

**BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	
Holtec Palisades LLC and Holtec Decommissioning International	)	Docket No. 50-255
(Palisades Nuclear Plant Request for License Transfer)	)	August 27, 2024

**PETITION TO INTERVENE AND REQUEST FOR ADJUDICATORY HEARING  
BY BEYOND NUCLEAR, DON'T WASTE MICHIGAN AND MICHIGAN SAFE  
ENERGY FUTURE**

**INTRODUCTION**

Holtec Palisades LLC and Holtec Decommissioning International (collectively, “Holtec”), on December 6, 2023, submitted to the NRC an application to approve the direct transfer of control of the Palisades Nuclear Plant (Palisades) to Palisades Energy LLC.<sup>1</sup> Palisades was placed on a path to decommissioning status beginning in 2017, and permanently ended power generation activities on May 20, 2022. Holtec purchased Palisades from Entergy Nuclear Operations (“Entergy”) on June 28, 2022. Holtec is now trying to remove Palisades from decommissioning status and return Palisades to active power operations. It is proposed that Palisades Energy would operate the plant if it is restarted.

Palisades went on line, producing electricity, in 1971. Its operating license was renewed in 2006 to authorize operation through 2031. In 2016, Entergy, then-owner of Palisades at the time, decided to cease operations by 2018, which it later moved back to

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<sup>1</sup> Application for Order Consenting to Transfer of Control of License and Approving Conforming License Amendments, ML23340A161.

May 2022. On May 20, 2022, Entergy finally closed Palisades and placed the plant into decommissioning status.

Three petitioning organizations, Beyond Nuclear, Michigan Safe Energy Future, and Don't Waste Michigan, demonstrate below that they have standing to pursue contentions against Holtec's request for approval of a license transfer from Holtec to Palisades Energy, as violative of the Atomic Energy Act and NRC regulations. Petitioners set forth why Holtec's proposal must be rejected by the NRC.

## **PETITIONING PARTIES AND THE BASIS FOR LEGAL STANDING**

### ***Beyond Nuclear***

Beyond Nuclear is a not-for-profit public policy, research, education organization based in Takoma Park, Maryland that advocates the immediate expansion of renewable energy sources to replace commercial nuclear power generation. Beyond Nuclear has over 12,000 members of whom a number reside, work and recreate near the Palisades Nuclear Plant. Beyond Nuclear herewith provides its declaration, agreeing to represent two of its members, W. Dillon Reed and Caroline Ferry in this proceeding. Both have designated Beyond Nuclear to intervene to protect their interests in physical health and safety, the health and safety of their family members, their real property, and the health and stability of the physical environment proximate to Palisades. Beyond Nuclear's address is 7304 Carroll Ave., #182, Takoma Park, MD 20912, phone (301) 270-2209, [www.beyondnuclear.org](http://www.beyondnuclear.org).

W. Dillon Reed is an adult Michigan citizen who lives at 80015 Ramblewood Drive, Covert, MI 49043, which is located 0.75 straight-line miles from the Palisades

Nuclear Plant. (“Palisades”). His home is near Lake Michigan and in the warm season he walks on the beach and wades in the Lake within a few hundred yards of Palisades and goes boating with friends or relatives. He opposes the granting of an exemption by the NRC to Holtec Decommissioning International LLC and Holtec Palisades LLC because of concerns over safety, the potential for significant damage to public health and the environment, Holtec’s lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International (“Holtec”), as a corporation.

Mr. Reed is concerned that before Palisades could be restored to operation, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established, but CRDM seals are a key safety feature to protect the radioactive fuel core from damage.

He further knows that the Palisades reactor vessel is severely embrittled and that Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. According to Mr. Reed, there has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

Mr. Reed also states that restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades’ history. He recounts the 1994 reports by Dr. Ross Landsman, an NRC safety inspector, who identified violations of the Palisades Safe

Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Landsman has stated that both cask pads at Palisades violate NRC earthquake safety regulations. Mr. Reed also cites concerns with Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, which has weld defects and possible damage to its spent fuel contents. Cask No. 4 poses a serious danger to workers and the physical environment and must at some point be remediated.

Mr. Reed points out that no U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down and he lacks confidence that necessary quality assurance record keeping and ongoing maintenance have been performed of key systems and components since power operations were permanently ended in May 2022. He is afraid that if Palisades is restored to operability there could be one or more operations incidents or accidents that will result in radiation release and that his family and he might suffer irreparable damage to their health as well as to real and personal property located at his residence. Mr. Reed has designated Beyond Nuclear to represent his interests in this proceeding and states that they will not be adequately represented unless Beyond Nuclear is allowed to participate as a party on his behalf.

Caroline Ferry is an adult citizen of Michigan who lives at 79964 Fernwood Drive, Covert, MI 49043, which is located 0.75 straight-line miles from the Palisades Nuclear Plant (“Palisades”). Her home is near Lake Michigan and in the warm season she walks on the beach and wades in the Lake within a few hundred yards of Palisades and goes boating with friends or relatives. She opposes the granting of an exemption by the

NRC to Holtec Decommissioning International LLC and Holtec Palisades LLC because of concerns over safety, the potential for significant damage to public health and the environment, Holtec's lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International ("Holtec"), as a corporation.

Ms. Ferry is concerned that before Palisades could be restored to operation, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established, but CRDM seals are a key safety feature to protect the radioactive fuel core from damage.

She further knows that the Palisades reactor vessel is severely embrittled and that Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. According to Ms. Ferry, there has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

Ms. Ferry also states that restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades' history. She recounts the 1994 reports by Dr. Ross Landsman, an NRC safety inspector, who identified violations of the Palisades Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Landsman has stated that both cask pads at Palisades violate NRC earthquake safety

regulations. Ms. Ferry also cites concerns with Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, which has weld defects and possible damage to its spent fuel contents. Cask No. 4 poses a serious danger to workers and the physical environment and must at some point be remediated.

Ms. Ferry points out that no U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down and she lacks confidence that necessary quality assurance record keeping and ongoing maintenance have been performed of key systems and components since power operations were permanently ended in May 2022. She is afraid that if Palisades is restored to operability there could be one or more operations incidents or accidents that will result in radiation release and that her family and she might suffer irreparable damage to their health as well as to real and personal property located at her residence. Ms. Ferry has designated Beyond Nuclear to represent her interests in this proceeding and states that they will not be adequately represented unless Beyond Nuclear is allowed to participate as a party on her behalf.

### ***Michigan Safe Energy Future***

Michigan Safe Energy Future (“MSEF”) is a grassroots association of people in western and southwestern Michigan which since 2013 has advocated for the permanent shutdown of Palisades Nuclear Plant and replacement of nuclear and natural gas power generation with safe and renewable nonnuclear energy technologies. MSEF has a dozen members and does not have a fixed office address.

MSEF herewith provides its declaration, agreeing to represent two of its members, James Scott and Ann Scott in this proceeding. Both Scotts designated MSEF to intervene

to protect their interests in physical health and safety, the health and safety of their family members, their real property, and the health and stability of the physical environment proximate to Palisades.

James Scott is an adult citizen of Michigan who lives at 80014 Ramblewood Hill, Covert, MI 49043, which is located 1.2 straight-line miles from the Palisades Nuclear Plant. His home is near Lake Michigan and in the warm season he walks on the beach and wades in the Lake within a few hundred yards of Palisades and goes boating with friends or relatives. He opposes granting an exemption by the NRC to Holtec Decommissioning International LLC and Holtec Palisades LLC because of concerns over safety, the potential for significant damage to public health and the environment, Holtec's lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International ("Holtec"), as a corporation.

Mr. Scott is concerned that before Palisades could be restored to operation, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established, but CRDM seals are a key safety feature to protect the radioactive fuel core from damage.

He further knows that the Palisades reactor vessel is severely embrittled and that Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. According to Mr. Scott, there has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

Mr. Scott also states that restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades' history. He recounts the 1994 reports by Dr. Ross Landsman, an NRC safety inspector, who identified violations of the Palisades Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Landsman has stated that both cask pads at Palisades violate NRC earthquake safety regulations. Mr. Scott also cites concerns with Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, which has weld defects and possible damage to its spent fuel contents. Cask No. 4 poses a serious danger to workers and the physical environment and must at some point be remediated.

Mr. Scott points out that no U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down and he lacks confidence that necessary quality assurance record keeping and ongoing maintenance have been performed of key systems and components since power operations were permanently ended in May 2022. He is afraid that if Palisades is restored to operability there could be one or more operations incidents or accidents that will result in radiation release and that his family and he might suffer irreparable damage to their health as well as to real and personal property located at his residence. Mr. Scott has designated Michigan Safe Energy Future to represent his interests in this proceeding and states that they will not be adequately represented unless MSEF is allowed to participate as a party on his behalf.



Ann Scott is an adult citizen of Michigan who lives at 80014 Ramblewood Hill, Covert, MI 49043, which is located 1.2 straight-line miles from the Palisades Nuclear Plant. Her home is near Lake Michigan and in the warm season she walks on the beach and wades in the Lake within a few hundred yards of Palisades and goes boating with friends or relatives. She opposes the granting of an exemption by the NRC to Holtec Decommissioning International LLC and Holtec Palisades LLC because of concerns over safety, the potential for significant damage to public health and the environment, Holtec's lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International ("Holtec"), as a corporation.

Ms. Scott is concerned that before Palisades could be restored to operation, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established, but CRDM seals are a key safety feature to protect the radioactive fuel core from damage.

She further knows that the Palisades reactor vessel is severely embrittled and that Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. According to Ms. Scott, there has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

Ms. Scott also states that restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades' history. She recounts the 1994 reports by Dr. Ross

Landsman, an NRC safety inspector, who identified violations of the Palisades Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Landsman has stated that both cask pads at Palisades violate NRC earthquake safety regulations. Ms. Scott also cites concerns with Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, which has weld defects and possible damage to its spent fuel contents. Cask No. 4 poses a serious danger to workers and the physical environment and must at some point be remediated.

Ms. Scott points out that no U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down and she lacks confidence that necessary quality assurance record keeping and ongoing maintenance have been performed of key systems and components since power operations were permanently ended in May 2022. She is afraid that if Palisades is restored to operability there could be one or more operations incidents or accidents that will result in radiation release and that her family and she might suffer irreparable damage to their health as well as to real and personal property located at her residence. Ms. Scott has designated Michigan Safe Energy Future to represent her interests in this proceeding and states that they will not be adequately represented unless MSEF is allowed to participate as a party on her behalf.

### ***Don't Waste Michigan***

Don't Waste Michigan ("DWM") is a 32-year-old grassroots association with over 50 members in southern, western and central Michigan. DWM is located at 811 Harrison St., Monroe, MI 48161. DWM works to shut down aging, dangerous nuclear

power plants in the Great Lakes Basin; to halt or block the construction of new nuclear power plants; to educate the public about the dangers of nuclear power and nuclear waste, its deadly by-product; and to block the practice of landfilling nuclear waste.

DWM herewith provides its declaration, agreeing to represent two of its members, Alice Hirt in this proceeding. Ms. Hirt has designated DWM to intervene to protect her interests in physical health and safety, the health and safety of her family members, her real property, and the health and stability of the physical environment proximate to Palisades.

Alice Hirt is an adult citizen of Michigan who lives at 6677 Summit View, Holland, MI 49024, which is located 36.5 straight-line miles from the Palisades Nuclear Plant. Her home is near Lake Michigan and in the warm season she walks on the beach and wades in the Lake and goes boating with friends or relatives. She opposes the granting of an exemption by the NRC to Holtec Decommissioning International LLC and Holtec Palisades LLC because of concerns over safety, the potential for significant damage to public health and the environment, Holtec's lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International ("Holtec"), as a corporation.

Ms. Hirt is concerned that before Palisades could be restored to operation, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established, but CRDM seals are a key safety feature to protect the radioactive fuel core from damage.

She further knows that the Palisades reactor vessel is severely embrittled and that Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. According to Ms. Hirt, there has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

Ms. Hirt also states that restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades' history. She recounts the 1994 reports by Dr. Ross Landsman, an NRC safety inspector, who identified violations of the Palisades Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Landsman has stated that both cask pads at Palisades violate NRC earthquake safety regulations. Ms. Hirt also cites concerns with Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, which has weld defects and possible damage to its spent fuel contents. Cask No. 4 poses a serious danger to workers and the physical environment and must at some point be remediated.

Ms. Hirt points out that no U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down and she lacks confidence that necessary quality assurance record keeping and ongoing maintenance have been performed of key systems and components since power operations were permanently ended in May 2022. She is afraid that if Palisades is restored to operability there could be one or more operations incidents or accidents that will result in radiation release and that

her family and she might suffer irreparable damage to their health as well as to real and personal property located at her residence. Ms. Hirt has designated Don't Waste Michigan to represent her interests in this proceeding and states that they will not be adequately represented unless DWM is allowed to participate as a party on her behalf.

The declarations of the standing declarants are attached to this Petition.

### **LEGAL BASIS FOR STANDING**

Pursuant to the Atomic Energy Act, the Commission must grant a hearing in a licensing proceeding “upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding.” 42 U.S.C. § 2239(a)(1)(A). To support the request, a petitioner must provide the Commission with information regarding “(1) the nature of the petitioner’s right under the governing statutes to be made a party; (2) the nature of the petitioner’s property, financial, or other interest in the proceeding; (3) the possible effect of any decision or order on the petitioner’s interest.” *Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc.* (Vermont Yankee Nuclear Power Station), 60 N.R.C. 548, 552 (2004)(citing 10 C.F.R. § 2.309(d)(1). “The NRC generally uses judicial concepts of standing in interpreting this regulation.” *Entergy Nuclear Vermont Yankee*, 60 N.R.C. at 552. Thus, a petitioner may intervene if it can specify facts showing “that (1) it has suffered or will suffer a distinct and palpable harm constituting injury-in-fact within the zone of interests arguably protected by the governing statutes, (2) the injury is fairly traceable to the action being challenged, and (3) the injury will likely be redressed by a favorable determination.” *Id.* at

552-553. In determining whether a petitioner has met the requirements for establishing standing, the Commission “construe[s] the petition in favor of the petitioner.” *Id.* at 553.

A petitioner for leave to intervene must, of course, show the potential for injury-in-fact to its interests before intervention can be granted. *Nuclear Eng’g Co., Inc.* (Sheffield, Ill. Low-Level Radioactive Waste Disposal Site), 7 NRC 737, 743 (1978). A petitioner need not establish that injury will inevitably result from the proposed action to show an injury-in-fact, but only that it may be injured in fact by the proposed action. *Gulf States Utils. Co., et al.* (River Bend Station, Unit 1), 40 NRC 43 (1994).

An organization that wishes to intervene in a proceeding may do so either in its own right by demonstrating harm to its organizational interests, or in a representational capacity by demonstrating harm to its members. *See Hydro Resources, Inc.* (2929 Coors Road, Suite 101, Albuquerque, NM 87120), LBP-98-9, 47 NRC 261, 271 (1998). Both incorporated entities, such as BN and DWM, and unincorporated associations such as Michigan Safe Energy Future, may act as representational entities by demonstrating harm to their members..

An organization seeking representational standing must demonstrate how at least one of its members may be affected by the licensing action (such as by activities on or near the site), must identify that member by name and address, and must show (preferably by affidavit) that the organization is authorized to request a hearing on behalf of that member. *Warth v. Seldin*, 422 U.S. 490, 511, 95 S.Ct. 2197, 45 L.Ed.2d 343 (1975) (“There is no question that an association may have standing in its own right to seek judicial relief from injury to itself and to vindicate whatever rights and immunities

the association itself may enjoy. Moreover, in attempting to secure relief from injury to itself the association may assert the rights of its members, at least so long as the challenged infractions adversely affect its members' associational ties. *E.g.*, *NAACP v. Alabama, supra*, at 458-460); *Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 183-187 (1951) (Jackson, J., concurring). . . . Even in the absence of injury to itself, an association may have standing solely as the representative of its members. *E.g.*, *National Motor Freight Assn. v. United States*, 372 U.S. 246 (1963).” *Also, see Sperry Products v. Ass’n of Am. Railroads*, 132 F.2d 408, 410–11 (2d Cir. 1942) (noting that unincorporated associations can be treated as singular entities for “procedural incidents” such as “service of process” and “venue,” but that “for most purposes,” including “jurisdiction over [] subject matter,” the law “looks at such associations as mere aggregations of individuals”).

An organization seeking representational standing must demonstrate how at least one of its members may be affected by the licensing action (such as by activities on or near the site), must identify that member by name and address, and must show (preferably by affidavit) that the organization is authorized to request a hearing on behalf of that member. *See, e.g.*, *Georgia Institute of Technology* (Georgia Tech Research Reactor, Atlanta, Georgia), CLI-95-12, 42 NRC 111, 115 (1995); *Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), ALAB-549, 9 NRC 644, 646-48 (1979); *Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 390-97 (1979). Regarding the preference for an affidavit, see *Shieldalloy Metallurgical Corp.* (Cambridge, Ohio Facility), CLI-99-

12, 49 NRC 347, 354 & n.4 (1999); *Northeast Nuclear Energy Co.* (Millstone Nuclear Power Station, Unit 1), LBP-96-1, 43 NRC 19, 23 (1996).

In this case, three organizations – Beyond Nuclear, Don't Waste Michigan, and Michigan Safe Energy Future – are each petitioning on behalf of certain of their members, all of whom herewith have submitted declarations. Four of the five members are residents of Palisades Park, Michigan, who live within two miles or less miles of the Palisades plant, and the fifth lives within 37 miles. The petitioning organizations base their claims to standing on the facts that the restoration of Palisades to power generation is analogous to licensing a new nuclear power plant, and that the longstanding NRC policy is to readily recognize the legal standing of persons who live, work and/or recreate within 50 miles of a power plant in the present generation of light water reactors based on the inherent dangerousness of commercial nuclear power. *Amergen Energy Co., LLC* (Oyster Creek Nuclear Generating Station), LBP-06-7, 63 NRC 188, 195 (2006). *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), LBP-01-6, 53 NRC 138, 146, *aff'd*, CLI-01-17, 54 NRC 3 (2001).

In an analogous operating license proceeding, a petitioner can base his or her standing upon a combination of residence or visits near the plant and a showing that the proposed action entails an increased potential for offsite consequences. *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 & 2), CLI-99-4, 49 NRC 185, 191 (1999); *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 & 4), LBP-08-18, 68 NRC 533, 541 (2008). Petitioners' members may be accorded standing if they reside close enough to a planned project so that there is reasonable



apprehension of injury. Hydro Resources, Inc., *supra*. As each of the member declarants explains, they will suffer (or will be under threat of suffering) concrete and particularized injuries from the restored operations of Palisades if the exemption sought by Holtec is granted. If the exemption is denied, the potential threats or actual harms from Palisades will not occur. Palisades may not resume operations without a license from the Commission, which by statute also has the power to order mitigation arrangements. 42 U.S.C. § 2133(a). In addition, the member-declarants have expressed bases for standing that fall within the zone of interests protected by the Atomic Energy Act and the National Environmental Policy Act and their respective implementing regulations, which are pertinent to this proceeding, even if the Commission decides to grant the requested categorical exclusion. See, e.g., *Ouachita Watch League v. Jacobs*, 463 F.3d 1163, 1173 (11th Cir. 2006) (“[S]ince the injury alleged is environmental, it falls within the zone of interests protected by NEPA . . . .”); *Sabine River Auth. v. U.S. Dep't of Interior*, 951 F.2d 669, 675 (5th Cir. 1992) (plaintiffs' concerns about impacts on water quality and quantity fell within NEPA's zone of interests).

The member-declarants have standing to intervene in their own right, having met the requirements for injury-in-fact, causation, and redressability. See *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 572 n.7 (1992) (“[P]rocedural rights are special: The person who has been accorded a procedural right to protect his concrete interests can assert that right without meeting all the normal standards for redressability and immediacy.”) (internal quotations omitted); see also *Duke Energy Corp.* (McGuire, Units 1 and 2; Catawba, Units 1 and 2) CLI-02-17, 56 NRC 1, 10 (2002) (emphasizing NEPA’s goal to

“ensure that the agency does not act upon incomplete information, only to regret its decision after it is too late to correct.”).

### **STANDARD FOR ADMISSIBILITY OF CONTENTIONS**

Section 189(a) of the Atomic Energy Act, 42 U.S.C. § 2239, provides:

In any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees, and in any proceeding for the payment of compensation, an award, or royalties under section 153, 157, 186c., or 188, the Commission shall grant a hearing upon the request of any person whose interest may be affected by the proceeding,

To carry out the provisions of that statute, the NRC has adopted a regulation, 10 C.F.R. § 2.309, regarding hearing requests and petitions to intervene. The regulation authorizes any person whose interest may be affected by a proceeding to intervene in the proceeding. That is the basis on which this petition is presented. However, the Commission has held that § 189(a) does not apply to proceedings involving a request for an exemption. *Commonwealth Edison Co. (Zion Nuclear Power Station, Units 1 & 2)*, 51 NRC 90 (2000). The Petitioners herein, so as not to waive any procedural requirement, are submitting this Petition pursuant to 10 C.F.R. § 2.309, because the NRC’s consideration of Holtec’s Request for Exemption in their estimation comprises a licensing-related act that comprises a proceeding pursuant to § 2.309.

Pursuant to 10 C.F.R. § 2.309(f), a petitioner’s contentions must: (1) provide a specific statement of the issue of law or fact to be raised or controverted; (2) provide a brief explanation of the basis for the contention; (3) demonstrate that the issue raised in the contention is within the scope of the proceeding; (4) demonstrate that the issue raised in the contention is material to the findings the NRC must make to support the action that

is involved in the proceeding; (5) provide a concise statement of the alleged facts or expert opinions which support the petitioner's position on the issue and on which the petitioner intends to rely at hearing, together with reference to specific sources and documents on which the petitioner intends to rely; (6) provide sufficient information to show that a genuine dispute exists with the licensee on a material issue of law or fact.

The NRC has made clear that the burden on a petitioner in stating its contentions is not heavy. In *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-01-24, 54 NRC 349, the NRC described the contention admissibility standards as “insist[ing] upon some ‘reasonably specific factual and legal basis’ for the contention.” *Id.*, 54 349,359. The NRC further explained in *Millstone* that the standards for contention admissibility were meant to prevent contentions based on “little more than speculation” and intervenors who had “negligible knowledge of nuclear power issues and, in fact, no direct case to present.” *Id.* at 358. Rather, petitioners are required only to ‘articulate at the outset the specific issues they wish to litigate.’ *Id.* at 359.

The NRC and the courts have also made clear that the burden of persuasion is on the licensee, not the petitioner. The petitioner only needs to “com[e] forward with factual issues, not merely conclusory statements and vague allegations.” *Northeast Nuclear Energy Company*, 53 NRC 22, 27 (2001). The NRC described the threshold burden in stating a contention as requiring a petitioner to “raise any specific, germane, substantial, and material factual issues that are relevant to the. . . request for a license. . . and that create a basis for calling on the [licensee] to satisfy the ultimate burden of proof.” *Id.*

Courts have found, however, that this threshold burden may not be appropriate where the information was in the hands of the licensee or NRC staff and was not made available to the petitioner. See, e.g., *York Comm. for a Safe Env't. v. NRC*, 527 F.2d 812, 815 n. 12 (D.C. Cir. 1975) (where the information necessary to make the relevant assessment is “readily accessible and comprehensible to the license applicant and the Commission staff but not to petitioners, placing the burden of going forward on petitioners appears inappropriate.”).

Also, in *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 554 (1978), the U.S. Supreme Court affirmed the NRC in finding that the proper standard to apply required intervenors to simply make a “showing sufficient to require reasonable minds to inquire further,” a burden the NRC found to be significantly less than that of making a *prima facie* case.

The ASLB in the Yucca Mountain case observed:

The Commission therefore amended its rules to require that contentions have “at least some minimal factual and legal foundation in support.” That is all. That is what DOE agreed at oral argument is the standard. As the Commission emphasized in Oconee, the contention requirements were never intended to be turned into a “fortress to deny intervention.”

*U.S. Dept. of Energy* (High Level Waste Repository, LBP-09-06 (May 11, 2009)).

## **PETITIONERS’ CONTENTIONS AND SUPPORTING INFORMATION**

### ***CONTENTION 1***

The NRC staff approved a transfer of the operating license for Palisades from Entergy to Holtec on December 13, 2021. The application for license transfer submitted by Entergy and Holtec, and the approval decision issued by the NRC staff, made clear that the basis for the license transfer was to authorize Holtec to undertake the decommissioning of Palisades. Consistent with the requirements for license transfer, in June 2022 Entergy submitted the 10 C.F.R. § 50.82 decommissioning certifications. But

Holtec knew its intent was to restart Palisades, not to continue decommissioning. Section 184 of the Atomic Energy Act, 42 U.S.C. § 2234, requires that a license transfer must be based on full disclosure to the NRC. The license transfer from Entergy to Holtec violated that requirement. Moreover, as a practical matter, Holtec does not own an operating license for Palisades, but only a possession-only license for nuclear material. Therefore, Holtec did not, and does not, have a valid license to transfer to Palisades Energy. The proposed license transfer to Palisades Energy would violate the Atomic Energy Act and NRC regulations and must not be approved.

### **Basis for the Contention**

#### **A. Misrepresentation by Holtec to Secure License Transfer from Entergy**

The application for the transfer of the operating license for Palisades filed by Holtec was based on the assertion that Holtec would continue the decommissioning of Palisades begun by Entergy. The facts set out below demonstrate that the application for license transfer of Palisades was conclusively based on the assertion and understanding that Holtec would continue the decommissioning of Palisades. The facts also show that at the time of the license transfer, Holtec's intention was to attempt to restore Palisades to full operation. The NRC was denied "full information" as required by AEA § 184 (42 U.S.C. § 2234), which states:

No license granted hereunder... shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, *after securing full information, find that the transfer is in accordance with the provisions of this chapter*, and shall give its consent in writing. (Emphasis added).

Based on the foregoing, Holtec has no valid license to transfer to Palisades Energy as requested.

#### **Facts Upon Which Petitioners Intend to Rely In Support of This Contention**

Review of the timeline of pertinent events reveals Holtec's pretense of acquiring Palisades to undertake decommissioning while actually intending to restart it:

- Early December 2016 – Entergy announced it would close Palisades for good by October 2018 (in 2017, Entergy changed its mind, and announced it would close Palisades for good by May 31, 2022.)
- 1-4-17 – Entergy submitted a plan to the NRC to close Palisades
- 12-23-20 – Entergy and Holtec jointly filed a PSDAR (Post-Shutdown Decommissioning Activities Report)<sup>2</sup> and DCE (Decommissioning Cost Estimate) for Palisades with NRC
- 2-24-21 – Beyond Nuclear, Don’t Waste Michigan, and Michigan Safe Energy Future, the Michigan Attorney-General and the Environmental Law and Policy Center all filed intervention petitions and requests for hearing to challenge the license transfer of Palisades from Entergy to Holtec, introducing numerous technical and legal contentions. The interventions were submitted by the deadline, 20 days after NRC’s hearing notice publication at 86 Fed. Reg. 8226 (February 4, 2021)
- 12-13-21 – Despite the still-pending intervention petitions and hearing requests, immediately above, NRC staff approved the transfer of the operating license for Palisades from Entergy to Holtec, predicated on Palisades being decommissioned, and the operating license being converted into a decommissioning phase possession-only (non-operating) license<sup>3</sup>
- 5-20-22 – Entergy permanently closed Palisades
- 6-10-22 – Entergy de-fueled the Palisades reactor core for the final time
- 6-13-22 – Entergy submitted the decommissioning certifications to the NRC (Final De-Fueling of the Reactor Core, and Permanent Cessation of Power Operations)
- 6-28-22 – The sale of Palisades from Entergy to Holtec was completed
- 7-5-22 – Holtec secretly submitted an application to the Department of Energy for \$2 to 3 billion in funding to restart Palisades

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2 Post-Shutdown Decommissioning Activities Report, ML20358A239

3 Order approving license transfer, ML21292A145

- July 2023 – The NRC Commissioners approved a hearing for the merits of the State of Michigan’s challenge regarding Holtec’s takeover of Palisades, but rejects all environmental group intervenors’ intervention petitions and hearing requests

- 3-31-23 – Holtec submitted a decommissioning trust fund expenditure report to the NRC, even as it proceeded with its plan to restart Palisades; the published report revealed that Holtec had spent down \$44 million from Palisades’ Decommissioning Trust Fund, while at the same time admitting that very little to no decommissioning work had actually been done<sup>4</sup>

- 9-28-23 – Holtec submitted an application for an exemption from the decommissioning certifications filed by Entergy on 6-13-22.

What this timeline shows is that when the Palisades license transfer from Entergy to Holtec was approved by NRC staff on December 13, 2021, Holtec indisputably knew that the transfer was contingent on the closing and decommissioning of Palisades. Nonetheless, on July 5, 2022, Holtec applied for federal funding to restart Palisades without telling either the NRC or the public until on or about September 9, 2022.

On March 31, 2023, Holtec submitted a DTF expenditure report saying that it was still undertaking to decommission Palisades, even though it is obvious that Holtec’s plan was simultaneously to restart Palisades.

The application for license transfer filed jointly by Entergy and Holtec states that the license transfer would occur only after removal of fuel from Palisades’ reactor core, as required by the sale agreement between Entergy and Holtec. And the license transfer would not occur until after Entergy submitted the certifications required by 10 C.F.R. § 50.82. Also, the application stated that HDI, a Holtec subsidiary, would

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<sup>4</sup> Decommissioning Funding Status Report, ML23090A140

assume license responsibility for Palisades for the purpose of decommissioning, that is, a possession-only license.

The license transfer application also states at page 3, the “[t]he transfers are desirable and of considerable benefit to the citizens of Michigan, because the transfers will result in the decommissioning of the Palisades Site on an accelerated schedule.” Likewise, the application, at pp. 3 and 5-13, describes in detail the qualifications of the parties related to decommissioning. Finally, the application, at p. 17-19, presents assurances that Holtec had funding sufficient to complete decommissioning of Palisades.

Holtec’s stated intention to continue decommissioning could not be more clear. But the truth is, Holtec did not provide the NRC full and accurate information about the license transfer from Entergy to Holtec, and so that transfer should be rescinded and invalidated.

*B. Holtec’s Present License Is Not a ‘Renewed Facility Operating License’*

The license that Holtec acquired from Entergy is not a renewed facility operating license, as is asserted in the August 7, 2024 Federal Register notice.<sup>5</sup> With that license transfer invalidated, Holtec has nothing to transfer to Palisades Energy, as requested in the current application before the Commission. In other words, contrary to the assertion on page 1 of Holtec’s application, Holtec has no operating authority to transfer to Palisades Energy. Pursuant to 10 C.F.R. § 50.82(a)(2), once a licensee (in this case Entergy) submits a certification for permanent cessation of operations, the license no longer authorizes operation of the reactor. As Holtec admits on page 2 of the license

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<sup>5</sup> “The application seeks NRC approval of the direct transfer of control of PNP RFOL No. DPR–20 and the Palisades ISFSI general license from HDI to Palisades Energy, LLC (the proposed new licensed operator).” 89 Fed. Reg. 64493 (August 7, 2024).



transfer application, “when [Entergy] transferred operational authority to [Holtec] on June 28, 2022, the permanently defueled licensing basis no longer authorized power operations.” Holtec only received from Entergy a possession-only license. That would be all that Holtec can possibly transfer to Palisades Energy, but Holtec has foreited that option by clearly misrepresenting its true intentions and motivations in acquiring the Palisades Nuclear Plant from Entergy.

What did Holtec gain in acquiring the Palisades complex?

1) A location situated by Lake Michigan for construction of two prototype reactors to be designed by Holtec, including a shot at hundreds more millions of dollars in federal subsidies. Holtec is presently marketing its unbuilt and untested SMR-300 design globally with aims of becoming a serious player. By not disclosing its SMR construction plans, Holtec faced no competition in negotiating a deal with Entergy to buy the plant and may have secured a more favorable purchase price.

2) Access to Palisades’ nearly half-billion-dollar decommissioning trust fund. Holtec has raised questions about DTF expenditures at other of its six shutdown nuclear plants besides Palisades.

3) Access to some \$1.85 billion in U.S. Department of Energy and State of Michigan bailout (taxpayer) funds.

4) The benefits of a rigged, premium-priced power purchase agreement to provide a market for Palisades’ above-market-price electricity because it is unlikely that Palisades’ power can be competitively priced.

Holtec undeniably benefited from buying Palisades from Entergy. But Holtec's deliberate nondisclosure of its true intentions has caused regulatory and engineering problems. As an amateur at nuclear reactor restart, Holtec may have caused the unnecessary expenditure of millions of dollars to rehabilitate the plant as a consequence of failure to properly mothball the plant. Major components were not placed in wet or dry layup. Proper disclosure of intentions would have prompted the NRC to require clear plans from Holtec for stabilization of Palisades. Instead, the NRC's regulatory burden and the planned restart have become more complicated. Holtec has added to the risks involved in rehabilitating and restarting the plant.

### **CONCLUSION**

According to 42 U.S.C. § 2236(a),

Any license may be revoked for any material false statement in the application or any statement of fact required under section 2232 of this title, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the Commission to refuse to grant a license on an original application. . . .

What emerges from Holtec's pattern of misleads and misrepresentations respecting its acquisition of Palisades is that Holtec benefited economically while the public and the regulator are expected to absorb the economic and oversight costs of the Palisades restart to a large extent. Petitioners therefore request that the NRC revoke the original December 2021 license transfer in its entirety. Moreover, Holtec owns a possession-only license for Palisades and does not have a renewed facility operating license to transfer to Palisades Energy. For that additional reason the license transfer must be denied.

/s/ Terry J. Lodge  
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CO-COUNSEL FOR PETITIONERS

**BEFORE THE UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	
Holtec Palisades LLC and Holtec Decommissioning International	)	Docket No. 50-255
(Palisades Nuclear Plant Request for License Transfer)	)	August 27, 2024

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 3.305, I certify that, on this date, copies of this Petition to Intervene and Request For Adjudicatory Hearing were served upon the Electronic Information Exchange (the NRC’s E-Filing System) in the above captioned proceeding.

/s/ Wallace L. Taylor  
WALLACE L. TAYLOR  
4403 1<sup>st</sup> Ave. S.E., Suite 402  
Cedar Rapids, Iowa 52402  
319-366-2428  
Email: wtaylorlaw@aol.com

ATTORNEY FOR PETITIONERS

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Palisades LLC and Holtec Decommissioning International	)	August 27, 2024
(Palisades Nuclear Plant Requests for License Transfer, Exemption and License Amendments)	)	
	)	

\* \* \* \* \*

**DECLARATION OF AUTHORIZED OFFICER OF BEYOND NUCLEAR  
IN SUPPORT OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR PLANT LICENSE TRANSFER, EXEMPTION AND LICENSE  
AMENDMENT REQUEST PROCEEDINGS**

Under penalty of perjury, I, Kevin Kamps, declare as follows:

1. I am the Radioactive Waste Specialist of Beyond Nuclear, located at 7304 Carroll Avenue, #182, Takoma Park, MD 20912, Tel. (301) 270-2209, [www.beyondnuclear.org](http://www.beyondnuclear.org). I am authorized to sign this Declaration.

2. Beyond Nuclear opposes the grant of the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR-20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from Holtec Decommissioning International LLC (HDI) and Holtec Palisades, LLC to Palisades Energy, LLC. Beyond Nuclear further opposes amendment of the RFOL for administrative purposes to reflect the proposed transfer. BN also opposes the granting of an exemption to Palisades' owner and the proposed four amendments to RFOL No. DPR-20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades.

3. Beyond Nuclear has over 12,000 members, one or more of whom lives within 50 miles of Palisades Nuclear Plant. Beyond Nuclear is concerned that if the NRC authorizes the proposed exemption from NRC regulations, the reopening and restart of Palisades could adversely affect the public health and safety of its members and the integrity of the physical environment in which its members live.

4. Beyond Nuclear intends to intervene on behalf of its members, William D. Reed and Carolyn Ferry, in opposition to the license transfer, the granting of the requested exemption and the proposed license amendments. Reed and Ferry have provided declarations in support of BN's intervention against license transfer, exemption and license amendments.

5. Beyond Nuclear intends, on behalf of its members, to take all legal actions necessary to ensure the fairness and integrity of the NRC proceedings and to have the NRC consider all issues bearing on the safety and health of Beyond Nuclear members and the physical environment as well as the legality of the proposed restart.

I hereby declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of opinion are based on my judgment.

Beyond Nuclear

August 27, 2024  
Date

By /s/ Kevin Kamps  
Kevin Kamps, Radioactive Waste Specialist  
Executed in Accord with 10 CFR 2.304(d)

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Decommissioning International LLC and Holtec Palisades LLC	)	August 27, 2024
(Palisades Nuclear Plant)	)	
	)	

\* \* \* \* \*

**DECLARATION OF WILLIAM D. REED IN SUPPORT  
OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR POWER PLANT EXEMPTION PROCEEDING**

Now comes William D. Reed and makes the following statements under penalty of perjury:

1) My name is William D. Reed. I am an adult citizen of the State of Michigan. I also am a member of Beyond Nuclear, hereafter referred to as "Petitioner."

2) My residence is located at 80015 Ramblewood Drive, Covert, MI 49043, which is located 0.75 straight-line mile from the Palisades Nuclear Plant ("Palisades"). My home is near Lake Michigan and in the warm season I walk on the beach and wade in the Lake within a few hundred yards of Palisades Nuclear Plant ("PNP"). Occasionally I go boating with friends or relatives.

3) I understand that Holtec Decommissioning International LLC (HDI) Holtec Palisades, LLC, and Palisades Energy, LLC have applied regarding the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR-20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from HDI to Palisades Energy, LLC (the proposed new licensed operator). The NRC is also considering amending the RFOL for administrative purposes to reflect the proposed transfer.

Furthermore, the NRC is considering issuance of four amendments to RFOL No. DPR-20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades. HDI has submitted several requests for NRC approval to support allowing the resumption of power operations through March 24, 2031. These requests include four license amendment requests and an exemption request.

4) I have read many documents, consulted experts and have carefully formulated my opinions about the restoration of power generation at Palisades. I oppose the granting of the exemption by the NRC because of concerns over safety, the potential for significant damage to public health and the environment, the lack of nuclear power generation experience and

controversial historical performance of the parent company, Holtec International (“Holtec”), as a corporation.

5) Before Palisades could be restored to operate, for example, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established. CRDM seals are a key safety feature to protect the radioactive fuel core from damage. Palisades was permanently closed on May 20, 2022 – 11 days early – because of the latest control rod drive mechanism seal failure.

6) The Palisades reactor vessel is severely embrittled. Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. There has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

7) Restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades’ history. .

8) In 1994, an NRC safety inspector, Dr. Ross Landsman, identified violations of the reactor’s Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Both cask pads at Palisades violate NRC earthquake safety regulations.

9) Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, has weld defects. Engineers for former plant owner Consumers Energy predicted that placing the thermally hot inner canister which contains the thermally hot SNF into the 100 degree F. indoor storage pool water while the SNF was at 400 degrees C. (750 degrees F.) could cause a steam flash and thermal shock to container and fuel. The steam flash could expose workers to radiation doses, while the thermal shock could degrade the canister and fuel, making physical conditions even worse than they already are. The spent nuclear fuel cannot be adequately cooled during the short window of time to cut into the storage cask and move it into a transfer cask. Cask No. 4 has not been opened and remediated or replaced and has been left on the storage pad at Palisades in defective condition for nearly 30 years.

10) No U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down. I am not confident that necessary quality assurance record keeping nor ongoing maintenance has been performed of key systems and components since power operations were permanently ended in May 2022.

11) I am afraid that if Palisades is restored to operability there could be incidents or accidents resulting in radiation releases. I also am concerned about the prospect of ongoing routine releases of radiation from an operating Palisades. My family and I might suffer irreparable damage to our health as well as to real and personal property located at my residence.



12) I request leave to intervene in this regulatory exemption proceeding and to have my interests advanced and represented by Beyond Nuclear, a nonprofit grassroots organization that advocates against continued use of commercial nuclear power and in favor of alternative, renewable, nonnuclear energy technologies. I am a member of Beyond Nuclear. My interests will not be adequately represented absent my legal intervention and without the opportunity of Beyond Nuclear to participate as a full party in this exemption proceeding on my behalf.

13) Further Declarant saith naught.

August 27, 2024

Date

/s/ William D. Reed

William D. Reed

Executed in Accord with 10 CFR 2.304(d)

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Decommissioning International LLC and Holtec Palisades LLC	)	August 27, 2024
(Palisades Nuclear Plant)	)	
	)	

\* \* \* \* \*

**DECLARATION OF CAROLYN FERRY IN SUPPORT  
OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR PLANT EXEMPTION PROCEEDING**

Now comes Carolyn Ferry, declarant herein and makes the following statements under penalty of perjury:

1) My name is Carolyn Ferry. I am an adult citizen of the State of Michigan. I also am a member of Beyond Nuclear, hereafter referred to as "Petitioner."

2) My residence is located at 79964 Fernwood Drive, Covert, MI 49043, which is located 0.75 straight-line mile from the Palisades Nuclear Plant ("Palisades"). My home is near Lake Michigan and in the warm season I walk on the beach and wade in the Lake within a few hundred yards of Palisades Nuclear Plant ("PNP"). Occasionally I go boating with friends or relatives.

3) I understand that Holtec Decommissioning International LLC (HDI), Holtec Palisades, LLC, and Palisades Energy, LLC have applied regarding the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR-20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from HDI to Palisades Energy, LLC (the proposed new licensed operator). The NRC is also considering amending the RFOL for administrative purposes to reflect the proposed transfer.

Furthermore, the NRC is considering issuance of four amendments to RFOL No. DPR-20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades. HDI has submitted several requests for NRC approval to support allowing the resumption of power operations through March 24, 2031. These requests include four license amendment requests and an exemption request.

4) I have read many documents, consulted experts and have carefully formulated my opinions about the restoration of power generation at Palisades. I oppose the granting of the exemption by the NRC because of concerns over safety, the potential for significant damage to public health and the environment, the lack of nuclear power generation experience and

controversial historical performance of the parent company, Holtec International (“Holtec”), as a corporation.

5) Before Palisades could be restored to operate, for example, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established. CRDM seals are a key safety feature to protect the radioactive fuel core from damage. Palisades was permanently closed on May 20, 2022 – 11 days early – because of the latest control rod drive mechanism seal failure.

6) The Palisades reactor vessel is severely embrittled. Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. There has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

7) Restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades’ history.

8) In 1994, an NRC safety inspector, Dr. Ross Landsman, identified violations of the reactor’s Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Both cask pads at Palisades violate NRC earthquake safety regulations.

9) Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, has weld defects. Engineers for former plant owner Consumers Energy predicted that placing the thermally hot inner canister which contains the thermally hot SNF into the 100 degree F. indoor storage pool water while the SNF was at 400 degrees C. (750 degrees F.) could cause a steam flash and thermal shock to container and fuel. The steam flash could expose workers to radiation doses, while the thermal shock could degrade the canister and fuel, making physical conditions even worse than they already are. The spent nuclear fuel cannot be adequately cooled during the short window of time to cut into the storage cask and move it into a transfer cask. Cask No. 4 has not been opened and remediated or replaced and has been left on the storage pad at Palisades in defective condition for nearly 30 years.

10) No U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down. I am not confident that necessary quality assurance record keeping nor ongoing maintenance has been performed of key systems and components since power operations were permanently ended in May 2022.

11) I am afraid that if Palisades is restored to operability there could be incidents or accidents resulting in radiation releases. I also am concerned about the prospect of ongoing routine releases of radiation from an operating Palisades. My family and I might suffer irreparable damage to our health as well as to real and personal property located at my residence.

12) I request leave to intervene in this regulatory exemption proceeding and to have my interests advanced and represented by Beyond Nuclear, a nonprofit grassroots organization that advocates against continued use of commercial nuclear power and in favor of alternative, renewable, nonnuclear energy technologies. I am a member of Beyond Nuclear. My interests will not be adequately represented absent my legal intervention and without the opportunity of Beyond Nuclear to participate as a full party in this exemption proceeding on my behalf.

13) Further the Declarant saith naught.

8/24/24  
Date

  
Carolyn Ferry

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Palisades LLC and Holtec Decommissioning International	)	August 27, 2024
(Palisades Nuclear Plant Requests for License Transfer, Exemption and License Amendments)	)	
*	*	*

**DECLARATION OF AUTHORIZED OFFICER OF DON'T WASTE MICHIGAN IN  
SUPPORT OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR PLANT LICENSE TRANSFER, EXEMPTION AND LICENSE  
AMENDMENT REQUEST PROCEEDINGS**

Under penalty of perjury, I, Michael Keegan, declare as follows:

1. I am the Convenor of Don't Waste Michigan (DWM), a Michigan nonprofit corporation headquartered in Monroe, Michigan, the purposes of which are to oppose continued use of commercial nuclear power and to promote the spread of renewable energy technologies and energy conservation. I am authorized to sign this Declaration.

2. Don't Waste Michigan opposes the grant of the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR-20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from Holtec Decommissioning International LLC (HDI) and Holtec Palisades, LLC to Palisades Energy, LLC. DWM further opposes amendment of the RFOL for administrative purposes to reflect the proposed transfer. DWM also opposes the granting of an exemption to Palisades' owner and the proposed four amendments to RFOL No. DPR-20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades.

3. Don't Waste Michigan has over 40 members, one or more of whom lives within 50 miles of Palisades Nuclear Plant. DWM is concerned that if the NRC authorizes the proposed exemption from NRC regulations, the reopening and restart of Palisades could adversely affect public health and safety of its members, and the integrity of the physical environment in which its members live.

4. DWM intends to intervene on behalf of its members, Joseph C. Kirk and Alice Hirt, in opposition to the license transfer, the granting of the requested exemption and the proposed license amendments. Kirk and Hirt have provided declarations in support of DWM's intervention against the license transfer, exemption and license amendments.

5. DWM intends, on behalf of its members, to take all legal actions necessary to ensure the fairness and integrity of the NRC proceedings and to have the NRC consider all issues bearing on the safety and health of DWM members and the physical environment as well as the legality of the proposed restart.

I hereby declare under penalty of perjury that the foregoing facts are true and correct and that any expressions of opinion are based on my judgment.

Don't Waste Michigan

August 27, 2024  
Date

By /s/ Michael Keegan  
Michael Keegan, Convenor  
Executed in Accord with 10 CFR 2.304(d)

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Decommissioning International LLC and Holtec Palisades LLC	)	August 27, 2024
(Palisades Nuclear Plant)	)	
	)	

\* \* \* \* \*

**DECLARATION OF ALICE HIRT IN SUPPORT  
OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR POWER PLANT EXEMPTION PROCEEDING**

Now comes Alice Hirt and makes the following statements under penalty of perjury:

- 1) My name is Alice Hirt. I am an adult citizen of the State of Michigan. I also am a member of Don't Waste Michigan, hereafter referred to as "Petitioner."
  
- 2) My residence is located at 6677 Summit View, Holland, MI 49024, which is located 37 straight-line miles from the Palisades Nuclear Plant ("Palisades"). My home overlooks Lake Michigan and in the warm season I frequently walk on the beach and wade in the Lake with my dog, and often go boating with friends or relatives.
  
- 3) I understand that Holtec Decommissioning International LLC (HDI), Holtec Palisades, LLC, and Palisades Energy, LLC have applied regarding the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR-20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from HDI to Palisades Energy, LLC (the proposed new licensed operator). The NRC is also considering amending the RFOL for administrative purposes to reflect the proposed transfer. Furthermore, the NRC is considering issuance of four amendments to RFOL No. DPR-20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades. HDI has submitted several requests for NRC approval to support allowing the resumption of power operations through March 24, 2031. These requests include four license amendment requests and an exemption request.
  
- 4) I have read many documents, consulted experts and have carefully formulated my opinions about the restoration of power generation at Palisades. I oppose the granting of the exemption by the NRC because of concerns over safety, the potential for significant damage to public health and the environment, the lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International ("Holtec"), as a corporation.

5) Before Palisades could be restored to operate, for example, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established. CRDM seals are a key safety feature to protect the radioactive fuel core from damage. Palisades was permanently closed on May 20, 2022 – 11 days early – because of the latest control rod drive mechanism seal failure.

6) The Palisades reactor vessel is severely embrittled. Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. There has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

7) Restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades' history. .

8) In 1994, an NRC safety inspector, Dr. Ross Landsman, identified violations of the reactor's Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Both cask pads at Palisades violate NRC earthquake safety regulations.

9) Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, has weld defects. Engineers for former plant owner Consumers Energy predicted that placing the thermally hot inner canister which contains the thermally hot SNF into the 100 degree F. indoor storage pool water while the SNF was at 400 degrees C. (750 degrees F.) could cause a steam flash and thermal shock to container and fuel. The steam flash could expose workers to radiation doses, while the thermal shock could degrade the canister and fuel, making physical conditions even worse than they already are. The spent nuclear fuel cannot be adequately cooled during the short window of time to cut into the storage cask and move it into a transfer cask. Cask No. 4 has not been opened and remediated or replaced and has been left on the storage pad at Palisades in defective condition for nearly 30 years.

10) No U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down. I am not confident that necessary quality assurance record keeping nor ongoing maintenance has been performed of key systems and components since power operations were permanently ended in May 2022.

11) I am afraid that if Palisades is restored to operability there could be incidents or accidents resulting in radiation releases. I also am concerned about the prospect of ongoing routine releases of radiation from an operating Palisades. My family and I might suffer irreparable damage to our health as well as to real and personal property located at my residence.

12) I request leave to intervene in this license transfer and/or amendment proceeding and to have my interests advanced and represented by Don't Waste Michigan ("DWM"), a 30-year-



old grassroots Michigan nonprofit corporation that works to end various incarnations of commercial nuclear power generation and radioactive waste on grounds of public health and safety, and engages in public education and legal and administrative advocacy in licensing proceedings. I am a member of DWM. My interests will not be adequately represented absent my legal intervention and without the opportunity of DWM to participate as a full party in this exemption proceeding on my behalf.

13) Further the Declarant saith naught.

August 25, 2024  
Date

/s/ Alice Hirt  
Alice Hirt  
Executed in Accord with 10 CFR 2.304(d)

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Palisades LLC and Holtec Decommissioning International	)	August 27, 2024
(Palisades Nuclear Plant License Transfer, Exemption and License Amendment Requests)	)	
	)	

\* \* \* \* \*

**DECLARATION OF AUTHORIZED OFFICER OF MICHIGAN SAFE ENERGY  
FUTURE IN SUPPORT OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR PLANT LICENSE TRANSFER, EXEMPTION AND LICENSE  
AMENDMENT PROCEEDINGS**

Under penalty of perjury, I, Bette Pierman (“Declarant”), declare as follows:

1. I am the spokesperson of Michigan Safe Energy Future (“MSEF”), a Michigan grassroots association. I am authorized to sign this Declaration.
  
2. MSEF opposes the grant of the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR–20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from Holtec Decommissioning International LLC (HDI) and Holtec Palisades, LLC to Palisades Energy, LLC. DWM further opposes amendment of the RFOL for administrative purposes to reflect the proposed transfer. DWM also opposes the granting of an exemption to Palisades’ owner and the proposed four amendments to RFOL No. DPR–20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades.
  
3. MSEF is a grassroots association with 10 members in southern, central and western Michigan. MSEF is headquartered at 2033 Paw Paw Avenue, Benton Harbor, MI 49022. MSEF is working to end the use of commercial nuclear power generation and engages in public education and legal and administrative advocacy in licensing proceedings. MSEF also advocates for measures to protect the health and safety of its members and the southwestern Michigan public from radiological injury.
  
4. MSEF intends to intervene on behalf of its members, Ann Scott and James Scott, in opposition to the license transfer, the granting of the request for exemption and the proposed license amendments. The Scotts have provided declarations in support of MSEF’s intervention against license transfer, exemption and license amendments.



**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Decommissioning International LLC and Holtec Palisades LLC	)	August 27, 2024
(Palisades Nuclear Plant)	)	
	)	

\* \* \* \* \*

**DECLARATION OF ANN SCOTT IN SUPPORT  
OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR PLANT LICENSE TRANSFER PROCEEDING**

Now comes Ann Scott and makes the following statements under penalty of perjury:

- 1) My name is Ann Scott. I am an adult citizen of the State of Michigan. I also am a member of Michigan Safe Energy Future, hereafter referred to as "Petitioner."
  
- 2) My residence is located at 80014 Ramblewood Hill, Covert, MI 49043, which is located 1.2 straight-line miles from the Palisades Nuclear Plant ("Palisades"). My home is near Lake Michigan and in the warm season I walk on the beach and wade in the Lake within a few hundred yards of Palisades Nuclear Plant ("PNP"). Occasionally I go boating with friends or relatives.
  
- 3) I understand that Holtec Decommissioning International LLC (HDI) Holtec Palisades, LLC, and Palisades Energy, LLC have applied regarding the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR-20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from HDI to Palisades Energy, LLC (the proposed new licensed operator). The NRC is also considering amending the RFOL for administrative purposes to reflect the proposed transfer. Furthermore, the NRC is considering issuance of four amendments to RFOL No. DPR-20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades. HDI has submitted several requests for NRC approval to support allowing the resumption of power operations through March 24, 2031. These requests include four license amendment requests and an exemption request.
  
- 4) I have read many documents, consulted experts and have carefully formulated my opinions about the restoration of power generation at Palisades. I oppose the granting of the exemption by the NRC because of concerns over safety, the potential for significant damage to public health and the environment, the lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International ("Holtec"), as a

corporation.

5) Before Palisades could be restored to operate, for example, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established. CRDM seals are a key safety feature to protect the radioactive fuel core from damage. Palisades was permanently closed on May 20, 2022 – 11 days early – because of the latest control rod drive mechanism seal failure.

6) The Palisades reactor vessel is severely embrittled. Palisades has perennially been ranked by the NRC as having one of the most embrittled reactor vessels in the industry, one which could critically fail in the event of too-rapid heating or cooling. There has been no meaningful physical scientific assessment of the Palisades reactor vessel for more than 20 years.

7) Restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades' history. .

8) In 1994, an NRC safety inspector, Dr. Ross Landsman, identified violations of the reactor's Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Both cask pads at Palisades violate NRC earthquake safety regulations.

9) Cask No. 4, the fourth dry storage cask (DSC) to be loaded with spent nuclear fuel at Palisades, has weld defects. Engineers for former plant owner Consumers Energy predicted that placing the thermally hot inner canister which contains the thermally hot SNF into the 100 degree F. indoor storage pool water while the SNF was at 400 degrees C. (750 degrees F.) could cause a steam flash and thermal shock to container and fuel. The steam flash could expose workers to radiation doses, while the thermal shock could degrade the canister and fuel, making physical conditions even worse than they already are. The spent nuclear fuel cannot be adequately cooled during the short window of time to cut into the storage cask and move it into a transfer cask. Cask No. 4 has not been opened and remediated or replace and has been left on the storage pad at Palisades in defective condition for nearly 30 years.

10) No U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down. I am not confident that necessary quality assurance record keeping nor ongoing maintenance has been performed of key systems and components since power operations were permanently ended in May 2022.

11) I am afraid that if Palisades is restored to operability there could be incidents or accidents resulting in radiation releases. I also am concerned about the prospect of ongoing routine releases of radiation from an operating Palisades. My family and I might suffer irreparable damage to our health as well as to real and personal property located at my residence.

12) I request leave to intervene in this license transfer and amendment proceeding and to

have my interests advanced and represented by Michigan Safe Energy Future (“MSEF”), a grassroots association of people in western and southwestern Michigan which since 2013 has advocated for the permanent shutdown of Palisades Nuclear Plant and replacement of nuclear and natural gas power generation with safe and renewable nonnuclear energy technologies. I am a member of MSEF. My interests will not be adequately represented absent my legal intervention and without the opportunity of MSEF to participate as a full party in this exemption proceeding on my behalf.

13) Further the Declarant saith naught.

08/24/2024

Date

*Ann Golden Scott*

Ann Scott

Executed in Accord with 10 CFR 2.304(d)

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

In the Matter of	)	Docket No. 50-255
Holtec Decommissioning International LLC and Holtec Palisades LLC	)	August 27, 2024
(Palisades Nuclear Plant)	)	
	)	

\* \* \* \* \*

**DECLARATION OF JAMES SCOTT IN SUPPORT  
OF PETITION FOR LEAVE TO INTERVENE IN PALISADES  
NUCLEAR PLANT EXEMPTION PROCEEDING**

Now comes James Scott and makes the following statements under penalty of perjury:

1) My name is James Scott. I am an adult citizen of the State of Michigan. I also am a member of Michigan Safe Energy Future, hereafter referred to as "Petitioner."

2) My residence is located at 80014 Ramblewood Hill, Covert, MI 49043, which is located 1.2 straight-line miles from the Palisades Nuclear Plant ("Palisades"). My home is near Lake Michigan and in the warm season I walk on the beach and wade in the Lake within a few hundred yards of Palisades Nuclear Plant ("PNP"), and I go boating with friends or relatives.

3) I understand that Holtec Decommissioning International LLC (HDI) Holtec Palisades, LLC, and Palisades Energy, LLC have applied regarding the proposed transfer of control of Renewed Facility Operating License (RFOL) No. DPR-20 for the Palisades Nuclear Plant (PNP) and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI) from HDI to Palisades Energy, LLC (the proposed new licensed operator). The NRC is also considering amending the RFOL for administrative purposes to reflect the proposed transfer.

Furthermore, the NRC is considering issuance of four amendments to RFOL No. DPR-20 that were requested by HDI on behalf of Holtec Palisades, LLC, to support the potential reauthorization of power operations at Palisades. HDI has submitted several requests for NRC approval to support allowing the resumption of power operations through March 24, 2031. These requests include four license amendment requests and an exemption request.

4) I have read many documents, consulted experts and have carefully formulated my opinions about the restoration of power generation at Palisades. I oppose the granting of the exemption by the NRC because of concerns over safety, the potential for significant damage to public health and the environment, the lack of nuclear power generation experience and controversial historical performance of the parent company, Holtec International ("Holtec"), as a corporation.

5) Before Palisades could be restored to operate, for example, there would have to be resolution of its half-century-long plague of control rod drive mechanism (CRDM) seal leakage problems. The root cause(s) of the problem have never been established. CRDM seals are a key safety feature to protect the radioactive fuel core from damage. Palisades was permanently closed on May 20, 2022 – 11 days early – because of the latest control rod drive mechanism seal failure.

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7) Restoration of Palisades to operation would also require replacement of the reactor pressure vessel head and replacement of the steam generators for the second time in Palisades' history. .

8) In 1994, an NRC safety inspector, Dr. Ross Landsman, identified violations of the reactor's Safe Shutdown Earthquake Evaluation in the form of subsurface stability beneath the concrete pads for the loaded nuclear waste casks that are perched on the Lake Michigan shoreline. Both cask pads at Palisades violate NRC earthquake safety regulations.

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10) No U.S. commercial nuclear power plant has ever been restored to operations after being permanently shut down. I am not confident that necessary quality assurance record keeping nor ongoing maintenance has been performed of key systems and components since power operations were permanently ended in May 2022.

11) I am afraid that if Palisades is restored to operability there could be incidents or accidents resulting in radiation releases. I also am concerned about the prospect of ongoing routine releases of radiation from an operating Palisades. My family and I might suffer irreparable damage to our health as well as to real and personal property located at my residence.

12) I request leave to intervene in this license transfer and/or amendment proceeding and to have my interests advanced and represented by Michigan Safe Energy Future ("MSEF"), a

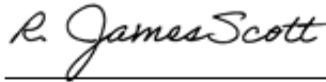


grassroots association of people in western and southwestern Michigan which since 2013 has advocated for the permanent shutdown of Palisades Nuclear Plant and replacement of nuclear and natural gas power generation with safe and renewable nonnuclear energy technologies. I am a member of MSEF. My interests will not be adequately represented absent my legal intervention and without the opportunity of MSEF to participate as a full party in this exemption proceeding on my behalf.

13) Further the Declarant saith naught.

08/24/2024

Date



James Scott

Executed in Accord with 10 CFR 2.304(d)