lacey and surrounding areas? Is

the decommissioning contractor ,Holtec, required to have liability limits under NRC regulations or do the rules only apply to operating nuclear plants? There is no question that the risk exposure is substantially reduced but \$100mil in policy limits is peanuts and is not in the best public interest!

**What happened to the secondary \$420 million pool Exelon had to draw from for financial protection?**

**Exelon the parent company had the original \$450 million plus \$420 million pool coverage.**

**Will Holtec, the parent company be required to carry at least the same original Insurance coverage and could it be required to be higher as result of decommissioning emergency issues (look what is going on at San Onofre, CA).**

The CBS 60 minutes which aired on 11/25/2018 showed the Japan the nuclear disaster will cost over \$200 Billion and they don't know how long it will take to clean-up.

<https://www.cbsnews.com/video/robots-come-to-the-rescue-after-fukushima-daiichi-nuclear-disaster-60-minutes/>

**Who picks up these type additional costs if a disaster occurs at Oyster Creek? Again, will the insurance policy actually need to be increased to cover potential accidents, repair and replacement of casks, etc?**

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## **6) What is going on with the Pilgrim sale in Mass**

<https://www.capecodtimes.com/news/20181031/warren-criticizes-pilgrim-plant-oversight>

Letter to agency chairwoman raises concerns over plant's final months of operation.

PLYMOUTH — U.S. Sen. Elizabeth Warren, D-Mass., wrote to the chairwoman of the Nuclear Regulatory Commission on Tuesday, expressing "deep concern" over the performance of Pilgrim Nuclear Power Station, "particularly in light of recent events."

<https://www.capecodtimes.com/news/20181129/nuclear-panel-questions-cask-life-span>

## Potential Pilgrim buyer outlines plan for spent fuel.

PLYMOUTH — Massive concrete and steel casks, described by their manufacturer as providing "an impregnable barrier," will protect the public from radiation emitted by the 4,000 spent fuel assemblies left behind at Pilgrim Nuclear Power Station when the reactor permanently shuts down in May. But how long will that protection last? Developed by Holtec International, the company planning to buy Pilgrim and handle its decommissioning, the HI-STORM 100 casks are certified by the Nuclear Regulatory Commission for 20 years. Yet the spent fuel contained inside will remain radioactive for thousands of years.

**The question of the cask life span surfaces again. With the spend fuel being active for thousands of years, who absorbs the costs of repair and or replacement of the casks?**

<https://www.capecodtimes.com/news/20181129/plymouth-seeks-extended-benefits-as-pilgrim-closes>

Land, annual payments on list of requests for new plant owner.

Town on the acreage, leaders say they should get it at no charge. Holtec is a continuation of annual \$9.5 million payments in lieu of taxes until six months after all nuclear spent fuel has been transferred into dry casks. Holtec to continue to provide \$2.6 million annually to maintain the current level of emergency planning and \$300,000 to maintain current levels of charitable support until six months after spent fuel is in dry casks.

Other priority items on the list include written assurance and financial guarantee that Holtec will provide sufficient funding to the Massachusetts Department of Public Health to cover off-site radiological monitoring and testing and that it will repair or replace dry casks that crack or leak; written and financial assurance that it will remediate and remove any structure materials and soils that contain detectable levels of tritium even if the levels fall below NRC requirements; that a mutually agreed-upon level of security remain to protect spent fuel; and written and financial guarantees that a dedicated amount of money will be set aside to support job retraining for current Entergy employees, with the goal of retraining them in Plymouth.

**Will Lacey Township see any of these perks from the Holtec sale especially items such as the radiological monitoring and written and financial assurance the decommissioning with be done safely, etc?**

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## **7) The NRC and the role it plays**

In attendance of the July 17, 2018 NRC Oyster Creek Plant PSDAR meeting, the NRC officials presented a very structured way those involved in the decommissioning process must file a form how dollars are to be utilized during each phase of the decommissioning process, the information is reviewed then approved. Once approved the dollars are available for use by those doing the decommissioning.

<http://www.chicagotribune.com/suburbs/lake-county-news-sun/news/ct-Ins-zion-nuclear-plant-demolition-st-0916-20170915-story.html#>

While the power plant operated, ratepayers paid into a trust fund set up for the plant's decommissioning. The \$820 million fund was turned over to EnergySolutions when it took over the work in Zion following the plant's 1998 deactivation. At the end of the project, any remaining funds are designed to be turned back over to Exelon.

Kraft said he is dissatisfied with the reports provided by ZionSolutions on its use of the trust fund. He said there has been a "glaring lack of transparency" in this regard.

"We're not alleging that they've misappropriated the funds," Kraft said. However, he added that the audits provided to the community were only four pages long, and the company showed an "explicit refusal" to provide financial information.

City officials are also unhappy with the storage of the casks, attributing Zion's economic troubles to the closed facility.

Kraft added the problem is bigger than just Zion, saying the [Nuclear Regulatory Commission](#) has not enforced sufficient accounting standards on decommissioning projects. Walker disagreed on his company's financial reports.

"The process we have witnessed over the last seven years has been less than stellar," Kraft said.

"We've been extremely transparent," he said. He added that EnergySolutions files regular reports with the NRC and has held regular community meetings throughout the project. "It's been a great relationship with the community," Walker said, adding he could not predict how much of the trust fund will be left when EnergySolutions turns the site back over to Exelon. "Right now, all we can tell you is we're on budget," he said.

**How can the audit be only 4 pages when there was \$820 million in the fund when it was turned over to decommission? These and other above mentions items such as the leaky casks in California need to be addressed. Will the NRC work out all the details and develop an open strategic plan to ensure the NRC is viewed as transparent?**

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**Reference:**

Comments may be submitted by any of the following methods:

- Federal Rulemaking Website: Go to [www.regulations.gov](http://www.regulations.gov) and search for Docket ID NRC-2018-0237.
- Questions about Docket IDs in Regulations.gov can be asked of Jennifer Borges; 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov).

Comments may be mailed to May Ma, Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001

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Respectfully,

**Chairman Concerned Citizens of Lacey Coalition (CCLC): Ron Martyn**

**Executive Board Concerned Citizens of Lacey Coalition (CCLC):** Paul Dressler, Matt Golembeski, Charlotte Martyn, Mike Galbavy, Russ Arlotta, Nick Spaltro, Carsten Bischoff, Stu Feldman, Greg Adams, Art Ricciardi

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-----Original Message-----

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To: [Hearing.Docket <Hearing.Docket@nrc.gov>](mailto:Hearing.Docket@nrc.gov)

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Sent: Fri, Nov 16, 2018 12:42 pm

Subject: (Docket ID NRC-2018-0237) Comments on Oyster Creek Nuclear Plant License Transfer by Nov 19, 2018 by Concerned Citizens for Lacey Coalition

**Date: Nov 16, 2018**

**To: NRC Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.**

**Subject: :(Docket ID NRC-2018-0237) Comments on Oyster Creek Nuclear Plant License Transfer by Nov 19, 2018**

**From: The Concerned Citizens for Lacey Coalition submission of comments to the NRC regarding Request for Public Hearing on Oyster Creek Nuclear Plant License Transfer by November 19, 2018 include: Financial, Safety, Technical, Security, and Environmental Concerns.**

**Financial**

NRC officials have placed the projected cost of decommissioning Oyster Creek at around \$1.4 billion. At the PSDAR meeting the end of July 2018, the decommissioning trust fund for Oyster Creek was approximately \$945 million. We are seeking a full, transparent and detailed accounting audit as we surmise Holtec International does not have enough money to complete the decommissioning. **How will Holtec International spend the money and what will their plan and schedule for decommissioning be?**

The Producer Price Index for final demand rose 0.6 percent in October, seasonally adjusted, the U.S. Bureau of Labor Statistics reported in October 2018. In October, the Consumer Price Index for All Urban Consumers increased 0.3 percent seasonally adjusted; rising 2.5 percent over the last 12 months, not seasonally adjusted. **Has Holtec International accounted for these increases which will affect their purchasing materials, goods and services?**

We are concerned about SNC-Lavalin, a Montreal, Canada based company which is expected to play a key role in the decommissioning of Oyster Creek as is Comprehensive Decommissioning International, LLC, a joint venture between HDI and SNC. In Canada, SNC has been charged with corruption, fraud and bribery relating to business dealings in Libya committed over a period of 10 years. Isn't Libya on the U.S. Terrorist List of not doing business with? **Will the NRC please have a complete investigation done Looking at SNC-Lavalin's management and legal issues?**

The present owner, Exelon Corp has a \$420 million insurance policy with an additional \$400 Million available from a pool of any insurance issues with the Oyster creek Nuclear Plant. **We are requesting what insurance policy coverage will Holtec International carry once the licensing is transferred to them?**

We need to know more about Holtec International and why they believe they are qualified to do the work. Holtec has indicated Comprehensive Decommissioning International, LLC (CDI), formed January 2018, Camden, New Jersey and SNC-Lavalin (TSX: SNC), Montreal Canada will be doing the Decommissioning. CDI being a relatively new company would raise a lot of questions including the concerns Holtec International has about its CDI employees which was voiced by Holtec International's owner, Mr. Singh in September 2018 (see attached article link <https://why.org/segments/protesters-call-holtec-ceos-comments-on-camden-workers-racist/>). Mr. Singh's comments on the hired workforce has causes a multitude of Issue with the Mayor of Camden asking for apologies, etc. The above could affect their decommissioning schedules, etc. and have a

financial impact on Holtec international. **What are Holtec International's plans to rectify this?**

Holtec international has put together a complex corporate structure of limited liability on the Oyster Creek deal and partnered with a Canadian firm, SNC Lavalin, which is facing corruption charges in that country. Additionally, numerous reports and articles have been published about Holtec International's track record in other global projects, as well as articles concerning standards of decommissioning components, plant management issues, etc. Should there be a significant shortfall in Holtec's International decommissioning, what is their overall liability. **What happens if Holtec International cannot complete the decommissioning?**

In addition to the Oyster Creek sales agreement, Holtec International has signed 2 other sales agreements with US utility Entergy and they have agreed to sell the Pilgrim and Palisades nuclear power plants to Holtec International after their closures in 2019 and 2022. The three nuclear plants will be decommissioned during the same time-frame. **Will Holtec have enough financials to properly fund the decommissioning of the 3 nuclear plants? Will Holtec the necessary personnel (employees) to complete these decommissions safely, properly and on schedule?**

The NRC Pre-Submittal Meeting for License Transfer Application of August 15, 2018 shows the following:

Holtec International has a large and diversified customer base in the U.S. and 16 foreign countries and has no Look term debt noted in the presentation. **How is this possible? We would request a complete and transparent audit of Holtec International financials as well as their as all their business partners who will be involved in this decommissioning?**

Holtec is creating a wholly owned subsidiary, called Oyster Creek Environmental Protection LLC, to own the property and control the trust fund. Another wholly owned subsidiary, Holtec Decommissioning International, would hold the operating license to run the decommissioning, according to an outline Holtec presented at a meeting. Comprehensive Decommissioning International (LLC) is a limited liability company.

We as citizens in standing express concern about the complexity of the companies involved, and who ultimately would be responsible should an accident occur or the money run out before the job is done. **Will you investigate and determine which company will be responsible for any and all liabilities?**

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### **Technical**

Holtec proposes to use its proposed new dry cask storage design in order to complete the transfer of the spent fuel within 2.5 years in comparison to the current industry standard schedule of 5 years. Has the NRC completed its review and due diligence in regard to the safety and technical performance of the new design? How can the NRC ensure the community that the process will be safe?

In regard to use of Holtec's new dry cask storage design and accelerated plans for decommissioning Oyster Creek. Holtec's timeline calls for the fuel transfer process to begin sometime next year with a 2021 completion date, and fuel removal from the site by 2034 and full license termination by 2035. What is Holtec's plan, schedule, and cost projection if the new design is not approved by the NRC? How will it ensure safety and financial impacts are not passed on to ratepayers?

Holtec has an application before the NRC for an interim spent nuclear fuel repository to which it will transfer the spent fuel casks from Oyster Creek. It has stated that its Oyster Creek decommissioning plan and schedule are based on use of that repository. What is Holtec's plan in the case that the interim repository is not approved? What is the cost and schedule impact to Oyster Creek decommissioning and how will the ratepayers be protected from these risks.

High burnup fuel was typically sold to nuclear operators in the late 1990s and early 2000s. It is twice as irradiated and takes up to 20 years to cool before moving out of wet storage. Holtec plans indicate emptying the spent fuel pool in 2 ½ years. Were the high burnup fuel rods used at Oyster Creek and stored in the spent fuel pool? If so, is sufficient time scheduled for cooling and transferring to dry cask storage?

Nuclear decommissioning requires high level technical expertise, culture of compliance, highest ethical and safety behaviors. Holtec's core business is engineering and manufacturing so that nuclear decommissioning is a new line of business and a very significant responsibility. Holtec will be challenged by undertaking three major decommissioning, i.e., Oyster Creek, Palisades, Pilgrim, without a learning curve or demonstrating its capability on a single project. Furthermore, its intended partner, SNC-Lavalin, has been charged with corruption, fraud and bribery. How can Holtec ensure that it can successfully meet the technical and safety challenges ahead?

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### **Environmental**

The closing of the Oyster Creek nuclear plant raises several concerns to our community not the least of which is the potential environmental impact on the residents and business community. Specifically, the Concerned Citizens for Lacey Coalition has the following concerns and comments.

Given the proposed sale to Holtec by Exelon the decommissioning of the plant is to be expedited and begin next year with a 2021 completion date, fuel removal from the site by 2034 and full license termination by 2035. While the initial timeframe allowed for the plant to lay dormant for a longer period allowing the radiation to decay to safer levels the new proposal will result in the wait time being cut in half. This raises concerns about the safety of transporting the fuel rods and increased environmental exposure to the community and state as this higher level of radioactive material is transported.

Holtec has proposed using a new dry cask storage design. However, it is our understanding, this design has not been formally approved by the NRC. Besides Holtec's assurances the NRC must complete a thorough review of their design and certified it is appropriate and, at least as environmentally safe, as prior cask storage.

Given our community location and the multitude of waterways near the plant, especially Barnegat Bay and Oyster Creek our concerns go beyond the concerns of a typical nuclear power plant. One of our community's strongest assets, both from a residential and commercial perspective, is the use of these waterways for commercial and recreational purposes. Should the bay, creek, or other waterways be affected by the storage or transportation of the radioactive waste in would have a disastrous impact on our environment and economy.

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### **Safety**

Does Holtec and its subsidiaries/subcontractors have all the required and necessary safety capabilities to perform the decommissioning and dismantling process (i.e., equipment, sub-contractor labor certifications, previous experience, standards equal to European standards, etc.)?

How will Holtec transport the nuclear waste? Will there be local infrastructure issues and maintenance costs? Permits for transport on local, county and state roads? Local and state police transfer escorts? Compensation for same and other?

Various reports mention that Holtec has extensive experience in nuclear clean-up. What detailed information can they provide to document this as to types, sites, successes and failures, and unique problems related to specific types of nuclear clean-up?

Are these canisters at the Oyster Creek plant an equivalent weight to other canisters (up to 104,000 pounds at another decommissioned site)? If so, refer to question #2. Also, if any of these canisters were to fall from a 25' above ground storage site during the transfer process, what is the likelihood of a catastrophic event? Impact on plant and citizen safety? Time for clean-up and resultant damage?

Citizens and government regulatory agencies need information on Holtec's new, dry cask "proprietary" design (per previous Sierra Club inquiry), and also Holtec's confirmation on the safety of taking just 2.5 years to transfer the spent fuel.

Per the Lacey Township request for a public hearing...have you responded to their concerns that as the "geographical host" for this decommissioning process, they are "keenly interested" in the specifics of the decommissioning process "as it relates to health, safety, environmental and economic reasons"?

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## **Security**

Exelon, has stored spent rods on site since its inception. Under the new agreement between Exelon and Holtec, Holtec through its LLC, have committed to certain performance metrics. In today's global political environment where the creativity and innovation of terrorists has exceeded the average law abiding person's imagination let alone prevention techniques. Our concern is Holtec has introduced a new and innovative storage container, one made of aluminum. Our concern is what approval process did Holtec have to undergo. What were the testing metrics. What tests were performed, for how long, and under what conditions was this new product tested, where are the test results? Holtec proposes to store spent rods in a salt mine. Salt is a corrosive! Salt destroys cement and metal. The test results should show over what period of time does corrosion begin and how rapid is it. Further the spent rods being stored today are of a more powerful rod that existed several years ago.

We can appreciate the business opportunity for storing spent rods, (Holtec), stands to generate approximately \$15Billion dollars for storage fees), a significant business opportunity. Lacey has been storing spent rods for over 40 years. without receiving its due remuneration. Since Yucca is non-operational, why shouldn't Lacey benefit from on site storage. Lacey has been doing this for over 40 years. Now is the time for Lacey to receive its fair compensation for storing spent rods over that period of time. We are concerned about our tourism industry, fishing, and quality of life. In our opinion, none of these issues have been a part of the plant decommissioning process.

Holtec is striving to have an accelerated decommissioning, we ask why? Well, the answer is obvious; Holtec wants to benefit from storing ALL spent rods. After all, \$15 Billion a year is a lot of money. Acknowledging, the business of the Holtec owner, Mr. Singh, stands to make a very large profit. One only has to look at whom he has signed on as executives of the LLC. Meanwhile, Lacey Citizens are left out of the fair remuneration due them.

Exelon will have at least 20 nuclear plants, which will undergo decommissioning. We ask what are the security protocols should a terrorist attack occur. How is Homeland Security involved in plant security? What would be the role of NJ State Police, Ocean County Sheriff, and Lacey PD? What drills, frequency of drills and live training exercises among all agencies take place? What NRC inspections take place, their frequency, their interaction with Homeland Security, New Jersey, and Lacey agencies to insure roles and responsibilities are clearly understood.

We as concerned citizens are asking for answers. The NRC has a very important responsibility to act fairly. Our Lacey citizens are due more considerations for what it already has experienced. Holtec, as a business, is interested in making money. We don't object to that, however, we want fair consideration to be given to us, for our support of Exelon. and it's Oyster Creek Plant.

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## **Reference**

The formal notice is available at <https://www.regulations.gov/document?D=NRC-2018-0237-0001>

The NRC published a notice in the Federal Register on Friday (Oct. 19) regarding our review of the license transfer application for the Oyster Creek nuclear power plant. The notice advises the public that the window to request a hearing on the application has opened and requests will be accepted for 20 days, or until Nov. 8. It also notes the public comments on the application can be submitted for up to 30 days, or until Nov. 19.

To NRC:(Docket ID NRC-2018-0237) Comments on Oyster Creek Nuclear Plant License Transfer by Nov 19, 2018

Email comments to: [Hearing.Docket@nrc.gov](mailto:Hearing.Docket@nrc.gov). If you do not receive an automatic email reply confirming receipt, then contact us at 301-415-1677.

Mail comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Rulemakings and Adjudications Staff.

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Respectfully,

**Chairman Concerned Citizens of Lacey Coalition (CCLC): Ron Martyn**

**Executive Board Concerned Citizens of Lacey Coalition (CCLC): Matt Golembeski, Paul Dressler, Charlotte Martyn, Mike Galbavy, Russ Arlotta, Nick Spaltro, Carsten Bischoff, Stu Feldman, Greg Adams**