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# PUBLIC SUBMISSION

**Docket:** NRC-2020-0021

Indian Point Nuclear Generating Unit Nos. 1, 2, and 3; Transfer of Control of Licenses and Approval of Conforming License Amendments

**Comment On:** NRC-2020-0021-0002

Indian Point Nuclear Generating Unit Nos. 1, 2, and 3; Consideration of Approval of Transfer of Control of Licenses and Conforming Amendments

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## Submitter Information

**Name:** Joel Gingold

**Address:**

55 Nordica Drive

Croton on Hudson, 10520

**Email:** jegconsult@optonline.net

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## General Comment

I urge the Nuclear Regulatory Commission to deny the application for the transfer of Indian Point to Holtec. As a practicing nuclear engineer for nearly sixty years, I appreciate the complexities of the decommissioning process and harbor grave doubts over whether it can be safely and efficiently completed by Holtec.

Serious questions exist regarding Holtec's business ethics, whether they be bribery at the TVA, failed promises at its Orrville facility in OH, or misrepresentations in its application for tax benefits in NJ. This situation alone should disqualify Holtec from acquiring Indian Point.

At San Onofre in CA, where Holtec has been retained to manage the spent fuel, a contractor reported an apparent near accident involving a dry cask filled with spent assemblies. The contractor also alleged the site was understaffed and its supervisors often replaced with less experienced managers. This does not generate confidence that Holtec is capable of safely executing major decommissioning work.

Despite the fact that Holtec has never decommissioned a large nuclear facility, it now proposes to perform several such operations simultaneously, including Pilgrim in MA, Oyster Creek in NJ, and Palisades in MI. It would clearly be prudent to wait until Holtec has successfully decommissioned a single plant before authorizing it to undertake additional projects. Especially since Holtec has not demonstrated its ability to

successfully manage multiple projects of this magnitude. The potential risks in decommissioning are too great to rely on other than successful performance in an initial project before authorizing additional endeavors.

It is far from clear that Holtec employs sufficient qualified senior staff to supervise such simultaneous efforts, much less the large number of technical workers whose services will be required. The work is such that it can only safely be performed by such skilled and experienced specialists. And it will be more complicated than that at other reactors because of the absence of a rail spur.

But my principal concerns are financial. Holtec has estimated the total cost of decommissioning at \$2.3 billion. However, in essentially every completed nuclear plant decommissioning, unanticipated circumstances arose which increased the cost above the initial estimate. So today, we cannot know what the ultimate cost of this project will be.

The fund for decommissioning Indian Point contains about \$2.1 billion and Holtec claims that investment earnings will make up the difference and any additional unforeseen expenses. But there is no guarantee that such earnings will be adequate to complete the operation and Holtec has offered only unsubstantiated promises that adequate funding will be available.

To perform the decommissioning, Holtec has formed Comprehensive Decommissioning International (CDI), a joint venture with SNC-Lavalin. Through this device, the parent companies are insulated from financial responsibility. Should funds prove inadequate, and CDI file for bankruptcy, the decommissioning will lie unfinished and the taxpayers of NY will be forced to pay for the balance of the effort.

Should NRC approve the transfer to Holtec, the parent company (ies) should not be absolved of financial responsibility and Holtec should be compelled to provide any additional funds needed to complete the work, independent of the status of CDI.

The intended financial arrangements also offer the wrong incentives. As proposed, Holtec's profits will be enhanced by any money remaining in the decommissioning fund when the work is completed. Thus, there is every incentive for Holtec to cut corners, employ less-qualified staff, and rush through various phases of the work in order to complete it before the fund is completely depleted.

Holtec has requested permission to use several hundred thousand dollars from the decommissioning fund for spent fuel management. This should be denied regardless of what other rulings are made by NRC. The decommissioning fund was established for decommissioning alone, and use of it for any other purpose will only exacerbate the fiscal concerns already expressed.

The State of New York intends to establish a Community Oversight Board (COB) to monitor the contractor's performance. Should NRC agree to the transfer of Indian Point to Holtec, the order granting that transfer must require Holtec to cooperate fully with the COB. As a minimum, Holtec should be compelled to share with the board, plans, procedures, documents, etc. associated with the decommissioning process, fully answer all reasonable questions raised by the board, conduct periodic site visits to view the progress of the work and any problem areas, and guarantee that any expert consultants retained by the board will have access equivalent to that of the board itself.

The case against Holtec is strong. The NRC will best fulfill its obligations to the citizens of our area by denying the application for the transfer.