

**Official Transcript of Proceedings**  
**NUCLEAR REGULATORY COMMISSION**

Title: 10 CFR 2.206 Petition Review Board  
RE Holtec Palisades

Docket Number: (n/a)

Location: teleconference

Date: Wednesday, April 10, 2024

Work Order No.: NRC-2771

Pages 1-55

**NEAL R. GROSS AND CO., INC.**  
**Court Reporters and Transcribers**  
**1716 14th Street, N.W.**  
**Washington, D.C. 20009**  
**(202) 234-4433**

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

+ + + + +

10 CFR 2.206 PETITION REVIEW BOARD (PRB)  
MEETING WITH BEYOND NUCLEAR, MICHIGAN SAFE ENERGY  
FUTURE, AND DON'T WASTE MICHIGAN  
RE HOLTEC PALISADES, LLC

+ + + + +

WEDNESDAY

APRIL 10, 2024

+ + + + +

The meeting was convened via  
Videoconference at 11:00 a.m. EDT, Theresa Clark,  
Chairperson of the Petition Review Board, presiding.

PETITIONERS: BEYOND NUCLEAR, MICHIGAN SAFE ENERGY  
FUTURE, DON'T WASTE MICHIGAN

PETITION REVIEW BOARD MEMBERS

THERESA CLARK, Deputy Director, Division of  
Materials Safety, Security, State, and  
Tribal Programs, Office of Nuclear  
Material Safety and Safeguards  
PERRY BUCKBERG, Senior Project Manager, 2.206  
Petition Core Team

ROBERT CARPENTER, Security and Enforcement  
Division, Office of the General Counsel

MARLAYNA DOELL, Project Manager, Reactor  
Decommissioning Branch, Office of  
Nuclear Material Safety and Safeguards

GEHAN FLANDERS, Health Physicist, Region III

JUSTIN POOLE, Project Manager, Division of  
Operating Reactor Licensing, Office of  
Nuclear Reactor Regulation

RICHARD TURTIL, Senior Financial Analyst,  
Office of Nuclear Material Safety and  
Safeguards

DORI WILLIS, Team Lead, Office of Enforcement

NRC HEADQUARTERS STAFF

LYNN RONEWICZ, Facilitator, Office of Nuclear  
Security and Incident Response

JAMES KIM, Petition Manager, Division of  
Operating Reactor Licensing, Office of  
Nuclear Reactor Regulation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

A-G-E-N-D-A

	<u>PAGE</u>
Introduction.....	4
Petitioner Presentation.....	16
Public Interaction.....	43
Adjourn.....	55

P-R-O-C-E-E-D-I-N-G-S

11:00 a.m.

MS. RONEWICZ: Good morning, everybody. It is 11 o'clock, and we're going to get started. I would like to say if we could ask everybody who is not speaking if they could just turn their cameras off. And if you could please just have your cameras on when you're in a speaking role, we would appreciate that. And could you please be sure to mute yourself?

So welcome to this virtual public meeting.

And thank you for attending. My name is Lynn Ronewicz. I am an NRC employee and assisting on meeting facilitation.

The purpose of this meeting is for Beyond Nuclear, Michigan Safe Energy Future, and Don't Waste Michigan to clarify or supplement their December 5, 2023, petition for enforcement action against Holtec Palisades, LLC, related to the misuse of decommissioning funds for the U.S. Nuclear Regulatory Commission Petition Review Board.

This opportunity is provided in light of the PRB's February 29, 2024, initial assessment that was provided to the petitioners. The petitioners may present information to the PRB, but this meeting will not include a discussion regarding the PRB's

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

evaluation of the subject petition. This would be outside the scope of the meeting.

I will provide a general reminder. If we get outside the specific scope of this meeting, after the presentation members of the public and others may ask questions about 2.206 process which will be answered by the NRC staff.

After introductions are made, a presentation will follow after which time, at approximately 11:50 a.m. to noon, or shortly thereafter, the opportunity for questions and comments will occur.

Please keep yourself muted in Teams, and if you dialed in on the bridge line, use the mute icon or dial star 6. Please only unmute if you are in a speaking role. For phone you would unmute using star 5.

Attendees will be called in order of hands raised at the appropriate time. At that time, please speak clearly and loudly, state your name, and if you are affiliated with any entity, please state that entity. Although the Teams chat is enabled, please only use the Teams chat if you are having technical difficulties.

A court reporter is transcribing this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

meeting. All questions, comments, are to be made verbally. Comments posted in the chat are not to be transcribed, and thus only post in the chat if you are experiencing technical difficulties.

Now I'm going to turn it over to James Kim for introductions.

MR. KIM: Good morning, my name is James Kim, and I'm a project manager in the Division of Operating Reactor Licensing in the Office of Nuclear Reactor Regulation. I'm also the petition manager for this petition and a member of the NRC's 2.206 Petition Core Team.

The PRB typically consists of a chair, usually an NRC manager at the senior executive level or petition manager in the office of our agency petition coordinator.

The members of the Board are determined by the NRC staff based on the content of the information in the petition request. The PRB Chair is Theresa Clark, Deputy Director of Division of Materials Safety, Security, State, and Tribal Programs in the Office of Nuclear Material Safety and Safeguards. And the PRB members will introduce themselves later.

This is a comment gathering meeting being conducted in accordance with NRC Directive Handbook

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

3.5, and Section III.F of NRC Directive Handbook 8.11.

The purpose of this meeting is for NRC staff to meet directly with the Petitioner so the Petitioner may clarify or supplement the petition based on the results of PRB's initial assessment.

The public is invited to observe this meeting and will have an opportunity to provide feedback on the 2.06 review process. There are three categories of NRC public meetings. More detailed information of these meetings can be found on the NRC public website [www.nrc.gov](http://www.nrc.gov).

As a public meeting, there will be no safeguards, no official-use-only information discussed. As part of PRB's review of this petition, petitioners have requested this opportunity to address the PRB. After introductory remarks, the petitioners will address the Board followed by a brief question and answer phase.

As indicated, the meeting is being transcribed by a court reporter. The transcript will become a supplement to the petition. The transcript will also be made publicly available.

At this time, I would like to introduce PRB members and 2.206 Core team members. When I call your name, please introduce yourself.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



Theresa Clark?

CHAIR CLARK: Oh, hi, everyone. I thought you were just doing a list. Hi, I'm Theresa Clark. You'll hear a lot from me later.

MR. KIM: Richard Turttil?

MR. TURTIL: Hello, my name is Richard Turttil. I'm a senior financial analyst here at the Nuclear Regulatory Commission, and I'm here to answer any questions if I can. Thank you.

MR. KIM: Gehan Flanders?

MS. FLANDERS: Hi, I'm Gehan Flanders, health physicist in Region III NRC.

MR. KIM: Justin Poole?

MR. POOLE: Hi, my name is Justin Poole. I am a project manager in the Division of Operator Reactor Licensing.

MR. KIM: Ngola Otto?

(No audible response.)

MR. KIM: Marlayna Doell?

MS. DOELL: Good morning, everybody. My name's Marlayna Doell. I'm a project manager in the NRC's Reactor Decommissioning Branch.

MR. KIM: Dori Willis?

MS. WILLIS: Good morning, my name is Dori Willis. I'm a team lead in our Office of Enforcement.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

MR. KIM: Robert Carpenter?

MR. CARPENTER: Good morning, Robert Carpenter, Security and Enforcement Division in the Office of the General Counsel with the NRC.

MR. KIM: Perry Buckberg?

MR. BUCKBERG: Good morning, my name is Perry Buckberg. I'm a senior project manager with the NRC and a member of the 2.206 Petition Core Team with Jim. Thanks.

MR. KIM: Anthony Shelton.

(No audible response.)

MR. KIM: Okay, for the other NRC participants, for the sake of time, I'll just read their names. Jessica Lovett, Andrew Miller, Bradley Stamler, Michelle Sutherland, Brent Ballard, Jack Bryant, Tony Sierra, Scott Burnell, James Delosreyes, Alex Price, David Hardage.

Did I miss anyone from the NRC?

(Simultaneous speaking.)

MR. KIM: Please introduce yourself.

MS. RONEWICZ: If I might just interrupt for just a moment, we'd like to ask anybody that is not speaking, we see a few, if you don't mind just please turning your camera off, unless you're in a speaking role, to preserve band width and so forth.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

We would appreciate it. Thank you.

MR. KIM: Okay, it is time. I would like to introduce our petitioners. When I call your name, please introduce yourself.

Terry Lodge, please introduce yourself.

MR. LODGE: Good morning. I will mute myself on here.

MR. KIM: Mr. Wally Taylor?

MR. TAYLOR: Yes, I am here.

MR. KIM: Please introduce yourself.

MR. TAYLOR: I'm Wally Taylor, I'm an attorney from Cedar Rapids, Iowa, representing the Applicants.

MR. KIM: Thank you. Mr. Michael Keegan?

MR. KEEGAN: Hello, I'm Michael Keegan. I'm with Don't Waste Michigan. We've been intervening in federal court since 1994 regarding Palisades. Thank you.

MR. KIM: Mr. Kevin Kamps?

MR. KAMPS: Hello? I'm having trouble on the (audio interference) my name is Kevin Kamps. I serve a radioactive waste specialist at Beyond Nuclear, one of the Petitioners since our founding in 2007. Thank you.

MR. KIM: Okay, thank you. Are there any

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

licensees from Holtec Palisades?

MR. KAMPS: Excuse me.

(Simultaneous speaking.)

MR. KAMPS: -- intervening group that was not introduced, Michigan Safe Energy Future. I know that Kraig Schultz is in attendance.

MR. KIM: Okay. Go ahead, please introduce yourself then.

MR. KAMPS: Yes, Craig, if you could introduce yourself.

MR. SCHULTZ: Hello, my name is Kraig Schultz. I'm a member of Michigan Safe Energy Future. I live 50 miles from Palisades, and have been actively involved in monitoring the activities of the Palisades' plant and the NRC's oversight of the plant for the last ten years.

MR. KIM: Thank you. Anyone else?

MS. BARNES: Yes, I'm Kathryn Barnes. I'm also with Don't Waste Michigan and concerned about the safety issues, et cetera, at Palisades.

MR. KIM: Thank you. Okay, it is not required for members of the public to introduce themselves for this call. However, if there are any members of the public on the phone that wish to do so at this time, please state your name for the record.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

MS. BOUDART: Hi, I'm Jan Boudart from the Nuclear Energy Information Service. And I live in Illinois, actually Chicago. And Illinois is the most nuclear state in the Union. We have more active reactors than any other state.

MR. KIM: Thank you.

MS. FIELDS: This is Sarah Fields with Uranium Watch in Moab, Utah. Southeastern Utah has the only operating conventional uranium mill in the United States and several uranium mines. It's been the center of the uranium industry since the 1950s.

MR. KIM: Thank you.

MS. RONEWICZ: And if might just state, Dayle Harrison, you have your hand up. Did you want to introduce yourself?

MR. HARRISON: Yes. I'm Dayle Harrison. I live in Saugatuck, Michigan. I'm approximately 25 miles from Palisades. I've followed with keen interest the Palisades activities since the late '60s. I'm puzzled why we are still looking at even licensing a facility which I understand has been promised to be decommissioned at least maybe 30 years ago, 20 years ago, and as recently as a few years ago.

And I'm upset about the underhandedness,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

it looks like, on the part of Energetech to move forward. Thank you.

MS. RONEWICZ: Thank you. And then Michael Keegan, you had your hand up?

MR. KEEGAN: Yes, thank you. I would ask that we move right to the meat of the matter. There are 46 people on the call. I don't want to see the time chewed up. Let's get right to the meat of the matter people have. At 11:50 they can come on with their comments that are germane to the 2.206 process. Thank you.

MR. KIM: Okay, thank you, sir.

CHAIR CLARK: Thank you.

MR. KIM: Okay, at this time I turn it over to PRB Chair Theresa Clark.

CHAIR CLARK: Yes, and thanks for those comments. We will try to get right to it. I just want to set the stage for folks fairly briefly.

So again, I'm Teresa Clark. I work for the U.S. Nuclear Regulatory Commission. I'm a manager in one of the offices. We rotate around to handle 2.206 petitions. And so that's why you're seeing me compared to maybe some other managers that you see on other Palisades activities. So I'm leading review of this petition.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

Just for the background of folks who aren't deeply involved in this like some of us are, the 2.206 process allows the agency to take enforcement type action which could include modifying revoking or suspending a license, issuing orders, that sort of thing, based on information that petitioners provide to us.

And in particular case, the origin of what we're handling as a 2.206 petition was actually a hearing petition to intervene in another process. But our Commission referred that to us to handle in this process.

Basically, as issues come into the NRC we can navigate them through the process and make sure that we address them with fidelity, that we hear all the concerns, and can go through them and give them a hearing so that we make good decisions based on that as the regulator.

So today's meeting gives the petitioners, who already introduced themselves, an opportunity to provide additional information. We made an initial assessment based on the information we had on the record as part of that hearing process and independent work that we did, but we might have missed something. So that's the point of having this meeting.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

And after we hear from the petitioners we might ask some clarifying questions, and there will be a short Q and A session that's open to the public afterwards, and then we'll run that.

So the petition focuses, or the petition that we're reviewing focuses on the handling of the decommissioning trust fund for Palisades. There's other topics regarding Palisades that the agency is handling in other forums, but that's the piece that we're focused on today, and particularly concerns that Holtec Palisades was not using decommissioning trust fund in the proper way.

It happens that we had just concluded several inspection efforts with extensive reviews of the decommissioning trust fund and found some funds that were misused. And those totaled over \$57,000. The licensee used their decommissioning trust fund to pay for activities that were not legitimate. And those were repaid and reimbursed. And there were enforcement actions taken.

And so for that reason, it's possible that the initial concern raised has already been addressed through that inspection process. And that was our initial take on this. But like I said, we want to make sure the petitioners have the opportunity to give

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



us any extra information before we make a decision on this. And that's the purpose of the meeting.

So now I'll turn it over to Terry, Wally, Michael, or anyone else who wants to speak for the petitioners. Thanks.

Okay. This is Terry Lodge, can you hear me? Can you hear me?

MS. RONEWICZ: Yes, we can hear you.

MR. LODGE: You can, all right. Okay, I had many problems logging in, so I think I'm going to, I'm going to turn off the camera just to make sure I've got enough, whatever, band width. You can still hear me, correct?

MS. RONEWICZ: Yes.

MR. LODGE: Hello?

MS. RONEWICZ: Yes, we can still hear you.

MR. LODGE: You can still hear? Okay, thank you. All right. I actually came in just as my name was called so I didn't realize it was introduction time. I am one of the two attorneys representing Beyond Nuclear, and Don't Waste Michigan, and Michigan Safe Energy Future in this particular action.

And I'm going to kind of be the lead for a time, then I will be calling on several of the other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

people from time to time to comment. I am assuming that you have pretty thorough knowledge of what our, I guess, what your construing is our 2.206 petition, which we call contingent to from our December 6th, 2023, filing with the NRC that was dismissed.

I'm assuming you have pretty full information, or at least are familiar with that. And, as well, I'm going to assume that you have familiarity with the decommissioning trust fund regulations.

We think that we are looking at a ridiculous, and troubling, and very unique situation in that Palisades, as NRC well knows, is attempting to clear a pathway to a restart which is an unprecedented act by any utility company, much less one that has never operated a nuclear power reactor such as Holtec.

We believe that the NRC is systematically advocating its role of regulating the decommissioning trust fund expenditures and are discovering that the regulations, which are rather deplorable to start with, are basically being ignored in favor of waiver or exemption policies that the NRC is constantly pursuing.

So the way that translates here is, specifically with respect to Palisades -- now understand, as you probably do, Holtec has ownership

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

and control of a total of six nuclear reactors. There's one at the Palisades. The other five are, so far as we understand it, actually going to be decommissioned.

And while there are some interesting troubles cropping up that seem to have replicated across Holtec's ownership fleet, we think the problems are particularly strange and concerning as it regards Palisades. Because it's not being decommissioned because Holtec wants to re-open the reactor.

In the 2022 year, the NRC report for uses of DTF, decommissioning trust fund money, revealed an expenditure of \$44 million for 2023. The expenditure appears to be \$120 million with an indication that we believe, we interpret, to mean that the money is actually being borrowed from the decommissioning trust fund by Holtec, which we are assuming is a very favorable interest rate and is something that is akin to leaving an IOU in the cash drawer.

The decommissioning trust fund money is accrued over years from ratepayers and, with investment, is supposed to represent the reasonable, prudent, anticipated costs of decommissioning. And it is befuddling and confounding that 164 million bucks seem to have been expended. And there's very little

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

to show for it.

There's certainly no dismantling going on as we understand it, there is no remediation going on.

Decommissioning is a, of course, very different procedure, from an engineering and technical standpoint, from preparing an aged plant for restart.

We wonder how Holtec spent \$44 million in just five months, from June 28th to December 21st, pardon me, 31st, 2022, while conceding, as they did in public meetings, that little to no decommissioning work was actually performed. And we wonder how Holtec spent \$120 million in 2023 in legitimate decommissioning activities when the plant isn't being decommissioned.

It also looks like, from the most recent report that was added to the ADAMS Library archive about two weeks ago, that Holtec is routinely borrowing from decommissioning trust funds for all six reactors. And our tally indicates it's something on the order of \$1.044 billion are covered by IOUs from Holtec.

Where in the decommissioning regs is that lawful? Where is it lawful for Holtec to use decommissioning funds as a piggybank? Holtec is tying up money that is supposed to be invested and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

reinvested in prudent, governed ways to generate more money to ensure ratepayers and taxpayers aren't on the hook for decommissioning Palisades whenever it closes down.

In particular, we came across an Oyster Creek notice of violation, an admission that is, by Holtec, that was just placed in ADAMS a few days ago.

Mike, I wonder if you would please, I suppose, if you can at least post the URL to the chat now, and/or mail it, email it to the NRC people on the meeting, if we could do that.

MR. KEEGAN: Yes --

(Simultaneous speaking.)

MR. LODGE: I don't know how to --

MR. KEEGAN: Placed in the chat and emailed to the list.

MR. LODGE: Okay, thank you. I don't know how to upload things to the viewed during this call, because this is Microsoft teams. And please, if the staff would indicate that you see it and are able to open it, even if you can't post it.

CHAIR CLARK: I got the email. Thanks, Terry and Michael.

MR. LODGE: Okay. We're, in particular, going to focus on Pages 4 and 5. It's a 5-page PDF

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

file. And what's really troubling to us are some very interesting admissions made by Holtec toward the last third of Page 4.

The right reason for the violation is the heading where it states the direct cause of violations, procedural guidance does not exist. To standardize the work, write down structure, coding, invoice reviews, and approval of expenditures for reimbursement from DTFs.

Purchase orders are assigned on the code, I'm loosely following here, but it says at the last paragraph, two contributing causes were also identified. Holtec Decommissioning International individuals failed to demonstrate a questioning attitude when potential regulatory uncertainty existed when assigning WPS codes to HDI purchase orders. And individuals compiling invoices for reimbursements from the DTF did not understand charitable donations is not a decommissioning activity.

Then you go on to the next page, and you see a list of the steps that the licensee has taken. But what follows, this follows upon admissions that essentially Holtec Decommissioning International has had no particular specialized accounting rules or procedures in place. And yet, for years now, they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

have been managing decommissioning trust fund money.

Mike, do you have the notice that you circulated, I think, this morning that is from possibly Indian Point?

Keegan?

MR. KEEGAN: I'll have that in a minute.

MR. LODGE: Okay.

MR. KEEGAN: It should be in the email I sent.

MR. LODGE: Oh, okay.

MR. KEEGAN: Yes, I do have it up.

MR. LODGE: Okay. Mike, would you please explain the significance of that?

MR. KEEGAN: Well, at Indian Point they used funds inappropriately. Do you have the documents up in front of you, NRC staff? It's an inspection report --

CHAIR CLARK: I have it.

MR. KEEGAN: Yes, it's dated February 22nd, 2024, and was just placed at the docket. It's a notice violation. And again, a similar misuse of funds is what appears here.

That's all I have. I haven't reviewed it. I just got it.

MR. LODGE: Okay. Yes. We want to bring

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

that, of course, to the NRC staff's attention.

There's also something I'm, if you'll give me one moment to locate, there was an announcement, pardon me, I guess an internal memorandum last November that the NRC circulated.

And, Mike, do you have that particular thing? I think it's the November 2023 memo.

MR. KEEGAN: Well, I have it dated October 26th, 2023, memorandum.

MR. LODGE: Okay.

MR. KEEGAN: Status of recommendations, order of the NRC oversight of the adequacy of decommissioning trust funds, kind of an extended document. But long and short of it is the Office of Inspector General wrote the NRC asking for an auditing process, and the response is that the NRC doesn't have one in place, too hard to find. Other agencies won't cooperate, and besides, it's not our job. The documents in that email that I sent.

MR. LODGE: Yes. So, and our read of that is the NRC has discontinued efforts to get more insight into whether nuclear power plant owners are obeying agency rules about which investments are allowed in DTFs.

And effectively, it is now official policy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



that the NRC is -- I mean, this is a signal in our view of things, that the NRC is advocating almost all regulatory responsibility. They were unable, or told to go away by the trust fund managers, were denied information as to what the owning utilities, and in particular we're assuming Holtec, is actually doing by way of investing the money.

And so the NRC, with a clear mandate to regulate ratepayers' money, which is supposedly reserved for a very significant stage of nuclear power reactor operation and dismantling. The NRC is basically completely advocating, or largely advocating a major role.

I noted, in particular in this memo, that it says, and I'm quoting accordingly, "In light of extensive governor, partner, agency engagement, considerable industry outreach, and communication, and staff analysis in consideration of internal assessment methods, the staff has ceased development of a procedure on how to best periodically assess trustee compliance and will terminate further assessment activities."

That is an abdication, that is a deregulatory step by the NRC which is signaling organizations like Holtec, which have very

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

questionable financial management backgrounds, it's a signal that it's open season on decommissioning trust funds.

I want to point out that just in the last week, we came across a news article from the Provincetown, Massachusetts, paper showing that the NRC has nailed Holtec for an expenditure. I don't remember the exact amount, but I think it was \$80,000 or thereabouts, expenditures on charitable local activities.

And in the course of the coverage of that particular audit finding and reimbursement by Holtec, there's an NRC spokesperson quoted as saying that lobbying and lawyers' fees are eligible expenditures from decommissioning trust funds.

That's mystifying because of the fact that lobbying -- what is lobbying? Lobbying could be, or at least might be justified by a corporation like Holtec, as campaign contributions, as donations to political action committees, as bribes.

There's essentially no end to what lobbying might entail. It might entail propagandistic campaigns to justify reopening Palisades. It's simply amazing that a fund which is supposedly untouchable, and reserved, is not reserved and is quite touchable.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

So Wally, Mike, Kevin, would any of you like to add to what I have said so far?

MR. TAYLOR: This is Wally Taylor, I would like to add a few things. First of all, certainly the Commission knows, it's on the rules, but I just want to emphasize a couple of them.

10 CFR 50.82, sub-section (a)(8), requires that the use of the decommissioning trust fund is limited to the decommissioning activities set forth in Section 50.2. Section 50.2 limits decommissioning activity to activities that involve permanent removal of major radioactive components, permanently modifying the structure of the containment, or resulting in dismantling components for shipment.

In the two decommissioning reports that we have from March 31st, 2023, and March 29th of this year, Holtec has spent millions of dollars for license termination and spent fuel management.

And it's important to know that shortly after, within a few weeks after Holtec acquired Palisades on June 30th, in early to mid-July they submitted a 40-some page report or application to the Department of Energy for funding to restart the Palisades nuclear plant. So when Holtec acquired Palisades --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

(Simultaneous speaking.)

MS. RONEWICZ: Excuse me, everyone, please keep yourself muted if you're not speaking.

MR. TAYLOR: May I go on?

MS. RONEWICZ: Yes, you may. And then afterwards we have a few hands raised.

MR. TAYLOR: Okay, thank you. When Holtec acquired Palisades on June 28th, they knew they were going to try to restart the facility and not decommission it. And they have admitted, as Mr. Lodge said, several times that they have done little to no decommissioning work.

So how can they spend millions and millions of dollars claimed on decommissioning when they admit, and they certainly knew that they were not going to be decommissioning Palisades. They were going to keep it as operational as they could in order to restart it with the taxpayer funding.

So I just don't see how anybody can argue that spending millions of dollars, almost a million and a half dollars, I'm sorry, \$150 million to decommission when it's obvious they have not decommissioned and had no intention to do so.

The NRC has to take some action here to penalize Holtec for violating the trust fund and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

violating the NRC regulation. Thank you.

MS. RONEWICZ: We'll go to hands raised in a moment, but I just wanted to point out also that this transcript is being transcribed, and it will be made publicly available.

And so, Michael Keegan, you did have your hand raised first.

MR. KEEGAN: Thank you. Yes, I would like to point out there's been three notices of violations at Oyster, and Indian Point, and at Palisades, over thousands of dollars, chump change.

What we're talking about at Palisades is, in the past two years, \$164 million has been taken from the trust fund and is un-reimbursed as of December 31st. Across the fleet in Fiscal Year 2022, \$373 million of un-reimbursed funds were drafted from the collective decommissioned trust funds. In 2023, \$671 million was drafted and un-reimbursed.

It was my understanding this was a lockbox, that was to be audited, that this was to be tight, very limited what it be used for, for decommissioning. It has not been.

So there was a change of trust companies by Holtec in November of '22 to Northern Trust, I believe. And then they changed it, some changes in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

that in November of '23.

Clearly this trust fund is not a lockbox.

It has been used as a piggy bank, as a cash drawer. And that is gross violation and fraudulent. I believe there needs to be an independent auditing. And I'm talking independent of the NRC, who at this point have been incapable of even tracking or putting in place an auditing system. We need some serious, real, qualified auditors to take a look at Holtec's use of the decommissioning trust fund as a slush fund. Thank you.

MS. RONEWICZ: Thank you. And Kevin Kamps, you had your hand raised?

MR. KAMPS: Yes, can you hear me?

MS. RONEWICZ: Yes.

MR. KAMPS: I'm Kevin Kamps with Beyond Nuclear, one of the petitioning organizations. So some of the residents at Palisades Park Country Club resort community, immediately south of Palisades, refer to the nuclear power plant as the monster up the beach. So I'd like to talk about the monster in the room. What happens when the entire decommissioning trust fund is expended by Holtec and no decommissioning has taking place.

My family from Kalamazoo paid into the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

trust fund from 1971 until 2007 as Consumers Energy customers. I know there are others (audio interference) Dayne Harrison, in the Consumers Energy service area who likewise have paid into the trust fund for many decades. And so this is quite personal and quite alarming.

The monster in the room is if the entire decommissioning trust fund is expended and no decommissioning has taken place, no facility dismantlement, no radioactive contamination cleanup, what that's going to mean for Lake Michigan, which is a drinking water supply for tens of millions of people, is eventual significant, severe, radiological contamination from the contaminants leaking off of the Palisades site into the lake.

And perhaps even worse, leaking off the inland aquifers, also used for drinking water by community (audio interference) country club resort community and the Township of Covert, and the city of South Haven, and some small towns you may never have heard of, like the city of Chicago in Illinois, for example. That's Lake Michigan drinking water.

These are the stakes of not cleaning up the Palisades site, and I would like to share some of our experience thus far. When we learned that Holtec

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

was going to take over Palisades, even for decommissioning purposes, we objected. Our representatives were joined by the likes of the Attorney General of the State of Michigan, Dana Nessel, joined by the Environmental Law and Policy Center of Chicago.

Those latter groups, the AG and ELPC, were concerned about the shortfall of the decommissioning (audio interference) And we know the AG of Michigan places the shortfall at \$200 million. To even carry out Holtec PSDAR, post-shutdown decommissioning activities report proposals, that's the exact amount that was looted by Consumers Energy and Entergy in 2007 with the blessing of Governor Gretchen's Michigan Public Service Commission.

But the shortfall in the decommissioning trust fund is exacerbated by what's happened since Holtec took over, as Wally mentioned, how to you spend \$44 million dollars in six months in 2022 doing little to no decommissioning (audio interference) little to no spent nuclear fuel management, and doing no site restoration? These are supposedly authorized expenditure categories by (audio interference) only to be outdone in 2023 at much higher burn rate on the decommissioning trust fund.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



The only decommissioning work that we heard about thus far was in the beginning on March 20th, 2023, when a Holtec spokesman said minor modifications to the mechanical draft cooling towers had (audio interference) they are easily reversible. That is the only decommissioning work that we've heard a peep about.

And about this \$40 million in 2023 license termination activities, how can that be justified when, as Wally Taylor said, the name of the game, the talk of the town is reactor restart. So what is this license termination activity?

They're not trying to terminate the license. They're trying to restore the license that was relinquished by Entergy June 13th, 2010, when \$56 million was spent on spent nuclear fuel management. The last significant spent nuclear fuel management happened on June 10th of 2020 under Entergy, not Holtec, transferring the core into the pool.

The only thing that we know of that's been done at Palisades, 2022 since October in 2023, in 2024, is maintenance of the pool and maintenance of dry cask storage. If maintenance of these things costs \$56 million, that's astounding. I thought nuclear power was supposed to be too cheap to meter,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

yet maintaining the storage costs \$56 million per year?

So our concerns are that no clean-up means the eventual severe radioactive contamination of the Great Lakes (audio interference).

MS. RONEWICZ: Excuse me, Kevin Kamps, I just want to let you know that you may want to turn your screen off. We're only intermittently hearing you. And it may be difficult for the court reporter to hear everything.

MR. KAMPS: Okay. I'd be happy to turn it off.

MS. RONEWICZ: Okay. And were you continuing, or were you all done speaking at the moment?

MR. KAMPS: Well, I'm not sure what you heard, because you didn't tell me you couldn't hear me until I was done, so --

MS. RONEWICZ: We heard most of it, there were just a few words here and there. And it's --

(Simultaneous speaking.)

MR. KAMPS: But so you know that expenditure of money, decommissioning trust fund, spent nuclear fuel, I mean, if they were transferring casks from the old pad to the new pad, like they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

indicated in the PSDAR, that would be an expense.

If they were transferring spent nuclear fuel out of the pool to dry cast storage that would be an expense. They're not doing that. They're just maximizing the risks at the pool for an indeterminate amount of time. Building new pads that don't violate NRC earthquake safety regulations, like the two current pads do, that would be an expenditure.

We're not happy that spent nuclear fuel management has been authorized by NRC as a non-decommissioning authorized expenditure from the decommissioning trust fund. The spent nuclear fuel management money is supposed to come from elsewhere.

All of this chipping away, or worse, of the decommissioning trust fund means there won't be money to clean up the severe site-wide radioactive contamination that's the Great Lakes environment risk. That's my main point. Thank you.

MS. RONEWICZ: Thank you. Okay, we note that Jan Boudart -- right now we are asking petitioners to speak. Jan, I don't believe you are a petitioner. If you are, please speak, otherwise we will definitely have an opportunity to hear your question later.

Okay. And Michael Keegan?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

MS. BOUDART: Okay.

MS. RONEWICZ: Thank you, Jan.

MR. KEEGAN: Thank you. I just want to say in summary, over two years Holtec has taken \$1.044 billion from the decommissioning trust funds and has not reimbursed it. This is not chump change.

And it is beyond me how the Department of Energy can even consider a loan to Holtec towards restart when it is clear they are looting the decommissioning trust fund. Not even basic accounting is being put in place. Thank you.

MS. BARNES: May I say something? I can't raise my hand. This is Kathy Barnes from Don't Waste Michigan.

MS. RONEWICZ: Yes. Thank you, go ahead.

MS. BARNES: Okay. I'll just say something brief.

Years ago, I learned that they could not remove the tritium that is underneath the plant unless they took the plant down. I believed at that time that should have been done. They should have decommissioned it years ago.

Part of that tritium is still there. And there should not be any restart of Palisades. They should use that decommissioning fund and get with what

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

they hired on for which was to decommission the plant safely with NRC oversight. NRC promised that they would be there every step of the way to make sure that the oversight was done properly.

And I cannot -- I don't think you can justify not doing what you said you would do. So I don't think there should be any reason why you should not decommission the plant. You need to decommission it. And there should be an audit. So thank you for letting me speak.

MS. RONEWICZ: Thank you for speaking. I just want to say, Kraig Schultz, are you one of the petitioners involved? Otherwise, we'll just ask if you can hold your comment until the end.

MR. SCHULTZ: Yes, this is Kraig Schultz, I am with Michigan Safe Energy Future, one of the petitioners.

MS. RONEWICZ: Thank you. Please go ahead.

MR. SCHULTZ: So I will just make a short statement on behalf of Michigan Safe Energy future.

On the basis of the PSDAR submitted by Holtec to the NRC, the NRC approved the transfer of ownership of Palisades and the decommissioning trust fund. But Holtec has consciously, again drawing money

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

from the trust fund while pursuing plans to reopen the plant.

This deception and lack of accountability blatantly demonstrates why the decommissioning trust funds must be controlled by an independent third party who holds the decommissioning company accountable to perform work and only releases funds as work is completed for the PSDAR.

The NRC must establish better rules to ensure that for profit companies don't raid trust funds and leave contaminated sites for future generations to clean up without funding.

Again, we strongly urge the NRC to pause and consider if Holtec, as a corporation, has sufficient corporate values and competence to be entrusted with a license to control nuclear facilities.

The blatant profiteering and deception related to the decommissioning has made a mockery of the NRC and the public trust. We need safety in depth, and we rely on the NRC to enforce regulations and require nuclear operators to have sufficient safety culture, technical competence, and financial responsibility. Thank you.

MS. RONEWICZ: Thank you, Kraig Schultz.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

And Terry Lodge, please go ahead?

MR. LODGE: Thank you. All right, pardon me once second here.

When I went to law school, I had a professor who reminded us that, quote, "the nets of the American courts are set to catch minnows and let the whales go free." And I think I could easily substitute the NRC for American courts, that the NRC is finding a few token mis-expenditures in sort of a structured dance.

Holtec's response is, oh, we're sorry, we didn't have adequate accounting controls. But as I indicated earlier, Holtec's admissions actually go very much to the heart of a corporate-wide lack of guidance and judgement in expenditures of decommissioning trust fund money.

I also think that, especially in line with what Kraig Schultz and Kevin Kamps had mentioned, that you have material misrepresentation, materially false statements being made by Holtec through official documents, the PSDAR, and other correspondence.

They are misrepresenting what the decommissioning trust fund is being used for. And that is a fairly serious felony under 18 U.S. Code Section 1001 which makes it a crime to make a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

materially false statement to an agency, such as the NRC to falsify, conceal, or cover up, by any trick, scheme, or device, a material fact. You could read the statute.

But we believe that what is going on is we're seeing a few minnows, and the whales are going free. Thank you. That's all I have.

MS. RONEWICZ: Thank you, Terry. Have the petitioners concluded their presentation, or did the petitioners have anything final before we go back to the PRB Chair?

Okay, it looks like we will turn it over to Theresa Clark.

CHAIR CLARK: Thanks everyone. I really appreciate that. As I said in the beginning, we want to do a thorough assessment of what's in front of us, under the 2.206 process, follow our process for that and make sure that we have all the information in front of us to make a decision. It's actually my bosses who would make that decision, but we'd make a recommendation to them.

And so it's really important to have these meetings and to have them transcribed as we did. So we're going to take all that back and think about it. If we don't ask you questions on every point that you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



made, it's not because we're not taking it seriously. We just might need a little bit of time to digest.

But some of the things that I heard, just to summarize, and maybe I'll have a specific question in here, but I want to restate from my understanding, the original hearing intervention was very specific to the \$44 million that came out in one of the reports and concerns that there was misuse of those funds.

What we're hearing today is about additional funds from a later report that was submitted, \$120 million was referenced for 2023, and the petitioners' concerns about whether this was properly being used for decommissioning under the current requirements and the current NRC guidance. So we'll be looking at that and what we require plants to do, what we require licensees to do.

And then if there's changes that the agency might need to make in the future globally going forward, you know, we could certainly think about that and make recommendations. But we do have the particular matter at hand.

So I took a bunch of notes, and we have -- the court reporter here. I think, let me just think if I had any specific questions that I had. Not at this exact time.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

Do any other members of my PRB have questions on what they heard?

MR. KIM: No, I don't have any questions.

MS. RONEWICZ: If anybody has questions, if they have questions right now, please go ahead and raise your hand or speak out. And then we'll move on to the other portion of questions.

So at this point, we're asking if the PRB has questions for the petitioners. We will shortly get to members of the public.

And it looks like we'll move on, right, Theresa? It looks like there are no questions from the PRB.

CHAIR CLARK: I guess I have one question.

The \$120 million, that was in the 2023 report. I want to make sure that I took the note on that properly. And so the \$164 million that was mentioned was the \$44 million from the 2022 report, and the \$120 million from the 2023 report. And then there were concerns about is that being used properly. Did I write that all down right?

MR. LODGE: Yes, you did. This is Terry.

CHAIR CLARK: Okay. Thanks Terry.

And so the idea being Holtec had laid out certain aspects that are specific to decommissioning,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

how were the funds used for those specific aspects compared to any other type of activities? That's the main concern.

MS. RONEWICZ: Okay, and if the Licensee is present, does the Licensee have any questions for the PRB related to the issues raised in the petition?

Okay. We'll just give it one more moment.

Okay. And then we're going to, before we conclude the meeting, we would like members of the public to provide feedback regarding the 2.206 Petition process. However, it's stated the purpose of the meeting is not to provide, you know, so basically it's not to provide an opportunity for the petitioner or the public to question or examine the PRB regarding the merits of the petition request.

So it looks like, Jan, you have your hand raised. Please go right ahead.

MS. BOUDART: The only thing I wanted to point out here is that I believe that Big Rock Point is included in this whole picture. And if I'm wrong about that, I would stand corrected. But I didn't want Big Rock Point to be completely left out if it applies.

MS. RONEWICZ: Thank you, Jan.

CHAIR CLARK: Sorry, I was clicking all

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

the wrong buttons there. But, Jan, just for your awareness, this specific petition that we're assessing has to do with the decommissioning trust fund for Palisades and not any other plants or activities going on. But there are a lot of activities going on at the NRC. So there may be a different avenue for that discussion.

MS. RONEWICZ: Okay. And, Dayle Harrison, please go right ahead.

MR. HARRISON: Thank you for putting on this hearing. And I'm still puzzled, but I want to raise a couple of key points that I don't think have been clearly discussed or addressed.

When we talk about doing an audit on the expenditures by Holtec, I'm talking about an audit that would be similar that a CPA would do at tax time.

So I'm looking to get a report from the NRC that details the expenditures, check by check, over this period of time since Holtec's been involved in the acquisition.

I also want to add to this. It seems to me there has been a misrepresentation. It almost sounds like it could have been fraudulent investment on the part of Holtec. I know that's very strong language. But I think the NRC needs so go back and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

review, if you haven't done so, the minutes of the board meetings, maybe even get into some of the emails, and really find out why there was this sudden change occurring at the decommission. And all of a sudden now they want to restart and build a couple of small nuclear plants.

And this is very puzzling. And I'm sorry I'm kind of late in getting involved in this. I've got a lot of other environmental issues. But these two things, I'd like to hear back from the NRC and file a report.

And once you do these investigations, let's have a public hearing and address your findings. And it sounds like you've done some investigations, but I don't think it's at the depth that's needed here. Thank you for the opportunity to comment.

MS. RONEWICZ: Thank you, Dayle Harrison.

Did any other members of the public have anything further before we close the meeting up?

MS. BARNES: I have one question. This is Kathy.

MS. RONEWICZ: Okay. Yes, go right ahead

--

(Simultaneous speaking.)

MS. RONEWICZ: Please go ahead.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

MS. BARNES: Okay. Yes, I would also question who owns Holtec. Are there foreign interests such as Russia or China? Exactly who are they, who is driving that corporation? Who's got interest in it? When you do an audit, I would hope you would do an audit to find out where the money went, also find out who owns it. Thank you.

MS. RONEWICZ: Thank you for your comment. We're at 12 o'clock right now. So we'll close out shortly but just one final -- yes, did anyone else have anything before we close out?

MS. DRECHSLER: Yes, my name's Jackie Drechsler. And I'm trying to raise my hand but it's not letting me.

MS. RONEWICZ: Sure, go right ahead.

MS. DRECHSLER: Oh, thank you. So I'm Jackie Drechsler calling from New York near Indian Point. And I know this is entirely about the Palisades Michigan plant. But I did want to say that all of the properties that Holtec owns are all at risk.

Because at Indian Point, Oyster Creek, Pilgrim, they're using the decommissioning trust fund for their own, you know, little things that they think makes it look better in the community and possibly

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

lobbying, which we can't seem to get an answer to, of what is -- lobbying part of what's allowed, which I seriously doubt that it is?

But my point here is that this company has a track record, really, of malfeasance. And one of the people who, as a petitioner, brought up the fact that this might even be criminal, saying we're going to do one thing, take out tons, and millions and millions of dollars and then do something else.

And it is a total disregard to the public, who put in that funding for all of these years for safe decommissioning, that they could be at risk for not having funds available to actually complete the safe decommissioning in the end.

And so I would just encourage the NRC to do the necessary audit with qualified people and to make this not just a level for a violation that's a hand slap with, you know, put the money back. No, it's much, much more serious than that.

So I want to thank you for having this open to the public today. And we will defer to what your investigations come up with. Thank you.

MS. RONEWICZ: Thank you for that. And so just one final call, any last questions, comments?

Yes, go right ahead, Theresa.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

CHAIR CLARK: Hi there, me again, Theresa.

I just remembered that I did have one specific question for Terry Lodge. The recent commenter reminded me of this, because she said the word lobbying.

So, Terry, in your additional information that you provided, you made a point about lobbying and donations to pacts. And if you had anything specific on that, any specific information, you know, of course we'll look into this too, but if you have specific information on amounts that you're aware of, that would be tremendously useful to us.

MR. LODGE: Okay. I appreciate it. We will possibly provide you with some additional info. We were, and I'm very interested in seeing the official written interpretation that has been apparently circulated within the NRC that considers such things to be eligible decommissioning trust fund expenditures. But yes, I will be back with you as soon as possible. Thank you.

MS. RONEWICZ: Thank you.

And Dayle Harrison, you have your hand up?

MR. HARRISON: I did, thank you. I'm interested in obtaining a report from the NRC, the details of the documentation for the review as far as

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



the misuse of decommissioning funds. Is that a report that's available to the public, and how extensive is it? So I guess I'm talking about the audit of Holtec's records to come up with the findings that you did.

MS. RONEWICZ: Okay, thank you for that question. And I'm not sure if anybody will answer that at this point. Or, Theresa, you do have your hand up if you'd like to go forward.

CHAIR CLARK: Oh, sure, I had my hand up for a different reason, but I can offer.

So we talked about several different inspections today. And there were items posted in the chat about some of those inspections and evaluations.

So those inspection reports talk about the types of documents that we listed.

And so, for example, in September and November 2023, we conducted inspections regarding Palisades. And I can put those to ML numbers. In the chat we call them ML numbers. But if you just drop those into Google you get the document. And that provides more information. All of our stuff's there on the public website. It's not always the easiest to find, but we do have that available.

But that's not what I raised my hand for.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

I had one other specific question. And so I think a couple of different people raised the point of the IOUs. And so this came up first when Terry was making his statement about taking money out and then putting it back later, you know, with or without interest, and that being a concern.

Even if you put it back, again, if there are specific amounts, specific concerns that you have, or time frames, anything extra that you want to share with us, that'll help us in looking into it.

MR. LODGE: All right, thank you. We will get back to you.

(Simultaneous speaking.)

CHAIR CLARK: I understand. You might not. I'm sorry, Michael.

MR. KEEGAN: Yes, and you could, thank you, and you can find those documents at the decommissioning trust fund's status report which was dated 4/1/2024, and then 4/3/2023. So there's two documents, the trust fund. And search the documents for the term reimbursement, and you will see a footnote which indicates that these monies have been taken but not reimbursed. Thank you.

And all toll, for two years \$1.044 billion, and I only looked at the last two years,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

because that pertains to Palisades, previous years Holtec was taking money and not reimbursing the trust fund. Looks to me like a major embezzlement going on here.

And I really need the NRC to get to the bottom of it. Because those trust monies are the public's trust monies that are being misused. Thank you.

MS. RONEWICZ: Okay, Laura, you have your hand raised. Please go right ahead.

MS. WATCHEMPINO: Thank you. I guess I didn't realize I'm not muted. You can hear me?

MS. RONEWICZ: Yes, we can hear you.

MS. WATCHEMPINO: Thank you. My name is Laura Watchempino, and I live in New Mexico. I just wanted to state my concern that any audit of Holtec be across the board and cast a wide net.

I am concerned about Holtec's activities in New Mexico for a consolidated interim storage site in Eddy and Lea Counties and their involvement with the Eddy and Lea County Commission.

I don't think that members of the public have ever been given information on expenditures in opening a consolidated interim storage site in New Mexico, or the involvement of the Eddy, Lea County

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

Commission in that enterprise.

So I just wanted to express that and hope that this audit will be for all of Holtec's enterprises nationwide. I think that's very much needed.

MS. RONEWICZ: Thank you, Laura. And Richard Turttil, you have your hand up?

MR. TURTIL: Yes, thank you. Richard Turttil, NRC, just to seek clarification, just something for the commenter before Laura to consider and maybe clarify.

The term reimbursement, I don't know the quote from the 2023, the March '23, or the March '24 report you said one could search on, whatever that expression was. I would just seek clarification as to understanding of the term reimbursement. Is it reimbursement in what direction?

So I just wanted to sort of plant that question out there. We will take a close look, we do take a close look every year at these annual reports.

And we certainly have looked at what is meant by the licensee in terms of reimbursement. So I would just seek for use, to seek clarification and understanding of that expression. What entity is reimbursing which?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

And we'll take a closer look. We have our own interpretation. And I would ask you to just try and find that out for yourself, and you could ask us questions after you take a closer look at that.

MR. KEEGAN: Thank you. Considering that Holtec is a privately owned company that never shares the books with anybody anywhere, and everything is always proprietary, because it's a trade secret, but you can find those numbers on the footnotes that money has not been reimbursed to the trust funds. So I'm assuming that's money that Holtec owes to the trust fund.

MR. TURTIL: I will leave it at that, but I don't think you'll find the expression. I don't think you'll find the expression to the trust fund. So I just wanted --

MR. KEEGAN: No, no. Please do the work and dig that out. I'll provide those documents to you if you can't access your own ADAMS system.

MR. TURTIL: Wait, somebody has those. Thank you.

MR. LODGE: And this is Terry Lodge. I would just like to add to that, that if it is \$120 million worth of reimbursement that is, in fact, owed to Holtec, we would like to see \$120 million-worth of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

decommissioning justification.

MS. RONEWICZ: Thank you, and we will need to close the meeting out soon. But, Dayle Harrison, you do have your hand up.

MR. HARRISON: Thanks again. I guess as the conversation goes on, I have my own issues. I'm looking at a news release from the NRC about licensing the facility in New Mexico. And I'm kind of wondering. Would that fall under those funds being generated for all the work that Holtec's done out there and you've done out there, would that be under the guise, could that be used by the trust fund dollars for that? I'm just kind of curious. Or is that an acceptable use for those funds?

MS. RONEWICZ: Okay. And we'll give a moment if anybody wanted to respond to that.

MR. TURTIL: I would ask the gentleman to just repeat your comment, sir.

MR. HARRISON: Okay. Well, we've been talking about the trust funds and maybe a possible abuse of their use. I'm just wondering when Holtec spent all that money in research on the facility in New Mexico for storage, could that investment on the part of Holtec, actually could they use decommissioning funds for that from the trust?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

MR. TURTIL: I would -- this is Rich Turtil.

MR. HARRISON: Thanks, Richard.

MR. TURTIL: I would -- we'll take it from there. Thank you.

MR. HARRISON: Does that mean you're going to respond --

MS. RONEWICZ: Okay.

MR. HARRISON: -- or you don't know?

MR. TURTIL: I want to ensure that I've got the -- my gut instinct would say that that would not be applicable --

(Simultaneous speaking.)

MR. HARRISON: -- that would probably come up in a comprehensive order. We'd like to --

MR. TURTIL: Yes.

MR. HARRISON: -- look at that. Thank you.

MR. TURTIL: Thank you.

MS. RONEWICZ: Thank you, okay. We are just about ready to close out. And we just want to give one final opportunity. Was there anybody else that had any final, you know, final item to add?

And I would like to ask, does the court reporter, before we close out, does the court reporter

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

need any additional information for the meeting transcript?

COURT REPORTER: No, thank you.

MS. RONEWICZ: Thank you. So we encourage the participants outside the NRC to provide public meeting feedback to the NRC staff via the NRC public meeting website. A link will be posted shortly after the conclusion of this meeting. And with that, the meeting is concluded, and we thank you all for attending and for your input.

(Whereupon, the above-entitled matter went off the record at 12:13 p.m.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309



**NEAL R. GROSS**  
COURT REPORTERS AND TRANSCRIBERS  
1716 14th STREET, N.W., SUITE 200  
WASHINGTON, D.C. 20009-4309

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)