

Sample Comments: These are provided to give you suggestions to copy and paste directly into the PSC website cited above -- or modify to express your concerns and opposition in your own words.

I believe the NYS Public Service Commission should deny Entergy and Holtec's joint application to transfer the Indian Point license for the following reasons:

- **Holtec has a long-standing, well-documented history of bribery, corruption and malfeasance** and cannot be trusted to act responsibly, to the point that they have been banned from doing business with the World Bank and the Tennessee Valley Authority.
- **Holtec's financial solvency is questionable**, and has been challenged by the NYS Attorney General.
- **Holtec puts profit over safety.** They will do quick and dirty decommissioning, cutting corners to keep costs down to maximize their profits by keeping any unspent funds in the ratepayer-financed Decommissioning Trust Fund.
- **Holtec lacks experience doing decommissioning** and what they have done recently has included dangerous practices. At San Onofre in CA, a canister got stuck midway as it was being loaded into a receiving cask and was hung up for hours. Their thin walled canisters are only 1/2" thick and can easily be scratched, leading to corrosion and possibly leaks. At Oyster Creek in NJ they refused to even include one overpack for safety onsite and had to be sued by Lacey Township to be required to do so.
- **Alternatives exist:** Orano and Energy Solutions are companies that have extensive experience with decommissioning and have been more responsive to community needs. NorthStar, now Orano, decommissioned Vermont Yankee and others; Energy Solutions decommissioned Zion in IL and others.
- **Holtec's plan for Consolidated Interim Storage (CIS) in New Mexico is unsafe and unjust.** CIS violates the Nuclear Waste Policy Act, requires transporting thousands of tons of highly-radioactive nuclear waste across the country over roads and rail that are not built for this purpose, and would further burden the First Nation and Latin-X communities in that region, which have long been exposed to radiation from nuclear weapons testing and the mining, milling and processing of nuclear fuel.

Because the Nuclear Regulatory Commission has repeatedly granted exemptions and waivers to regulations which would have protected public health and safety, New Yorkers must rely on the NYS Public Service Commission to ensure that the decommission of Indian Point is done as safely as possible. Given Holtec's abysmal track record, I urge the PSC to reject the joint application to transfer the Indian Point license from Entergy to Holtec and to reject the request to either waive jurisdiction or approve the application, and utilize its jurisdiction to deny this license transfer.

If you prefer to submit more detailed comments or to include any of these talking points in your verbal comment, here is a more complete statement. For even more background information, detail and documentation, please see: [Ensuring Safe Decommissioning of Indian Point powerpoint as pdf](#) and links below.

Holtec's history of malfeasance includes bribery, corruption, lying to public officials, and ignoring community and municipal input to the degree that it has been barred from doing business with the World Bank and the Tennessee Valley Authority. This is well-documented in the following examples:

- [Hudson River Sloop Clearwater's Comments on Holtec License Transfer Agreement, including Background Information on Holtec -- 3.25.20 and Admiral Len Hering's Transcript on Holtec -- 5.13.19](#)
- [Pilgrim Watch Decommissioning Handbook: What Citizens Need to Know 6.1.19](#)
- [Holtec is under criminal investigation, as cited in lawsuit filed NJ Economic Development Authority](#)
- Oyster Creek Lawsuit: <https://www.exchangemonitor.com/nj-judge-signs-settlement-holtec-lacey-township-oyster-creek/>

Holtec's financial solvency is in question: Holtec's structures are privately held Limited Liability Corporations (LLCs) and their finances are therefore opaque. Holtec's business model is based on maximally leveraging the Decommissioning Trust Fund (DTF), which was created by ratepayer dollars, for their own profit – at the expense of public health and safety. On February 12, 2020, NY State Attorney General Letitia James [filed a petition, on behalf of the State of New York, to intervene in the license transfer, arguing that the transfer violates the NRC's rules for approving a nuclear facility license transfer](#), questioning whether Holtec has demonstrated adequate financial solvency, and whether their use of the decommissioning trust funds will be used as intended. On January 22, 2021 [NY Attorney General again filed suit over plant shutdown plan](#). The NRC has also granted exemption to allow Decommissioning Trust Funds to be used for removing spent -- but still highly radioactive -- fuel to dry cask storage, which is not an intended use for the DTF, and NYS AGO is challenging this misappropriation.

Holtec's lack of experience and poor safety record: Holtec has very limited experience with actual decommissioning. Their recent fleet acquisitions of Pilgrim in MA, Oyster Creek in NJ, and Palisades in MI show disregard for community input, reduced security, cessation of support for first responders. In fact, Holtec has [never completed decommissioning](#) of a nuclear power plant. Their current model of "fleet decommissioning" is in its infancy. Its first decommissioning undertaking is Oyster Creek, which it acquired in July 2019, and its entire nuclear "fleet" was acquired less than a year ago. While Holtec has never completed the decommissioning of a nuclear plant before, they have a history of [mishandling nuclear waste](#), [hiding safety violations](#), and [changing processes without approval](#) from the NRC. In public meetings with the Village of Buchanan, when asked about their safety record, they [mislead the public](#) that they had never had any problems. They failed to mention any of the issues they'd faced with waste storage, and failed to mention that they had only just recently purchased licenses to begin decommissioning and thus had no history to refer to. This lack of credibility betrays the public trust.

They are trying to acquire [multiple nuclear plants](#) all over the country with plans that rely on [changes to Federal law](#) to complete their decommissioning. New Yorkers should not be left responsible for the cleanup of Indian Point if Holtec's scheme fails, Federal law does not change, or they run out of money before completion. Given this lack of experience and secured plan, the PSC should deny the license transfer.

Holtec puts profit over public safety: In New Jersey, [Clean Water Action confirms](#) that Holtec put costs ahead of safety by hiring [low-skilled, unqualified workers](#) who were not familiar with the plant at Oyster Creek, by stopping funding to local first responders who are responsible for implementing an emergency response plan, and by ignoring concerns of local officials. Holtec told officials at Oyster Creek that, if there was a problem with nuclear waste storage at Oyster Creek, it would take several days to bring an overpack to site from Camden, rather than storing one onsite as a reasonably safe precaution.

Holtec's plan for "vertical integration" includes:

- **Quick and Dirty Decommissioning**
- **Use of unsafe ½" thick, sealed canisters** that cannot be opened if there is a leak or other problem. These canisters are prone to being scratched when lowered into concrete casks and scratching can lead to accelerated corrosion and compromised containment. In Europe and elsewhere storage canisters are 12" - 18" thick with bolted lids that can be removed if there is a problem. They are also stored in hardened buildings.
- **Rushed DECON and premature removal of High Burnup Fuel** to dry storage: Recent use of High Burnup Fuel (HBF) to space out refueling during operations complicates the timing for transfer from fuel pools to dry cask storage. Experts such as [Bob Alvarez](#), Senior Scholar at the Institute for Policy Studies, recommend that HBF needs to cool in the fuel pools for 5 to 10 years at minimum. Entergy has been slow to move the older regular fuel from severely overcrowded fuel pools to dry cask storage, but at the opposite extreme, Holtec plans to rush the fuel transfer of both regular and HBF in 1.5 to 2 years -- beyond what is safe. The zirconium cladding that holds fuel pellets in the rods that comprise the fuel assembly stretches from heat and thins over time and can become prone to tearing.

Holtec's plan for nuclear waste storage is violates Federal law: After decommissioning is complete, Holtec plans to use "Consolidated Interim Storage (CIS)" to receive the nuclear waste stored at Indian Point. However, this is currently illegal under Federal Law and the Nuclear Regulatory Commission is [currently being sued](#) for permitting Holtec to build their CIS facility in New Mexico. Without this facility, Holtec's plan for Indian Point's irradiated spent fuel is not feasible. New York could be left with Indian Point's waste in limbo where it has nowhere to go, but is not packaged or stored properly on-site. This is an unacceptable risk for NY and another reason that the PSC should deny the license transfer.

Transportation: After Decommissioning is complete, Holtec plans to ship waste in overpack over roads and rail, bridges, overpasses and tunnels. The NRC has dismissed transportation accidents as "not credible, however accidents can and do occur. A [July 2019 train derailment in Elko, Nevada](#) and other accidents have occurred in the US, Europe and elsewhere: [Derailment stirs fears of bringing nuclear waste to Yucca Mountain](#)
[Train carrying munitions derails in Northern Nevada — VIDEO](#) On July 18, 2001, [a freight train carrying hazardous \(non-nuclear\) materials derailed](#) and caught fire while passing through the Howard Street railroad tunnel in downtown [Baltimore](#). See also: [Truck carrying empty nuclear waste cask crashes | Local News | reformer.com](#) If fuel has been stored vertically and the zirconium cladding is stretched and thinned, it can become prone to losing its integrity and tearing when the fuel is shifted to a horizontal position for shipping. Radiation is released beyond the overpack and can impact the drivers and others. Repeated shipping through communities along the route exposes those communities to radiation exposure and danger of accidents.

Environmental Justice: Beyond the dangers associated with onsite storage and transportation, there is the essential matter that shipping waste from all over the country to a Holtec Consolidated Interim Storage Facility in a First Nation and Latin-X community in New Mexico that has been exposed to radiation from atomic weapons testing, the mining, milling and processing of nuclear fuel and now the storage of nuclear waste is a violation of the principles of Environmental Justice and self-determination. See: [Leona Morgan, NISH, IP Regional Decom Forum. EJ Impacts of CIS.11.20.20.pdf](#)

Holtec's plan to move waste is a violation of Environmental Justice. Their plan for Indian Point's irradiated spent fuel is to change Federal law and move the waste to a new "consolidated interim storage facility" in New Mexico. Disregarding the logistical hurdles of moving the waste, the communities that would receive it, do not want it there. Both [New Mexico](#) and [Texas](#) oppose the construction of the Holtec facility. It behooves the Public Service Commission to respect the wishes of the communities in New Mexico and reject Holtec's license transfer.

Alternatives exist: Orano and Energy Solutions are active decommissioning companies that, while not flawless, have a better track record and more experience than Holtec, whose primary experience is with manufacturing nuclear waste storage systems -- not decommissioning.

Orano/NorthStar/ADP: Holtec's biggest competitor in the decommissioning business is NorthStar, which had experience knocking down large hotels and casinos⁶⁴ prior to forming a joint venture to undertake the decommissioning of Vermont Yankee, which it now seeks to parlay into a wider nuclear decommissioning portfolio that includes the Crystal River plant in Florida. In 2017 NorthStar formed a new joint venture with AREVA Nuclear Materials named Accelerated Decommissioning Partners (ADP).

EnergySolutions has substantial prior decommissioning experience, including at Zion Nuclear Power Station in Illinois and the La Crosse Boiling Water Reactor in Wisconsin, which is the largest decommissioning project in U.S. history, and at the SEFOR Test Reactor in Arkansas. It is also in partnership with AECOM to decommission San Onofre Nuclear Generating Station (SONGS) in southern California and has made an agreement with the Omaha Public Power District to partner in decommissioning the Fort Calhoun Nuclear Power Plant in Nebraska. EnergySolutions is also currently negotiating to acquire and fully decommission Three Mile Island 2 in Pennsylvania.

Science Matters, however the Nuclear Regulatory Commission repeatedly violates, by waivers and exemptions, the very regulations that Congress has put into place to protect public health and safety. The NRC is a captured agency that caters to the nuclear industry and does not provide adequate oversight -- a problem which Congress urgently needs to address.

The Public Service Commission must set a strong precedent in overseeing nuclear decommissioning. Indian Point is the first of the currently operational nuclear power plants in New York to be closed and undergo decommissioning. As the state navigates this process it is imperative that the Public Service Commission set a strong precedent by ensuring the process is done in the best interests of the local community and the state. The Nuclear Regulatory Commission refused to hold public hearings to address public concerns. The PSC must exert their jurisdiction over this matter and protect NY. We need decommissioning done using best practices. Holtec's track record with nuclear waste proves it does not follow best practices, lacks decommissioning experience and has long-history of malfeasance, leaving New Yorkers at risk of being left with an unsafe and potentially unfinished job and an empty Decommissioning Trust Fund. New Yorkers deserve better than Holtec to undertake decommissioning the first of four operational nuclear power plants in NY State.

