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Here are some comments on this matter:  
Beki Halpin

First and foremost, 30 days is far from enough time for the public to prepare meaningful comments on this complex license transfer application. The risks of tritium contamination on the Palisades site will persist for more than a century. The risks of cesium-137 contamination on the Palisades site will persist for several centuries. The risks of plutonium-239 contamination on the Big Rock Point site will persist for 240,000 years. The risks associated with the highly radioactive irradiated nuclear fuel stored at both sites will persist for a million years, or longer, into the future (*Nuclear Energy Institute versus U.S. Environmental Protection Agency*, U.S. Court of Appeals for the District of Columbia Circuit, case filed 2002, ruling issued July 9, 2004). Thus, an additional 60 days for the submission of public comments is a reasonable request, especially considering the ongoing burdens concerned citizens are facing due to the ongoing, deadly Covid-19 pandemic. Exacerbating the public's need for more time to comment is the fact that NRC has been posting many hundreds, perhaps even more than a thousand, documents in its Palisades docket, that are 25-years old, or older. These documents could well contain relevant information, such as re: past radioactive and/or toxic chemical spills on the site, contamination that must be cleaned up during the decommissioning phase. 60 additional days of public comment opportunity on the proposed license transfer will give not only the concerned public more time to analyze the newly posted documents for relevance, but will give Holtec more time to reconsider whether it really even wants to take over this contaminated site.

But in addition, we make the following technical, environmental, public health, safety, and security-related comments:

(1.) In 2006, as part of its resistance to the 20-year license extension at Palisades, a coalition of 25 local grassroots, multi-state regional, and even national groups, representing 200,000 Michigander members and supporters alone, submitted broad comments to NRC on its related Draft Environmental Impact Statement. See the comments' [executive summary, here](#); see the [complete comments, here](#). The comments addressed a comprehensive array of concerns, including re:

- (a.) security;
- (b.) highly radioactive waste storage, handling, and disposition, including transportation ([very long overdue need for Hardened On-Site Storage](#));
- (c.) hazardous radioactive discharges to the environment, a risk to the food chain and drinking water supply downwind and downstream;
- (d.) ever worsening global warming;
- (e.) revenues (lack thereof) for the host municipalities, like Covert Township;
- (f.) ratepayers (and/or taxpayers) left holding the bag;
- (g.) threatened, endangered, or candidate species put at risk from radioactivity and/or toxic chemical releases, whether acute due to accident, or chronic due to leakage of contamination;
- (h.) Indigenous Nations' interests, such as protection of burial sites, and other cultural properties, protection of treaty rights, etc.;
- (i.) embrittled and aged safety significant systems, structures, and components;
- (j.) emergency preparedness in surrounding communities;
- (k.) Environmental Justice;
- (l.) compliance with Canadian-U.S. International Joint Commission commitments, including Boundary Waters Treaty obligations.

None of Palisades' various owners/operators (Consumers Energy, Nuclear Management Corp., Entergy), nor NRC, have ever adequately addressed any of these concerns, if they've addressed them at all. Many, to most, to all, remain relevant, even post-reactor shutdown, during the decommissioning phase.

(As but one example, re: *embrittled and aged safety significant systems, structures, and components*, above, Palisades, and the Point Beach Unit 2 reactor across Lake Michigan in Wisconsin, are close to tied for the worst neutron embrittled reactor pressure vessels (RPV) in the U.S., vulnerable to pressurized thermal shock catastrophic failure; Palisades' RPV therefore contains vital physical data that should be comprehensively analyzed ("autopsied"), for lessons learned to be applied to Point Beach Unit 2's application for 80 years of operations; Palisades also has age-degraded steam generators, and an age-degraded lid; each safety significant system, structure, and component should be carefully studied, to provide data for science-based safety regulatory decisions at other reactors of similar age and design to Palisades, rather than buried as "low" level radioactive waste in leaking ditches, as at Waste Control Specialists, Texas, their irreplaceable safety significant data lost forever).

Therefore, we re-submit our coalition comments from 2006, 15 long years later, and demand that the current owner Entergy, the prospective new owner Holtec, and the supposed, derelict "safety regulator" NRC, address our concerns, and implement our recommended mitigations. If not, Holtec's proposed takeover of the Palisades site should not be approved.

(2.) On Feb. 24, 2021, a coalition met NRC's arbitrarily short 20-day deadline to file a request for hearing and intervention petition against Holtec's proposed takeover from Entergy of the Palisades and Big Rock Point sites. The interventions were filed by: [Office of Dana Nessel, Attorney General of the State of Michigan](#); [Environmental Law and Policy Center](#); and [Beyond Nuclear-Don't Waste Michigan-Michigan Safe Energy Future](#), represented by legal counsel Terry Lodge, and expert witness Robert Alvarez.

[\[See the environmental coalition press release, and news coverage, posted online here.\]](#)

As public comments, we endorse the concerns and contentions raised in the interventions, including:

- (a.) Changes in land use, effects of historical site events, and inadequacies of the 2006 (20-Year License Extension) Supplemental Environmental Impact Statement all comprise new information which necessitates additional National Environmental Policy Act (NEPA) supplementation -- specific areas of concern include: historic high Lake Michigan water levels;
- (b.) radioactive steam generator storage, handling, transport, and disposition, including potential for barging on Lake Michigan and risk of accidental sinking causing drinking water disasters;
- (c.) historic cooling towers overflow, and consequent spread of radioactive contamination from the flooded RadWaste Building;
- (d.) needed characterization of historic tritium spillage, leakage, and releases across the site, and implications for Lake Michigan and inland aquifer drinking water supplies over time;
- (e.) earthquake safety regulation non-compliant dry cask storage concrete storage pads;
- (f.) discrepancies re: the estimated number of casks needed to store highly radioactive Greater-Than-Class-C "low" level radioactive wastes, such as radioactively activated reactor pressure vessel internals;
- (g.) dry cask storage repackaging dilemmas, such as due to failed or failing casks and/or canisters, transfers needed for transportability and/or compliance with repository disposal requirements, etc. (a current lack of cask-to-cask transfer capability, to be exacerbated once the wet indoor storage pool is dismantled during decommissioning);
- (h.) the defective fourth cask to be loaded in summer 1994, never unloaded in 27 years and counting, despite the Palisades owner's pledge, under oath in federal court, that problem casks would be unloaded and replaced;
- (i.) unconsidered high burnup irradiated nuclear fuel implications (more radioactive, thermally hotter, more brittle);
- (j.) Holtec International and SNC-Lavalin, as well as their subsidiary corporations, Holtec Decommissioning International, LLC ("HDI") and Comprehensive Decommissioning International, LLC ("CDI") individually and collectively lack the requisite corporate character, corporate culture and corporate ethics to be licensed, or allowed by contractual privity, to undertake any aspect of the decommissioning of Palisades Nuclear Plant and the management, transportation and disposal of highly radioactive irradiated nuclear fuel from Palisades and Big Rock Point (see "[Holtec & SNC-Lavalin Company Profiles](#)," by Nancy Vann, Safe Energy Rights Group; see also [Holtec](#) and [SNC-Lavalin](#) "Radioactive Skeletons in the Closet" annotated bibliographies by Beyond Nuclear);

(k.) Applicants' request for the NRC to grant an exemption to use Nuclear Decommissioning Trust funds for irradiated nuclear fuel management and site restoration activities is contrary to law and regulation, would present an undue risk to the public health and safety, and is not consistent with the common defense and security -- as ELPC has noted, no other source of funding is presented in the License Transfer Application;

(l.) as ELPC has argued, the Application and PSDAR are deficient under Title 10 Code of Federal Regulations, Parts 50.75(b)(1) and (e)(1)(i), because they improperly assume a 2% rate of return for the Nuclear Decommissioning Trust fund;

(m.) as ELPC has contended, the Application is deficient because Holtec offers only the Decommissioning Trust Fund to support its financial qualifications;

(n.) and similarly, as the MI AG has argued, Holtec fails to show financial qualification to qualify for a license transfer, by failing to provide adequate decommissioning financial assurance and/or adequate funding for spent nuclear fuel management, in violation of 10 C.F.R. §§ 50.33(f) and (k)(1), 50.40(b), 50.54(bb), 50.75(b)(1) and (e)(1)(i), 50.80(b)(1)(i), 50.82(a)(8)(vii), and 72.30(b) because Holtec's PSDAR and decommissioning cost estimate underestimate license termination and spent fuel management costs;

(o.) and as the MI AG has contended, the PSDAR impermissibly assumes Holtec will receive a regulatory exemption authorizing the use of decommissioning trust monies for site restoration and spent fuel management. Since Holtec has yet to receive such an exemption and has shown no other source of funding for site restoration and spent fuel management, it fails to satisfy NRC regulations at 10 C.F.R. §§ 50.54(bb) and 72.30(b).

(3.) We also object to Holtec's reliance on, and assumption of, its proposed irradiated nuclear fuel Consolidated Interim Storage Facility (CISF) scheme, targeting the majority minority (Hispanic, Indigenous) State of New Mexico. Not only is Holtec's CISF proposal a major violation of Environmental Justice, it also violates the 2012 Blue Ribbon Commission on America's Nuclear Future Final Report's recommendation that CISFs must meet "consent-based siting." Non-consent to Holtec's CISF has been clearly and repeatedly expressed by: the All Pueblo Council of Governors; the Navajo Nation; New Mexico's governor, Michelle Lujan Grisham; the State Land Commissioner, Stephanie Garcia Richard; most of New Mexico's U.S. congressional delegation, including Deb Haaland, nominated by President Biden to become his Interior Secretary; many New Mexico state legislators; numerous New Mexican industry associations and small businesses; a large number of New Mexican environmental, environmental justice, and nuclear watchdog organizations; and a growing groundswell of New Mexico residents. Similarly, we object to Holtec's reliance on, and assumption of, the Yucca Mountain highly radioactive waste dump-site scheme, targeting Western Shoshone land in Nevada. The Western Shoshone, the State of Nevada, its U.S. congressional delegation, and more than a thousand environmental groups in Nevada and across the country, as along Yucca-bound high-level radioactive waste/Mobile Chernobyl transport routes, have clearly expressed non-consent with the environmentally unjust Yucca dump scheme, which violates the U.S.-Western Shoshone "peace and friendship" Treaty of Ruby Valley of 1863, the highest law of the land, equal in stature to the U.S. Constitution itself.