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Docket: NRC-2020-0277

Notice of Intent to Conduct Scoping Process and Prepare Environmental Impact Statement NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Unit Nos. 1 and 2

Comment On: NRC-2020-0277-0001

Notice of Intent To Conduct Scoping Process and Prepare Environmental Impact Statement; NextEra Energy Point Beach, LLC, Point Beach Nuclear Plant, Units 1 and 2

Document: NRC-2020-0277-DRAFT-0120

Comment on FR Doc # 2021-02001

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General Comment

RE Point Beach Nuclear Plant license extension NRC-2-2--0277-0001

Extending the operating license of Point Beach Nuclear Plant constitutes a significant and substantial change in the federal regulation of nuclear material, and therefore requires public hearings and a Supplemental Environmental Impact Statement.

Attachments

Point Beach NP NRC 2020-0277-0001 Next Era Energy Comments Mark Muhich

U.S. Nuclear Regulatory Commission

Mark Muhich

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Re: Documnet ID NRC 2020-0277-0001

Docket # 05000266

NUCLEAR REGULATORY COMMISSION Environmental Impact Statement for Renewal and Extension of Point Beach Nuclear Plant, Units 1 & 2, DPR-24, DPR 27 respectively, Manitowoc County Wisconsin, as proposed by Next Era Energy LLC.

Mark Muhich resides in Michigan, was raised in Michigan As a Michigander the ecology of Lake Michigan and the public safety related to its long-term water quality is a vital concern. The continued operation of Point Beach Nuclear Plant as proposed by the extension of it operating license for twenty years, until 2050 and 2053 poses grave risks to the Great Lakes region.

Extending Next Era Energy's operating permit for Point Beach NP to 2050-53, doubling the operational time for which the plant was engineered, from 40 to 80 years, constitutes a substantial change in the NRC permitting process, which cannot be adequately or safely addressed in a Generic Environmental Impact Statement. NRC must require a Supplemental Environmental Impact Statement, SEIS, which would treat the dynamics of climate change on Lake Michigan, the future of spent nuclear fuel storage, and the true cost of continued electricity generation at Point Beach Nuclear Plant.

1. The extension of New Era Energy's operating license to 2050-53 constitutes a major material and significant change in the federal regulation of Point Beach NP and therefore requires **public hearings**. NEPA 42 USC 4332(2)(c), Section 189(c) Atomic Energy Act

2. NRC must require a Supplemental Environmental Impact Statement to be completed prior to the decision to extend Point Beach NP's operating license 10 CFR 51.53(d). This SEIS must address the complexity of operating Point Beach NP 40 years beyond the operational life for which it was engineered, including
 - a. Site Characterization at Point Beach NP
 - b. Depth of radiological contamination
 - c. Ground water contamination, on site and off site
 - d. Non-radiological contamination, i.e. asbestos, PCB's, PFAS, lead
 - e. Tritium contamination
 - f. Erosion threat from Lake Michigan
 - g. Increasing risk from effects of climate change
 - h. Buried or corroded pipes
 - i. SEIS musts include Historic Site Analysis
 - j. Low level radiological waste
 - k. Monitoring of ground water using most advanced equipment
 - l. Fire risk
 - m. Radiological training for local emergency responders
 - n. Radiological health standard should use BEIR VII risk coefficients
 - o. Supplemental Environmental Impact Statement is not "bounded" by previous Generic Environmental Impact Statement
 - p. No "categorical exclusion" of SEIS should be allowed
 - q. NRC cannot issue Finding of No Significant Impact without requiring a SEIS
 - r. SEIS musts consider likelihood that Spent Nuclear Fuel will be stored on site at Point Beach NP for decades if not indefinitely.
 - s. Next Era Energy must submit plans for funding and maintaining the Independent Spent Fuel Storage Installation ISFSI.

t. Next Era Energy must provide assurance that its management of Point Beach will meet any and all Wisconsin Public Service Commission of Wisconsin and Health and Human Services Commission of Wisconsin requirements to obtain Certification of Public Good.

3. Next Era Energy must provide assurance of their financial ability to complete the eventual decommissioning of Point Beach NP, store the Spent Nuclear Fuel in a safe manner, and restore the site according to NRC rules and statutes. 10CFR50.82(a)(8)(i)(A) expressly reserves the Decommissioning Trust Fund, DTF, for “reducing radioactivity” at the nuclear plant. Expenditure of Decommissioning Trust Fund DTF for site restoration or management of spent nuclear fuel, SNF is prohibited. Given the likelihood that the management of SNF at Point Beach NP will incur major costs for many decades, perhaps indefinitely, Next Era Energy should anticipate expenses dealing with SNF amounting to hundreds of millions of dollars, which cannot be satisfied with monies taken from the Decommissioning Trust Fund. Therefore, Next Era Energy should not be granted the extension of license without providing financial assurance distinct and separate from Point Beach NP’s DTF.

ML1119/ML111950031. Under no circumstances should NRC grant the Point Beach NP license extension to Next Era Energy without providing transparent and secured financing for the long- term maintenance of the spent nuclear fuel, independent of Point Beach NP’s DTF.

4. Any judgements awarded to Next Era Energy by the Department of Energy resulting from current or future agreements with the Department of Energy relating to safe storage of spent nuclear fuel, the breaching of the DOE Standard Contract and the transport of spent nuclear fuels from Point Beach NP to a DOE permanent repository or the taking possession of spent nuclear fuels by DOE must be re-invested in the Point Beach NP Decommissioning Fund.

5. New Era Energy should establish and finance a \$50 million contingency fund to deal with any unforeseen developments at Point Beach NP.
6. The elevation of Point Beach NP is 591' above mean sea level. The mean level of Lake Michigan is 577' above mean sea level. Point Beach NP is 14' above the mean level of Lake Michigan. The mean level of Lake Michigan has risen 5' since 2013 and is expected to continue to rise (MDEGL, 4/2020). NRC must require Next Era Energy to include in its SEIS calculations of the rise of Lake Michigan's elevation and Next Era Energy's subsequent plan to prevent erosion of the site and the Independent Spent Fuel Storage Installation, ISFSI. Rising water levels in Lake Michigan pose a significant hazard to the public health and safety, regarding radiological and non-radiological contamination and must be addressed in Next Era Energy's application for extension of its operating license in a SEIS.
7. NRC should require of Next Era Energy a Contingency Factor calculations 10CFR 72.30(b)(2)(ii)
 - a. A Site Characterization Estimate must be performed before any accurate assessment of the potential cost of continuing to operate and eventually decommissioning of Point Beach NP.
 - b. The "average" cost of decommissioning a nuclear plant is \$500 million. Even a slight delay or unforeseen circumstance can greatly increase the final cost of decommissioning a nuclear plant.
 - c. Callan's Nuclear Decommissioning Study documented the increased cost of decommissioning nuclear plants at 60% between 2008-2014
 - d. Previously undiscovered radiological materials at Connecticut Yankee NP, Maine Yankee NP, Yankee Row NP, MA, and San Onofre NP and Diablo Canyon NP doubled the original estimates for decommissioning these plants.
 - e. Without Next Era Energy's assurance that they will assume financial responsibility for any cost overruns during the operation, accidents, and the eventual decommissioning of Palisades N, NRC

must not extend Next Era Energy's operating license for Point Beach NP.

- f. Next Era Energy must reinvest any settlement in DOE breach of Standard Contract suits in Point Beach NP's Decommissioning Trust Fund.
 - g. Because Next Era Energy proposes to operate Point Beach NP 40 years beyond its operating life expectancy, Next Era Energy must provide NRC and the public with documentation measuring the embrittlement of the reactor pressure vessel at Point Beach NP.
8. What third party liability for the management of thousands of tons of highly radiated spent nuclear fuel will Next Era Energy, a limited liability corporation provide? With no federal permanent repository for the Point Beach NP's spent nuclear fuel, the State of Wisconsin must not be held responsible for the long-term management of Point Beach Independent Spent Nuclear Fuel Installation in the event of a bankruptcy by Next Era Energy.
9. Given that operating Point Beach NP until 2050-53 will also extend the reliance on spent nuclear fuel canisters for the storage of highly irradiated fuel, Next Era Energy must provide contingency plans in its SEIS for the security and eventual replacement of spent nuclear fuel casks, which should be replaced after 100 years of service or around the year 2070.
- a. Expand its Quality Assurance requirements 10CFR71.101(a,b,c)
 - b. Provide contingency plans for replacing the storage canisters after 100 years of service, ~2070.

Conclusion

The Point Beach Nuclear Plant License Extension Application is a major change in the federal regulation of radiological materials. Therefore, under

the Atomic Energy Act and the National Environmental Policy Act the Nuclear Regulatory Commission is required to

- a. Schedule and hold public hearings on the potential hazards to public health and the environment posed by the permit extension
- b. Assure that Next Era Energy assume full financial responsibility for the safe and complete decommissioning, site restoration and long-term management of Point Beach NP's spent nuclear fuel.
- c. Preserve Point Beach NP's Decommissioning Trust Fund for the sole purpose for which it was created; the reduction of radiological materials at the site. No waiver nor exemption should allow Next Era Energy to expend the DTF for site restoration or for spent nuclear fuel storage or management.
- d. Extending Next Energy's transfer of license to operate and decommission Palisades Nuclear Plant represents major and significant environmental risks to workers, citizens and the environs of Manitowoc County, Wisconsin, therefore, a new and Supplemental Environmental Impact Statement must be conducted prior to any decision regarding the extension of Point Beach NP's operating license.
- e. NRC must consider the "No Action" alternative to granting an extension of Point Beach NP's operating license. Rigorous cost benefit analysis should be included in any SEIS, comparing the cost of electricity generation at Point Beach NP compared to new green technologies. This analysis must also include cost estimates for the continued maintenance of the spent fuel storage facility at Point Beach.

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March 2, 2021, 2021