

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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| In the Matter of |) | Docket No. 50-255 NRC-2021-0036 |
| Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC |) | February 23, 2021 |
| (Palisades Nuclear Plant) |) | |
| |) | |

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**MOTION TO EXTEND DEADLINES FOR FILING OF INTERVENTION
PETITIONS AND PUBLIC COMMENTS IN PALISADES LICENSE
TRANSFER PROCEEDING**

Now come Don't Waste Michigan, a nonprofit Michigan organization; Beyond Nuclear, a Maryland-based nonprofit organization; and Michigan Safe Energy Future, a western-Michigan based grassroots organization ("Petitioners"), by and through counsel, and move the Secretary and Commission to extend the time in this proceeding for the filing of legal pleadings for 60 days beyond the present February 24, 2021 deadline, and to extend the time for transmittal of public comments related to the proposed license transfer to 60 days beyond the present, March 8, 2021, comment deadline.

I. BACKGROUND

On February 4, 2021, the Nuclear Regulatory Commission ("NRC or Commission") published a notice at 86 Fed. Reg. 8226 regarding the opportunity for the public to commence litigation before the Nuclear Regulatory Commission related to the application of Entergy Nuclear Operations, Inc. (ENOI), on behalf of itself, Entergy Nuclear Palisades, LLC ("ENP"), Holtec International ("Holtec"), and Holtec Decommissioning International, LLC ("HDI")

(collectively, “ applicants”) for approval of the transfer of control of Provisional Operating License No. DPR–6 and Renewed Facility Operating License No. DPR–20 for Big Rock Point Plant (“Big Rock Point”) and Palisades Nuclear Plant (“Palisades”), respectively, as well as the general license for the Big Rock Point Independent Spent Fuel Storage Installation (“ISFSI”) and the Palisades ISFSI (collectively, “the licenses”).

The application requests that the NRC consent to (1) the transfer of control of the licenses to Holtec and (2) the transfer of ENOI’s operating authority to HDI. The NRC is also considering amending the licenses for administrative purposes to reflect the proposed transfer. The transfer is part of the process aimed at installing Holtec and its subsidiaries in charge of the multi year decommissioning of the Palisades Nuclear Plant and ISFSI.

The NRC’s public notice allowed only until February 24, 2021 for the filing of intervention petitions by members of the public, and until March 8, 2021 for the transmittal of public comments on the proposal. However, Petitioners have discovered circumstances delineated below and in the attached Declaration of Michael Keegan which they believe justifies an order from the NRC Secretary or the Commission for leave to file legal pleadings on or before April 25, 2021 and for public comments to be submitted on or before May 7, 2021.

II. VOLUMINOUS HISTORIC DOCUMENTS RECENTLY ADDED TO DMS

At least 982, and possibly more than 1,000, documents 25 years or older and related to the Palisades Nuclear Plant have been placed for the first time in the NRC’s DMS online archive since January 12, 2021. Annexed to this Motion and incorporated fully herein by reference is the Declaration of Michael Keegan, principal researcher for the Petitioners. Mr. Keegan attests to his many years of familiarity with the conducting of searches in the DMS

archive, and states that an inventory search he undertook on February 22, 2021 revealed that since January 12, 2021, the NRC has added 1,000 or more documents to D MS regarding Palisades, and that some 98% of these documents are 25 or more years old. Only 18 of the 1,000 reported by the D MS system since January 12 were generated in late 2020 through early 2021.

This archival material is potentially important to the public's understanding of how several significant matters have been handled over the years at Palisades. The documents relate to problems with dry cask storage activities at Palisades, to toxic or radioactive spills at the reactor site, and other matters which may have direct relevance to understanding the decommissioning plans and priorities set out by Holtec International and HDI in the Palisades Post-Shutdown Decommissioning Activities Report ("PSD R"), a key item in the license transfer request.

It is incomprehensible how these archives have been withheld from public view until now. Some of the information might certainly have been material to Holtec International's decision to acquire Palisades. Much of the information may be highly relevant to the public's investigation of Holtec's decommissioning proposal and the contentions which might be legally raised. Also, counsel represents that the Attorney-General of the State of Michigan is considering whether to formally intervene, and this information certainly might have significance for that office's concerns about the economics of Holtec's decommissioning proposal. The fact that hundreds of quarter-century-old correspondence items and reports are only now being added to D MS, days before the public's only opportunity to question decommissioning plans, is inexcusable and deprives the public of due process. Public interventions such as are

contemplated by the Petitioners often result in beneficial public health, safety and environmental improvements to a licensing request.

III. CONCLUSION

In order to avoid denial of due process, serious injustice and prejudice to the public's interest in these proceedings, and to allow time to cure the damaging effects from belatedly providing this voluminous information, Petitioners move the NRC Secretary and Commission to immediately extend time for petition filing 60 days, until April 25, 2021, and to extend the public comment period for 60 days, until May 7, 2021.

WHEREFORE, Petitioners Beyond Nuclear, Don't Waste Michigan and Michigan Safe Energy Future pray the Secretary and/or Commission to extend deadlines as aforesaid, together with any other adjustments to the conduct of these proceedings for the benefit of public participation which the Secretary and/or Commission may deem proper.

February 23, 2021

/s/ Terry J. Lodge
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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2021, I deposited the foregoing Motion in the NRC's electronic docket of this proceeding and that according to the protocols of that system, it would be automatically transmitted to all parties of record registered to receive electronic service.

/s/ Terry J. Lodge
Terry J. Lodge, Esq.
Counsel for Petitioners

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| In the Matter of |) | Docket No. 50-255 |
| |) | NRC-2021-0036 |
| Entergy Nuclear Operations, Inc., Entergy |) | |
| Nuclear Palisades, LLC, Holtec |) | February 23, 2021 |
| International, and Holtec Decommissioning |) | |
| International, LLC |) | |
| (Palisades Nuclear Plant) |) | |

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DECLARATION OF MICHAEL KEEGAN

Under penalty of perjury, I, Michael Keegan (“Declarant”), declare as follows:

1. I am the Convenor of Don’t Waste Michigan, a nonprofit Michigan grassroots organization opposed to the continued use of commercial nuclear power at such nuclear reactors as Palisades Nuclear Plant near Covert, Michigan.

2. I am assisting with the research, drafting and preparation of a Petition for Leave to Intervene by Don’t Waste Michigan, Beyond Nuclear, and Michigan Safe Energy Future before the NRC, in opposition to the proposed transfer of an NRC license to Holtec International and Holtec Decommissioning International LLC (“HDI”) to perform the decommissioning of Palisades Nuclear Plant.

3. I have some nearly 20 years of active familiarity with the NRC’s ADAMS online archive, gained from regular searches conducted at least 20 to 30 hours per week throughout that period. I have provided in depth research backup and assistance in dozens of agency comment proceedings as well as NRC licensing cases over the years.

4. I have been conducting research and information development related to the aforementioned Palisades petition since December 2020. On February 4, 2021, the NRC announced a 20-day period of time for the submission of petitions related to the proposed license transfer to Holtec International and HDI, with a deadline of February 24, 2021.

5. In recent weeks I have encountered literally hundreds of documents related to Palisades ranging from the 1980's to the present, all of which were placed in the ADAMS archive for the first time in late 2020 or early 2021. On February 22, 2021, I conducted a 40-day “look back” search for documents placed in ADAMS since January 12, 2021. I received a message from ADAMS stating, “Confirm. Search result size exceeds the maximum allowable search results

size of 1,000 documents. *Only the first 1,000 results of your search will be displayed.* (emphasis added).”

6. When I reviewed the first 1,000 documents. 18 of the documents had a generation date of December 7, 2020 or later, and were thus timely filed in the docket. The 19th document had a generation date of August 26, 1996 and was added to the ADAMS docket only on February 11, 2021. The remaining 982+ documents have generation dates older than August 26, 1996, and this particular search identified documents going back to March 28, 1968 which were placed into the docket for the first time after January 12, 2021. For 982 of the 1,000 documents, there was a delay of at least 25 years, and much longer periods, before they were placed, in 2021, into the public record of ADAMS.

7. Because of the search response I received – that there were more than 1,000 items and that only the first 1,000 were being retrieved – there is no way to determine beyond a thousand how many archives have been added to the record in only recent weeks. With a ratio of 18/1000 the percentage of untimely documents by 25 years amounts to approximately 98%.

8. The URL for showing the search result described above is

[https://adams.nrc.gov/wba/?data=\(mode:sections,sections:\(filters:\(public-library:!t\),options:\(with-in-folder:\(enable:!f,insubfolder:!f,path:"\)\),properties_search_all:!\(!\(DocketNumber,starts,'05000255','\),!\(PublishDatePARS,ge,'01/12/2021','\)\)\)\)&qn=Search%20of%20Palisades%20Docket%20back%20to%201-12-2021&tab=advanced-search-pars&z=0](https://adams.nrc.gov/wba/?data=(mode:sections,sections:(filters:(public-library:!t),options:(with-in-folder:(enable:!f,insubfolder:!f,path:)

9. I have also attached to this Declaration a screen shot of my ADAMS search, showing the 1,000 document message.

10. This archival material is significant because it relates among other things to problems with dry cask storage activities at Palisades, to toxic or radioactive spills at the reactor site, and other topics which may have direct relevance to understanding the decommissioning plans and priorities articulated by Holtec International and HDI in the Palisades Post-Shutdown Decommissioning Activities Report.

11. I hereby state that the foregoing facts are true and correct and that any expressions of opinion are based on my judgment.

12. Further Declarant saith naught.

Date

2/23/2021

Michael Keegan
Michael Keegan

Advanced Search

Save query Load query Clear query Switch to Edit mode

Query: Search of Palisades Docket back to 1-12-2021

Libraries:

- Public Library
- Public Legacy Library

Options:

- added this month
- added today
- within folder:

Confirm

Search result size exceeds the maximum allowable search results size of 1,000 documents. Only the first 1,000 results of your search will be displayed.

include sub-folders

Document Properties:

Matching all criteria of group

| Property | Operator | Value |
|---------------|--------------------------|------------|
| Docket Number | starts with | 05000255 |
| Date Added | is greater than or equal | 01/12/2021 |

More options:

Download Properties Export Report

| Document Title | Accession Number |
|---|------------------|
| Fourth Interim Notification per 10 CFR Part 21 re Degraded Snubber SF1154 Hydraulic Fluid Batch No. 17BLVS293 | ML21014A234 |
| 2021/01/27 NRR E-mail Capture - Palisades Nuclear Plant - Acceptance of License | ML21028A055 |

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| Comment (3) of Richard Barron on Palisades and Big Rock Point Consideration of Approval of Transfer of Control of Licenses and Conforming Amendments | ML21040A217 |
| Comment (2) of Stephen C. Brown on Palisade Nuclear Plant and Big Rock Point Plant Consideration of Approval of Transfer of Control of Licenses and Conforming Amendments | ML21040A215 |