

Nuclear Regulatory Commission

Palisades Nuclear Plant License Transfer Application

NRC-2021-0036

Docket Nos 50-255LT

50-155LT

72-007LT

72-043LT

April 26,2021

Mark Muhich

2466 Emmons Rd

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Re: Rebuttal to HOLTEC et al (Applicants) Answer to Mark Muhich's Request for Public Hearing

Applicants answers to Mark Muhich's request to intervene and for a public hearing in the License Transfer Application of Palisades Nuclear Plant are inaccurate and neglect the verifiable contentions presented in his application: The public's health and safety must be paramount in NRC's deliberations, and that Applicants' LTA does not assure the public's health and safety, and therefor pursuant of 10 CFR 2.309 (f) a public hearing on Palisades NP's license transfer should be scheduled.

- I. Mark Muhich did spend three days at the NRC Help Desk.
- II. Mark Muhich contentions are not "general" in nature, but present specific and warranted concerns about the decommissioning of Palisades, and should be received as contentions under 10 CFR 2.309 and not as public comment under 10 CFR 2.1305

- III. NEPA regulations that mandate a public hearing when “facility operations” are materially changed should apply in this case and the categorical exemption should not apply in this case
- IV. Plausible assumptions and forecasts of the cost of decommissioning of Palisades NP are substantive contentions and merit a public hearing
- V. Corporate misdeeds on the part of HOLTEC and SNC Lavalin are well documented for over a decade
- VI. Applicants’ portfolio risks are substantial and warrant financial assurances until Palisades NP is safely and completely decommissioned
- VII. HOLTEC’s Consolidated Interim Storage Facility is not licensed, is subject of lawsuits so Applicants’ storage of Spent Nuclear Fuel on site presents significant challenges to the public’s health and safety
- VIII. Management of Aging Storage Casks Pose a Logistical and long term problem at Palisades which should be treated in a public hearing
- IX. Mark Muhich has standing

I. Mark Muhich spent three days with Deborah at the NRC Help Desk

II. There is nothing “general” about the contentions presented by Mark Muhich, as Applicants assert. Therefore 10 CFR 2.309 f authorizes a public hearing for Palisades NP’s LTA

- a. Applicants cannot stipulate that their application satisfies the Inspection, Test Analysis, and Acceptance Criteria 10 CFR 52.103 as they have proposed no Supplemental Environmental Impact Statement to be completed prior to the Palisades License Transfer. Therefore, a public hearing on the LTA is appropriate
- b. Unexpected hazardous wastes both radiological and non-radiological at Pilgrim NP, MA, Vermont Yankee NP, VT, and Indian Point NP, NY, have caused decommissioning cost to double. Without conducting an SEIS Applicants cannot satisfy Mark Muhich’s contention that the public’s health and safety are adequately protected in the Applicants’ LTA. 10 CFR 51.53d

III. A public hearing is required when “a change in facility operation” is proposed.

a. Closing, decommissioning, restoring the site and securing 4,000 Tons of highly radioactive spent nuclear fuel constitutes a “change” from the operation of Palisades NP and therefore qualifies for the scheduling of a public hearing NEPA 42 USC 4332(2) c.

IV Plausible assumptions and forecasts of the cost of decommissioning of Palisades NP are substantive contentions and merit a public hearing

- a. Applicants’ estimates that the Palisades NP’s decommission will cost \$433 Million and the storage of the Spent Nuclear Fuel will cost \$166 Million. HOLTEC’s experience in decommissioning Pilgrim NP in Massachusetts costing \$800 Million and its application for an exemption to attach \$1 Billion from the Indian Point NP (NY) Decommissioning Trust Fund indicate that significant questions of cost for decommissioning Palisades NP must be answered in a public hearing.
- b. ENTERGY and Northstar Decommissioning agree in a Memorandum of Understanding to finance and guarantee completion of the decommissioning of Vermont Yankee NP VT. The Vermont Yankee NP MOU details ENTERGY’s financial responsibility to establish over and about the decommissioning trusts fund, an escrow account, site restoration trust fund, a support agreement, a contingency fund, performance bonds of \$400 million, pollution liability insurance, completion guarantees, and DOE settlements totaling over \$1 Billion. NRC should schedule a public hearing to bring the lack of such financial instruments in the Palisades NP’ LTA but agreed in Vermont by ENTERGY.

V. Corporate Misdeeds are Well Documented

- a. HOLTEC was convicted of criminal bribery involving a Tennessee Valley Authority employee in 2001-2
- b. SNC Lavelin has been banned from many countries and from World Bank contracts
- c. SNC Lavelin’s business dealings in Canada nearly brought down the government of Prime Minister Trudeau

d. Whether these practices of questionable legality should prevent HOLTEC and SNC Lavelin from performing the decommissioning of Palisades NP is NRC's decision. However, NRC is obliged to conduct a public hearing as these factual historic corporate misdeeds by Applicants should be publicly addressed.

VI. Applicants' Portfolio Risks

- a. Applicants' portfolio risks in its "fleet business model" are substantial. Expenditures for the decommissioning of Oyster Creek NP, Pilgrim NP, and Indian Point NP could amount to over \$3 Billion. As these are merchant plants, the sole financial source are the plants' decommissioning funds. Should these DTF's prove inadequate, and without supplemental guarantees by the Applicants, a failure at any one of these decommissioning sites could jeopardize the other projects, leaving tax payers in their respective states charged with completing the decommissioning.
- b. This portfolio risk is real and therefore deserves to be discussed and resolved in a public hearing.

VII. HOLTEC's Consolidated Interim Storage Facility

- a. HOLTEC's Consolidated Interim Storage Facility in New Mexico remains unlicensed and the subject of litigation in the D.C. Court of Appeals.
- b. Applicants' supposition that its CIS facility might open with 7 years is unrealistic, as is any prediction that a permanent geological repository for SNF will be operative in the foreseeable future.
- c. Per the Nuclear Waste Policy Act, 42 USC 10131a5 the Federal Government will not accept ownership of any SNF until a PGR is constructed and licensed
- d. HOLTEC and ENTERGY therefore should anticipate in their LTA the long-term storage of maintenance of the SNF at Palisades and Big Rock, which they have failed to do.
- e. Given that HOLTEC recognized the threat from flooding to its Independent Spent Nuclear Fuel Storage Installation at Pilgrim NP MA, and moved the ISNFSI to higher elevation, Applicants should likewise contemplate moving the ISNFSI at Palisades NP to higher ground. As the

level of Lake Michigan has risen at historic rates in the past decade and is predicted to continue to do so, posing a threat to the radiological waste at Palisades NP, and subsequent threat to the public's safety, a public hearing should be scheduled to discuss and mitigate these risks.

VIII. Long Term Management of Storage Casks

a. Applicants have not demonstrated plans for replacing storage casks at Palisades NP or Big Rock. The SNF stored in these casks may well remain on site for decades or longer given the difficulties impeding the CIS and permanent geological repository. Applicants should be required to include contingency plans for replacing SNF storage casks. This poses a serious problem for the public's future and for generations to come.

X. Mark Muhich has Standing

- a. Mark Muhich has presented and documented numerous contentions and matters of fact which satisfy the requirements for scheduling a public hearing into the LTA of Applicants. 10 CFR 2.309f
- b. Mark Muhich did drink water from Lake Michigan as a boy but can no longer do so because the largest volume of fresh water on Earth is now polluted. If Applicants' LTA is not held to the highest standard of scrutiny to protect the public's health and safety, an radiological accident or financial inadequacy on the part of Applicants could poison Lake Michigan for a thousand years.

Mark Muhich
Jackson MI