

**Michigan Safe Energy Future  
Shoreline, Kalamazoo Chapters  
2033 Paw Paw Avenue, Benton Harbor Michigan 49022  
[b.irispotter@gmail.com](mailto:b.irispotter@gmail.com), 269-271-4342**

February 10, 2020

Attorney General Dana Nessel  
525 W. Ottawa Street  
Lansing, MI 48933

Subject: Request for State Intervention and Oversight of Palisades Nuclear Power Plant 2021 License Transfer and Decommissioning

Dear Attorney General Nessel:

Michigan Safe Energy Future members are compelled to write as a critical step in protecting the safety of the residents and environment of the State of Michigan. MSEF requests State involvement in the proposed transfer by Entergy Nuclear Operations, Inc. of Louisiana of its operating license and Decommissioning Trust Funds (DTF's) for Palisades to Holtec International of Florida for decommissioning and radioactive fuel management. The license transfer application was added in the Federal Register on February 4, 2021 and interventions are due by February 24, only a 20-day period. We believe there is urgency for Michigan intervention to ensure that the full decommissioning process is completed in a manner that prioritizes citizen health without cutting financial corners at the expense of safety.

We see several issues that will be a serious threat to the State of Michigan and strongly urge you to intervene with the following requests:

**Enter into a settlement agreement with Holtec International and other actions as necessary regarding their proposed decommissioning plan submitted to the Nuclear Regulatory Commission (NRC) for approval. Below are actions that will provide assurance of public safety and integrity of ratepayer funds.** Both Massachusetts and New York have taken action on behalf of citizens. (*Attachments 1,2,3,4*)

- **Decommissioning Trust Funds (DTFs) oversight with an independent third party audit at each step of the decommissioning process, prior to release of funds. Holtec should be required to place a portion of their own funds in escrow to cover any cost shortfall. All remaining DTFs should be returned to the State for ratepayers. Monthly project and financial status reports will be important.**
- **A Nuclear Decommissioning Citizens Advisory Panel (NDCAP) or citizens oversight board with true public monitoring power and funded by Holtec or other independent source.** An NDCAP House Bill 5377 was introduced in the 2020 Legislature. (*Attachment 5*)
- **Request to the NRC for another independent Supplemental Environmental Impact Statement (SEIS) to be completed prior to decommissioning to establish a current baseline. There should also be a public comment period.** Holtec has asked for NRC approval to use the last Generic and Supplemental Environmental Impact Statements [GEIS, SEIS] completed by the NRC 14 years ago in 2006 prior to Entergy purchasing Palisades. Much has happened at Palisades since these were completed; therefore, an updated version is required.
- **Complete radiological clean-up and site restoration by Holtec which will likely include clean-up deeper than their proposed 3 feet.**

- **Michigan Department of Energy, Great Lakes and Environment (EGLE) monitoring of air, surface and groundwater-Lake water quality for Tritium and other toxic/hazardous contaminants.**
- **Hardened Onsite Storage (HOSS) should be implemented as the safest option for irradiated fuel management.**

Entergy is seeking NRC approval on a fast-track using Holtec's proposed plan for a 19-year completion in 2041. The Palisades sale to Holtec would also include Big Rock Point spent fuel and management. Palisades is currently slated for shutdown no later than May, 31, 2022 with decommissioning to begin sometime thereafter. It is now 50 years old with ongoing safety concerns including a badly embrittled reactor vessel and is considered a meltdown risk.

There are concerns about Holtec's corporate dealings, work quality, fuel storage casks, and other important issues which have been addressed in connection with license transfers in Massachusetts and New York. Holtec plans to sub-contract much of the work beginning with its own newer subsidiary Comprehensive Decommissioning International (CDI) as its primary contractor which will in turn, sub-contract several work segments in the process. Tracking is necessary to assure that DTFs are used prudently.

Reportedly, costs of upwards of 1 billion dollars are required to fully decommission a nuclear plant the size of Palisades. There may be \$552 million in the DTF at final sale, all of which was generated from Michigan ratepayers. There must be assurance from Holtec that adequate DTFs are maintained to complete the process. Otherwise, Michigan ratepayers will be left with the bill and the risk to health and safety from radioactive contamination that is not cleaned up. Holtec must not be permitted to leave town when the money runs out without completing the work including site restoration. Holtec cannot be allowed to exhaust the Fund and walk away with no liability for the costs of a radioactively contaminated site over the long-term.

Palisades is on Lake Michigan and its shores are a treasured gem for all of us. It is the source of drinking water, recreation and tourism dollars. It also abuts Van Buren State Park to the North and the Palisades Park Community with 207 households to the South whose well water system draws from ground water. All lie in beautiful dune habitat which is heavily impacted by near record water levels creating massive erosion. Dune erosion is a major concern both now as the plant continues to operate for over a year and in the future as radioactive spent fuel continues to be stored on site. Spent fuel storage must be impermeable and the potential movement of the dune may present serious risks.

MSEF and Sierra Club SW MI Group in coalition, Don't Waste MI and Beyond Nuclear in D.C., have worked in tandem for many years as watch dogs and advocates on behalf of the public. We are pleased that Palisades is currently slated for closure. Our ongoing work includes monitoring: operation safety such as the embrittled reactor vessel, radioactive spent fuel storage, health effects, groundwater Tritium leaks, worker safety and area resident safety. MSEF is currently preparing its response to the Entergy-Holtec decommissioning proposal. We oppose barge, rail and interstate shipment of irradiated nuclear fuel.

We need you now to protect our safety and our beloved environment of the State of Michigan. We look forward to working with the State and are available to meet at your convenience. Please contact Iris Potter at: 269-271-4342. Thank you in advance for your consideration.

Respectfully,

Michigan Safe Energy Future, Shoreline & Kalamazoo Chapters  
The Palisades Park Community

---

1 <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20358A232>

2 <https://www.mass.gov/doc/pilgrim-settlement-agreement/download>

- 3 <https://www.lohud.com/story/news/local/westchester/buchanan/2021/01/22/new-york-sues-federal-government-over-indian-point-sale-holtec/6678858002/>
- 4 <https://ag.ny.gov/press-release/2021/attorney-general-james-files-lawsuit-support-safe-rapid-and-complete-dismantling>
- 5 <https://www.legislature.mi.gov/documents/2019-2020/billintroduced/House/htm/2020-HIB-5377.htm>

Cc: Honorable Governor Gretchen Whitmer  
Robert P. Reichel, Assistant Attorney General  
State Senator Sean McCann  
State Representative Julie Rogers