



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SECRETARY

October 25, 2016

MEMORANDUM TO: E. Roy Hawken
Chief Administrative Judge
Atomic Safety and Licensing Board Panel

FROM: Annette L. Vietti-Cook **/RA/**

SUBJECT: APPEAL FROM A DETERMINATION OF THE NRC STAFF TO
DENY A REQUEST FOR ACCESS TO SENSITIVE
UNCLASSIFIED NON-SAFEGUARDS INFORMATION (SUNSI)
FROM AN INDIVIDUAL WHO HAS INDICATED AN INTENT TO
REQUEST A HEARING REGARDING SUSQUEHANNA
NUCLEAR, LLC'S APPLICATION FOR INDIRECT LICENSE
TRANSFER (DOCKET NOS. 50-387, 50-388, AND 72-28)

An "Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation" dated September 28, 2016, was included as part of a *Federal Register* notice providing an opportunity to comment, request a hearing, and petition for leave to intervene on the application for an indirect license transfer for Susquehanna Nuclear, LLC. By E-Mail submission dated October 11, 2016, Mr. Sabatini Monatesti requested access to SUNSI material, which request was supplemented by another email from Mr. Monatesti dated October 17, 2016. By letter dated October 20, 2016, his request was denied by the NRC staff. On October 23, 2016, Mr. Sabatini appealed the staff's determination by sending an E-mail directly to NRR Staff. His appeal was repeated and supplemented by two additional E-mails sent to all parties dated October 24, 2016.

The documents described above are enclosed for your consideration. In accordance with the procedures outlined in the order contained in the *Federal Register* Notice, 81 Fed. Reg. 68462 (October 4, 2016), the appeal is being referred to you.

Enclosures: As stated

cc: Commission Legal Assistants
OCAA
EDO
OGC
OCA
OPA
NRR
Susquehanna-LT-2 E-filing Service List

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Kathy Weaver (Telephone: 301-415-6236 or Email: Kathy.Weaver@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015 (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone: 240-888-9835) to be escorted to the meeting room.

Dated: September 27, 2016.

John Lai,

*Acting Chief, Technical Support Branch,
Advisory Committee on Reactor Safeguards.*

[FR Doc. 2016-23952 Filed 10-3-16; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Fukushima; Notice of Meeting

The ACRS Subcommittee on Fukushima will hold a meeting on October 19, 2016, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, October 19, 2016—8:30 p.m. Until 12:00 p.m.

The Subcommittee will discuss guidance on mitigating strategies assessment for new seismic information and the status of the mitigation of beyond-design-basis events rulemaking. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Mike Snodderly (Telephone: 301-415-2241 or Email: Mike.Snodderly@nrc.gov) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 21, 2015 (80 FR 63846).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/acrs>. Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to

present oral statements can be obtained from the Web site cited above or by contacting the identified DFO.

Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown (Telephone: 240-888-9835) to be escorted to the meeting room.

Dated: September 27, 2016.

John Lai,

*Acting Chief, Technical Support Branch,
Advisory Committee on Reactor Safeguards.*

[FR Doc. 2016-23953 Filed 10-3-16; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-387, 50-388, and 72-28; NRC-2016-0187]

Susquehanna Nuclear, LLC; Susquehanna Steam Electric Station, Units 1 and 2; Consideration of Indirect License Transfer

AGENCY: Nuclear Regulatory Commission.

ACTION: Application for indirect license transfer; notice of opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Susquehanna Nuclear, LLC (Susquehanna Nuclear), on June 29, 2016. The application seeks NRC approval of the indirect transfer of Susquehanna Nuclear's interests in Renewed Facility Operating License Nos. NPF-14 and NPF-22 for Susquehanna Steam Electric Station, Units 1 and 2 (SSES), respectively, as well as the general license for the SSES Independent Spent Fuel Storage Installation (ISFSI), from the current parent holder, Talen Energy Corporation (Talen), to Riverstone Holdings, LLC (Riverstone). Because the application contains sensitive unclassified non-safeguards information (SUNSI) an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Comments must be filed by November 3, 2016. A request for a hearing must be filed by October 24, 2016. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR) who believes access to SUNSI is necessary to respond to this notice must request document access by October 14, 2016.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2016–0187. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Hearingdocket@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Tanya E. Hood, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–415–1387; email: Tanya.Hood@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2016–0187 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2016–0187.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov. A publicly-available version of the application is available in ADAMS under Package Accession No. ML16181A414.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2016–0187 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of control of Susquehanna Nuclear’s interests in Renewed Facility Operating License Nos. NPF–14 and NPF–22 for SSES, as well as the general license for the ISFSI from Talen to Riverstone. Riverstone’s portfolio companies currently hold 35 percent in the aggregate of the outstanding common stock of Talen.

According to the application for approval filed by Susquehanna Nuclear, acting on behalf of itself and Riverstone,

the indirect transfer of control results from a transaction in which Talen, Susquehanna Nuclear’s ultimate parent, will become wholly owned by the portfolio companies of Riverstone. As a result, all of the common stock of Talen will become privately held by affiliates of Riverstone, and Susquehanna Nuclear will become indirectly controlled by Riverstone as described in the application. Riverstone would acquire ownership of Susquehanna Nuclear’s 90 percent interest in SSES. Susquehanna Nuclear will continue to operate the facility and hold the licenses.

No physical changes to SSES or operational changes are being proposed in the application.

The NRC’s regulations at 10 CFR 50.80 state that no license for a production or utilization facility, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission gives its consent in writing. The Commission will approve an application for the indirect transfer of a license if the Commission determines that the proposed transaction, described above, will not affect the qualifications of the licensee to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

III. Opportunity To Comment

Within 30 days from the date of publication of this notice, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted as described in the **ADDRESSES** section of this document.

IV. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 20 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and a petition to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission’s “Agency Rules of Practice and Procedure” in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is available at the NRC’s PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC’s regulations are accessible electronically from the NRC Library on the NRC’s Web site at <http://www.nrc.gov>

www.nrc.gov/reading-rm/doc-collections/cfr/. If a petition is filed within 20 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest. The petition must also set forth the specific contentions which the petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the

hearing with respect to resolution of that person's admitted contentions consistent with the NRC's regulations, policies, and procedures.

Petitions for leave to intervene must be filed no later than 20 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 20-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1).

The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission by October 24, 2016. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may also have the opportunity to participate under 10 CFR 2.315(c).

If a hearing is granted, any person who does not wish, or is not qualified, to become a party to the proceeding may, in the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of position on the issues, but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

V. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior

to the submission of a request for hearing or petition to intervene (hereinafter "petition"), and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at hearing.docket@nrc.gov, or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. System requirements for accessing the E-Submittal server are available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/adjudicatory-sub.html>. Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Electronic Filing Help Desk will not be able to offer assistance in using unlisted software.

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a petition. Submissions should be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely,

an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Electronic Filing Help Desk through the "Contact Us" link located on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>, by email to MSHD.Resource@nrc.gov, or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 7 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require

a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <http://ehd1.nrc.gov/ehd/>, unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, in some instances, a petition will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

For further details, see the application dated June 29, 2016.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A "potential party" is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requestor shall submit a letter requesting permission to access SUNSI

to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555-0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are Hearing.Docket@nrc.gov and OGCmailcenter@nrc.gov, respectively.¹ The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requestor's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement

¹ While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's "E-Filing Rule," the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

or Affidavit, or Protective Order² setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 20 days after the requestor is granted access to that information.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff either after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requestor may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer

has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) an officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requestor may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on

such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.³

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have proposed contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 28th day of September, 2016.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of Federal Register notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
20	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 requestor/petitioner reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requestor of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for requestor/petitioner to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 23	Deadline for submission of contentions whose development depends upon access to SUNSI.
A + 48	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 55	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 55	Decision on contention admission.

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² Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not

yet been designated, within 30 days of the deadline for the receipt of the written access request.

³ Requestors should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR

46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

From: [Sabatini Monatesti](#)
To: [Docket, Hearing](#); [Docket, Hearing](#); [OGCMailCenter Resource](#)
Cc: smonatesti@verizon.net; susan.schwartz@pressenterprise.net; sbeller@nhds.com; erik_helbing_esq@yahoo.com
Subject: [External_Sender] Talen Energy license transfer
Date: Tuesday, October 11, 2016 3:02:23 PM
Attachments: [License xfer Talen 10112016.pdf](#)
Importance: High

To Whom It may Concern:

The attached letter outlines my concerns regarding Talen Energy license transfer. Please acknowledge receipt.

I believe I require a digital identification certificate. Please share with me what I must provide to meet this requirement.

Regards,

Sabatini Monatesti
919 Belair Drive
Berwick, PA 18603
cell: 570-441-2662
email: smonatesti@verizon.net
Web: <http://www.esenteprisesinc.com>

Request for Hearing and Information – License Transfer

October 11, 2016

Reference: Talen Energy license transfer

To: Secretary of the US NRC
Washington, DC 20555-0001
FAX: 301-415-11012
Telephone: 301-415-1677
Email: hearingdocket@nrc.gov
hearing.docket@nrc.gov

Copy: Associate General Counsel
Hearings, Enforcement and Administration
Office of the General Counsel
11555 Rockville Pike
Rockville, MD 20851
Email: hearing.docket@nrc.gov
OGMailcenter@nrc.gov

General Counsel
Washington, DC 20555-0001

From: Sabatini Monatesti
919 Belair Drive
Berwick, PA 18603
Office: 570-752-8484
Cell: 570-441-2662
Email: smonatesti@verizon.net
WEB: <http://www.esenterprisesinc.com>

Attn: Rulemaking and Adjudications Staff
Docket ID NRC-2016-0187

To Whom It May Concern:

- I am requesting a hearing and a digital identification certificate to enable the discussion regarding the transfer of Talen Energy's license to Riverstone Holdings.
- I wish to receive access to sensitive business documents filed by Talen Energy to discern whether Riverstone Holdings includes provisions and capital available for decommissioning of the Salem Township nuclear plant (aka. Susquehanna), and I require information regarding their continued support of Salem Township property and recreational facilities.

Request for Hearing and Information – License Transfer

- I also wish to know if sufficient, trained work force will be available to ensure a successful transfer of responsibilities, and if Riverstone Holdings staffing adjustments exist in the planning for the transfer and subsequent operation of the Salem Township nuclear plant.
- Reference Federal Registry, Oct 4: Susquehanna Nuclear, LLC; Susquehanna Steam Electric Station, Units 1 and 2; Consideration of Indirect License Transfer, A Notice by the Nuclear Regulatory Commission on 10/04/2016, Document Citation: 81 FR 68462, Page:68462-68466 (5 pages) Agency/Docket Numbers: Docket Nos. 50-387, 50-388, and 72-28NRC-2016-0187 Document Number:2016-23955
 - The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of an application filed by Susquehanna Nuclear, LLC (Susquehanna Nuclear), on June 29, 2016. The application seeks NRC approval of the indirect transfer of Susquehanna Nuclear's interests in Renewed Facility Operating License Nos. NPF-14 and NPF-22 for Susquehanna Steam Electric Station, Units 1 and 2 (SSES), respectively, as well as the general license for the SSES Independent Spent Fuel Storage Installation (ISFSI), from the current parent holder, Talen Energy Corporation (Talen), to Riverstone Holdings, LLC (Riverstone). Because the application contains sensitive unclassified non-safeguards information (SUNSI) an order imposes procedures to obtain access to SUNSI for contention preparation.
- I live two miles from the Salem Township plant. Talen Energy recently presented their site storage expansion plan at a township-planning meeting in April. They were increasing nuclear waste storage on site to 3,000 metric tons. I raised a concern because the NRC, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Washington, D. C. 20585, Nuclear Waste Policy Act, March 2004, limits site storage to 1,900 metric tons. I outlined my concerns in a letter to Representative Lou Barletta, May 18. Victor M. McCree, Executive Director for Operations, US NRC responded July 28, 2016. I was very concerned when Mr. McCree noted in his response that neither Talen nor the township consulted with NRC prior to the meeting. Further, Mr. McCree did not make it clear that the NRC reviewed nor plans to review the expansion. Based on past safety performance, I find this NRC position unacceptable. I believe there are health and safety issues outstanding. Recent news releases and plant outages are consistent with past problems noted at the facility, e.g., separated seam found in N-plant ductwork, small cracks on metal blades on low-pressure turbine. It also appears that, e.g., repair of Exelon's 2012 event, an identified design flaw, the NRC has not addressed this problem; reference Robert Walton, March 3, 2016.
- Given Talen Energy 2015 loss of \$341 Million and continued downturn in energy prices continue. My understanding, global energy investment in 2015 amounted to United States dollar (USD) 1.8 trillion, down 8% (in real terms) from 2014 mainly due to a sharp fall in upstream oil and gas investment, <https://www.iea.org/Textbase/npsum/WEI2016SUM.pdf>. Who will be responsible for decommissioning cost, i.e., Pennsylvania Power and Light, Talen Energy or Riverstone Holdings, i.e., if the license holder goes bankrupt? Who holds the liability?

From: [SABATINI MONATESTI](#)
To: [Docket, Hearing](#)
Cc: erik_helbing_esq@yahoo.com; susan.schwartz@pressenterprise.net; marande07@aol.com
Subject: [External_Sender] RE: Talen Energy license transfer (Susquehanna)
Date: Monday, October 17, 2016 10:36:27 PM
Importance: High

Herald Speiser:

I plan to submit request for CERT tomorrow. I have no objection to the request of attorney for Susquehanna Nuclear, LLC to speak with me.

I can share with you a few areas of investigation:

- ROI and impact deal will have on the unit price for energy? Anticipated hurdle rate, and costing/pricing assumptions? Impact of continued erosion of price per unit due to the ever increasing availability of energy and decreasing cost of energy? Net present value of the investment?
- Arrangements for continued maintenance and provisioning for park areas? Investment required to meet future needs?
- Impact deal has on current and future workforce, and how it will impact health and safety?
- Expectation of new owner regards continued expansion of onsite storage? Investment required to meet future needs?
- Impact deal will have on capital improvements for the facility and eventual funding for decommissioning of Plant? Investment required to meet future needs?
- Commitment to ethical business practices?
- Evaluation of health and safety concerns in an area where population is aging and continued support of police and fire as it might relate to evacuation and emergency plans could be suspect? Investment required to meet future needs?
- Evaluation of seismic activity and its impact on current or future construction as a risk factor?
- Integrated deal provisions for study of future vulnerabilities, threats and risks? Probabilities associated with each area of vulnerability? Sensitivity model outputs and key variables associated with each area of vulnerability?

Regards.

Sabatini Monatesti

President, ES Enterprises Inc.

From: Docket, Hearing [mailto:Hearing.Docket@nrc.gov]
Sent: Monday, October 17, 2016 5:12 PM
To: Sabatini Monatesti
Cc: Docket, Hearing; OCAAMAIL Resource; Julian, Emile
Subject: FW: Talen Energy license transfer (Susquehanna)

Mr. Monatesti,

I am forwarding you the below email to ensure you have received it. Because it does not appear you have taken steps to obtain a digital certificate I want to be certain that you

understand any request for hearing you may wish to make in the subject proceeding must be submitted via the Electronic Information Exchange (EIE) prior to the filing deadline stated in the Federal Register Notice, which calculates to October 24, 2016.

As stated in my previous email, your SUNSI access request is under review. In that regard, legal counsel for Susquehanna Nuclear, LLC has requested contact information for you so that he can get in touch with you to discuss the information you are interested in obtaining. Would you have any objection to me giving your contact information to the attorney for Susquehanna Nuclear, LLC?

I left voicemail messages for you today on both your office and cell phone numbers. Feel free to reply via email or phone, but please do let me know at your earliest opportunity.

Thank you.
Herald Speiser

Herald M. Speiser
Rulemakings and Adjudications Staff
Office of the Secretary
U. S. Nuclear Regulatory Commission
(301) 415-1675

From: Docket, Hearing
Sent: Wednesday, October 12, 2016 3:43 PM
To: 'Sabatini Monatesti' <smonatesti@verizon.net>
Cc: Docket, Hearing <Hearing.Docket@nrc.gov>; MSHD Resource <Meta_System_Help_Desk.Resource@nrc.gov>; Julian, Emile <Emile.Julian@nrc.gov>; Newell, Brian <Brian.Newell@nrc.gov>; Sola, Clara <Clara.Sola@nrc.gov>
Subject: RE: Talen Energy license transfer (Susquehanna)

Mr. Monatesti,

The Office of the Secretary is in receipt of your email and its attached letter. The request for access to SUNSI is under review and, as indicated in the Federal Register Notice, you will receive a response to that request. You can obtain a digital certificate by taking the steps listed below.

Instructions on obtaining a digital certificate can be found on the NRC's website (www.NRC.gov). From the home page, access the link at the bottom entitled Electronic Submittals Application which is listed under Popular Documents. A direct link is provided here for your convenience: <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. I strongly recommend you first reach out to our Metasystems Help Desk either by phone - 866-672-7640 or via email to meta_system_help_desk.resource@nrc.gov. They are extremely helpful and can walk you through the process. The Help Desk has been copied on this email, so will be aware that they may hear from you.

In the meantime, we will begin the process of establishing an electronic docket in anticipation of your filing of a request for hearing. If you have any questions, please feel free to let me know.

Thank you.

Herald Speiser

Herald M. Speiser
Rulemakings and Adjudications Staff
Office of the Secretary
U. S. Nuclear Regulatory Commission
(301) 415-1675

From: Sabatini Monatesti [<mailto:smonatesti@verizon.net>]
Sent: Tuesday, October 11, 2016 3:02 PM
To: Docket, Hearing <Hearing.Docket@nrc.gov>; Docket, Hearing <Hearing.Docket@nrc.gov>;
OGCMailCenter Resource <OGCMailCenter.Resource@nrc.gov>
Cc: smonatesti@verizon.net; susan.schwartz@pressenterprise.net; sbeller@nhds.com;
erik_helbing_esq@yahoo.com
Subject: [External_Sender] Talen Energy license transfer
Importance: High

To Whom It may Concern:

The attached letter outlines my concerns regarding Talen Energy license transfer. Please acknowledge receipt.

I believe I require a digital identification certificate. Please share with me what I must provide to meet this requirement.

Regards,

Sabatini Monatesti
919 Belair Drive
Berwick, PA 18603
cell: 570-441-2662
email: smonatesti@verizon.net
Web: <http://www.esenteprisesinc.com>

From: SABATINI MONATESTI <smonatesti@verizon.net>
Sent: Sunday, October 23, 2016 3:44 PM
To: Hood, Tanya
Cc: susan.schwartz@pressenterprise.net; erik_helbing_esq@yahoo.com; marande07@aol.com; vincent.kundrik@mail.house.gov
Subject: [External_Sender] RE: Susquehanna Indirect Transfer SUNSI Request Response
Attachments: NUC positoin Problem Statement 05182016.pdf

[Resend document](#)

From: SABATINI MONATESTI [mailto:smonatesti@verizon.net]
Sent: Sunday, October 23, 2016 3:32 PM
To: 'Tanya.Hood@nrc.gov'
Cc: 'susan.schwartz@pressenterprise.net'; 'erik_helbing_esq@yahoo.com'; marande07@aol.com; 'vincent.kundrik@mail.house.gov'
Subject: RE: Susquehanna Indirect Transfer SUNSI Request Response
Importance: High

Tanya:

Thank you for responding to my questions. BTW, if Riverstone Holdings LLC goes bankrupt what happens to the plant and the people who work there? What is the status of the evaluation of increasing the storage space to 3,000 metric tons? Given the Act only allows for 1,900 metric tons? My memo draft 05182016, references page 42 of the Act, and page 46 Notificaton and its disposition. It would appear that ownership is changing without disposition of outstanding concerns.

October 20, 2016
Sabatini Monatesti
919 Belair Drive
Berwick, PA 18603
SUBJECT: REQUEST FOR ACCESS TO SENSITIVE UNCLASSIFIED NONSAFEGUARDS
INFORMATION RELATED TO THE APPLICATION FOR
INDIRECT TRANSFER OF THE SUSQUEHANNA STEAM ELECTRIC STAT

I understand that I must submit a challenge within five days:

**In conclusion, since your Access Request does not sati
SUNSI Order, it is denied. Pursuant to the SUNSI Orde
by filing a challenge within 5 days of receipt of this dete
designated in this proceeding; (b) if no presiding officer
Administrative Judge, or if he or she is unavailable, and
administrative law judge with jurisdiction pursuant to 10
officer has been designated to rule on information acce**

Please accept this email response as my challenge to your position. I will need longer than five days to review your position, the information provided, and to prosper a proper response.

Regards,
Sabatini Monatesti

From: Hood, Tanya [<mailto:Tanya.Hood@nrc.gov>]
Sent: Thursday, October 20, 2016 2:10 PM
To: smonatesti@verizon.net
Subject: Susquehanna Indirect Transfer SUNSI Request Response

Dear Mr. Monatesti:

Please find attached the response of the U.S. Nuclear Regulatory Commission to your October 11, 2016 request for access to documents containing sensitive unclassified non-safeguards information related to the application for indirect transfer of the licenses for the Susquehanna Steam Electric Station.

Thank you,

Tanya E. Hood
Project Manager
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, Maryland 20852-2738
301-415-1387
Tanya.Hood@nrc.gov

Health and Safety review – Susquehanna Site

Problem Statement: Talen Energy requires an extension of the nuclear waste dry storage facility. The current Talen Energy plant operates in Salem Township, PA and currently supports about 1,800 to 2,000 tons of nuclear waste. Salem Township Zoning Board health and safety position was undermined by a legal position taken by Talen Energy attorney who stated that jurisdiction rests with the NRC, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Washington, D.C., 20585, Nuclear Waste Policy Act, March 2004, http://www.energy.gov/sites/prod/files/edg/media/nwpa_2004.pdf .

Talen Energy requires additional storage capacity due to its continued life expectancy requirement (additional license extension 20 years, anticipate installing 50 to 60 additional storage units, total capacity by 2018 about 3,000 tons). Two concerns exist:

1. Will the additional storage impact the health and safety of the Salem Township community (includes Berwick PA), e.g., :
 - a. Will the site support the additional weight given the potential for hydraulic fracturing earthquake incident?
 - b. Does Talen Energy have sufficient funds in escrow to enable decommissioning of plant, and if facility sold, what protection do the residents of the area have that decommissioning is possible without extensive citizen investment (tax dollars)?
2. Has the NRC done their due diligence regarding the evaluation of the impact on community health and safety issues:
 - a. Potential for cascade failure, exposure to radiation due to waste mishandling or related container breakage (44% of past failures dealt with health and safety issues)
 - b. Potential for plant infrastructure failure due to neutron bombardment or other failure (Electrical Power Distribution 22%, Component 22% and Generation Capacity 12%)

To my knowledge, neither Talen Energy nor NRC has undertaken any evaluation of review with citizen participation to discern if the additional dry storage would affect the health and safety of the surrounding area. Through their commission of acts denying due process the parties, i.e., Talen Energy, NRC and Township Zoning Board, have undermined the action of citizens of Salem Township to review and participate in the design of storage as it relates to health and safety of the citizen of Salem Township

Applicable Statute: NRC considers health and safety of paramount importance, per act.

Health and Safety review – Susquehanna Site

1. Page 6: **Evaluation** – Act applies for the disposal of high-level radioactive waste resulting from atomic energy defense activities. Such evaluation shall take into consideration factors relating to cost efficiency, health and safety, regulation, transportation, public acceptability, and national security.
2. Page 9: **Disposition of waste** – The Federal Government has the responsibility to provide for the permanent disposal of high-level radioactive waste and such spent nuclear fuel as may be disposed of in order to protect the public health and safety and the environment. The costs of such disposal should be the responsibility of the generators and owners of such waste and spent fuel.
3. Page 9: **Concern** – High-level radioactive waste and spent nuclear fuel have become major subjects of public concern, and appropriate precautions must be taken to ensure that such waste and spent fuel do not adversely affect the public health and safety and the environment for this or future generations.
4. Page 11: **Evaluation** – Each nomination of a site under this subsection shall be accompanied by an environmental assessment, which shall include a detailed statement of the basis for such recommendation and of the probable impacts of the site characterization activities planned for such site.
5. Page 30: **Responsibility** – Secretary shall assist such State, and the units of general local government in the vicinity of the repository site, in resolving the offsite concerns of such State and units of general local government, including, but not limited to, questions of State liability arising from accidents, necessary road upgrading and access to the site, ongoing emergency preparedness and emergency response, monitoring of transportation of high-level radioactive waste and spent nuclear fuel through such State, conduct of baseline health studies of inhabitants in neighboring communities near the repository site and reasonable periodic monitoring thereafter, and monitoring of the repository site upon any decommissioning and decontamination.
6. Page 37: **Disposal** – Any repository constructed on a site approved under this subtitle [42 U.S.C. 10131 et seq.] shall be designed and constructed to permit the retrieval of any spent nuclear fuel placed in such repository, during an appropriate period of operation of the facility, for any reason pertaining to the public health and safety, or the environment, or for the purpose of permitting the recovery of the economically valuable contents of such spent fuel. The

Health and Safety review – Susquehanna Site

Secretary shall specify the appropriate period of retrievability with respect to any repository at the time of design of such repository, and such aspect of such repository shall be subject to approval or disapproval by the Commission as part of the construction authorization process under subsections (b) through (d) of section 114 [42 U.S.C. 10134(b)-(d)]. [42 U.S.C. 10142]

7. Page 39: **Interim storage** – The Secretary, the Commission, and other authorized Federal officials shall each take such actions as such official considers necessary to encourage and expedite the effective use of available storage, and necessary additional storage, at the site of each civilian nuclear power reactor consistent with—
 - a. the protection of the public health and safety, and the environment;
 - b. economic considerations;
 - c. continued operation of such reactor;
 - d. any applicable provisions of law (Salem Township); and
 - e. the views of the population surrounding such reactor. [42 U.S.C. 10152]
8. Page 42: **Storage** – The Secretary shall provide, in accordance with paragraph (5), not more than 1,900 metric tons of capacity for the storage of spent nuclear fuel from civilian nuclear power reactors. Such storage capacity shall be provided through any one or more of the following methods: (C) construction of storage capacity at any site of a civilian nuclear power reactor.
9. Page 43: **Environmental review** – The provision of 300 or more metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) shall be considered to be a major Federal action requiring preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)]. The Secretary shall prepare, and make available to the public, an environmental assessment of the probable impacts of any provision of less than 300 metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) that requires the modification or expansion of any facility at the site, and a discussion of alternative activities that may be undertaken to avoid such impacts. Such environmental assessments shall include –
 - a. (i) an estimate of the amount of storage capacity to be made available at such site;

Health and Safety review – Susquehanna Site

- b. (ii) an evaluation as to whether the facilities to be used at such site are suitable for the provision of such storage capacity;
 - c. (iii) a description of activities planned by the Secretary with respect to the modification or expansion of the facilities to be used at such site; (iv) an evaluation of the effects of the provision of such storage capacity at such site on the public health and safety, and the environment;
 - d. a reasonable comparative evaluation of current information with respect to such site and facilities and other sites and facilities available for the provision of such storage capacity;
 - e. a description of any other sites and facilities that have been considered by the Secretary for the provision of such storage capacity; and
 - f. an assessment of the regional and local impacts of providing such storage capacity at such site, including the impacts on transportation.
10. Page 45: **Review** – in all stages of the planning, development, modification, expansion, operation, and closure of storage capacity at a site or facility within such State for the interim storage of spent fuel from civilian nuclear power reactors. Public participation in the negotiation of such an agreement shall be provided for and encouraged by the Secretary, the State, and the affected Tribal Council (we have one up the road, have they been part of the process).
11. Page 46: **Notification** – For the purpose of this subsection, "process of consultation and cooperation" means a methodology by which the Secretary (A) keeps the State and eligible Tribal Council fully and currently informed about the aspects of the project related to any potential impact on the public health and safety and environment
12. Page 61: **Survey** – The Secretary shall consider the extent to which siting a monitored retrievable storage facility at each site surveyed would—provide for public confidence in the ability of such system to safely dispose of the fuel and waste; impose minimal adverse effects on the local community and the local environment; provide a high probability that the facility will meet applicable environmental, health, and safety requirements in a timely fashion
13. Page 70: **Content** – A benefits agreement under section 170 [42 U.S.C. 10173] shall provide that— the State or Indian tribe that is party to such agreement participate in the design of the repository or monitored retrievable storage facility and in the preparation of

Health and Safety review – Susquehanna Site

documents required under law or regulation governing the effects of the facility on the public health and safety;

14. Page 93: **Dry Cask Storage** – the Secretary shall – (1) consider the costs of dry cask storage technology, the extent to which dry cask storage on the site of civilian nuclear power reactors will affect human health and the environment, the extent to which the storage on the sites of civilian nuclear power reactors affects the costs and risk of transporting spent nuclear fuel to a central facility such as a monitored retrievable storage facility, and any other factors the Secretary considers appropriate

Salem Township Resident: The implication of the meeting of Salem Township Zoning Board April 19 is that Talen Energy and Salem Township denied the citizen any right to review or assess the impact of additional waste storage. The implication was that Talen Energy was going forward without any due diligence. That the citizen including local tribe would accept without concern for health and safety the decision of Talen Energy. It was obvious that the NRC had not conducted an environmental evaluation. The NRC nor did Talen Energy present any evidence of their evaluation to the citizen.

Conclusion: Talen Energy and the NRC should be prohibited from pursuit of this expansion without review and acceptance by Salem Township citizen.

From: [Sabatini Monatesti](#)
To: [Docket_Hearing](#)
Cc: [OCAAMAIL_Resource](#); [Docket_Hearing](#); [Roy Hawkens](#); david.lewis@pillsburylaw.com; [Mizuno, Beth](#); [Scott, Catherine](#); [Wachutka, Jeremy](#); [OGCMailCenter_Resource](#); [Speiser, Herald](#); [Julian, Emile](#); [Newell, Brian](#); [Sola, Clara](#); erik_helbing_esq@yahoo.com; susan.schwartz@pressenterprise.net; marande07@aol.com; Vincent.kundrik@mail.house.gov
Subject: [External_Sender] Re: *** Susquehanna - Challenge to Access to SUNSI Denial *** Time-sensitive information included
Date: Monday, October 24, 2016 12:46:46 PM
Attachments: [challenge to adverse determination 10242016.pdf](#)
[NUC positoin Problem Statement 05182016.pdf](#)
Importance: High

Herald Speiser;

Thank you for your prompt response to my request, i.e., challenge to adverse determination. I attached the signed Certificate of Service requesting the challenge.

As you know, I raised concerns regarding Susquehanna, April 19, 2016. I believe these concerns are still valid. I again reviewed these concerns in my draft letter May 18, 2016, reference attached.

The difficulty I have with the transfer of license process, i.e., from PPL, to Talen Energy, to Riverstone, is this; At no time along the license transfer path, to my knowledge, has a public hearing occurred within the 10 mile Plume Exposure Zone, nor in the 50 mile Ingestion Pathway Zone, i.e., Notification per Act. Further, during this process Talen Energy posted a loss of \$341 Million. The revenue stream for nuclear is under severe strain, energy prices are going down, maintenance costs are increasing, health and safety issues continue to plague many facilities (10 out of 100 facilities are out of service regularly further increasing the cost per unit of a generated kilowatt hour, note Susquehanna outage performance), plans for on site storage at Susquehanna, i.e., on site two miles from my home, plan to go beyond the 1,900 metric ton limit, and I do not believe the decommissioning dollars allotted are adequate, i.e., given estimated \$13 to \$19 million per facility and 100 units to decommission over the next 20 years, using an inflation rate of 3% over 20 years and decommission dollar value for one site @ \$15 million, my estimate: \$2,630,259,079.62 and we have two units up the road. Further, given that Riverstone could go bankrupt during the near future, the question raised is this: Who is left with the cost of cleaning up what is left? We have a superfund site down the road off old route 11, and we still have scars left over from coal mining, reference McAdoo, PA. Who will be the guarantor given potential failure? Will burden fall on the citizen? Without access to the Riverstone operating plan, investment NPV calculation, and clear recognition and resolution of the issues raised above, along with known dollar values for continued operation, the citizen is left with a lack of understanding, information, and lack of trust as to the veracity of the proposed transfer.

References used: <https://www.iaea.org/textbase/npsum/wei2016sum.pdf> and Nuclear Energy Institute, Fact Sheet, Decommissioning Nuclear Power Plants, August 2016

Sabatini Monatesti

Oct 24, 2016 11:08:31 AM, Hearing.Docket@nrc.gov wrote:

Mr. Monatesti,

Tanya Hood of the NRC Staff has shared with the Office of the Secretary your email stating that you would like to challenge the Staff's denial of your request for access to SUNSI. Please be advised that your email to Ms. Hood **does not** constitute a challenge to Staff's adverse determination of your request. As stated in the Federal Register Notice related to the subject of your request, a copy of which is attached, any such challenge must be submitted **within 5 days of receipt of the adverse determination** to the presiding officer in the proceeding or, if no presiding officer has been appointed, the Chief Administrative Judge. No presiding officer has been appointed in this matter, so any challenge you wish to submit must go to Chief Administrative Judge E. Roy Hawkens. Judge Hawkens' contact information was shown on the draft certificate of service you were previously provided, another copy of which is also attached for your convenience. Please be sure to copy all parties listed in the certificate of service on anything you submit.

Thank you.

Herald Speiser

Herald M. Speiser

Rulemakings and Adjudications Staff

Office of the Secretary

U. S. Nuclear Regulatory Commission

(301) 415-1675

Docket Nos. 50-387, 50-388
and 72-28-LT-2

I hereby certify that copies of the foregoing **DOCUMENT** have been served upon the following persons by Electronic Information Exchange.

<p>U.S. Nuclear Regulatory Commission Office of Commission Appellate Adjudication Mail Stop: O-7H4 Washington, DC 20555-0001</p> <p>OCAA Mail Center E-mail: ocaamail@nrc.gov</p>	<p>U.S. Nuclear Regulatory Commission Office of the Secretary of the Commission Mail Stop: O-4F00 Washington, DC 20555-0001</p> <p>Hearing Docket E-mail: hearingdocket@nrc.gov</p>
<p>Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Mail Stop T-3F23 Washington, DC 20555-0001 E. Roy Hawkens, Chief Administrative Judge E-mail: Roy.Hawkens@nrc.gov</p>	<p>Pillsbury Winthrop Shaw Pittman LLP 2300 N Street NW Washington, DC 20037-1122 David Lewis, Esq. E-mail: david.lewis@pillsburylaw.com</p>
<p>U.S. Nuclear Regulatory Commission Office of the General Counsel Mail Stop - O-14A44 Washington, DC 20555-0001 Beth Mizuno, Esq. Cathy Scott, Esq. Jeremy Wachutka, Esq. Email: beth.mizuno@nrc.gov cathy.scott@nrc.gov jeremy.wachutka@nrc.gov ogcmailcenter.resource@nrc.gov</p>	<p>Sabatini Monatesti 919 Belair Drive Berwick, PA 18603 E-mail: smonatesti@verizon.net</p>

Dated at Rockville, Maryland,
this 24 day of October, 2016

Sabatini J. Monatesti

General: chall eng to adverse selection

Health and Safety review – Susquehanna Site

Problem Statement: Talen Energy requires an extension of the nuclear waste dry storage facility. The current Talen Energy plant operates in Salem Township, PA and currently supports about 1,800 to 2,000 tons of nuclear waste. Salem Township Zoning Board health and safety position was undermined by a legal position taken by Talen Energy attorney who stated that jurisdiction rests with the NRC, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Washington, D.C., 20585, Nuclear Waste Policy Act, March 2004, http://www.energy.gov/sites/prod/files/edg/media/nwpa_2004.pdf .

Talen Energy requires additional storage capacity due to its continued life expectancy requirement (additional license extension 20 years, anticipate installing 50 to 60 additional storage units, total capacity by 2018 about 3,000 tons). Two concerns exist:

1. Will the additional storage impact the health and safety of the Salem Township community (includes Berwick PA), e.g., :
 - a. Will the site support the additional weight given the potential for hydraulic fracturing earthquake incident?
 - b. Does Talen Energy have sufficient funds in escrow to enable decommissioning of plant, and if facility sold, what protection do the residents of the area have that decommissioning is possible without extensive citizen investment (tax dollars)?
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 - a. Potential for cascade failure, exposure to radiation due to waste mishandling or related container breakage (44% of past failures dealt with health and safety issues)
 - b. Potential for plant infrastructure failure due to neutron bombardment or other failure (Electrical Power Distribution 22%, Component 22% and Generation Capacity 12%)

To my knowledge, neither Talen Energy nor NRC has undertaken any evaluation of review with citizen participation to discern if the additional dry storage would affect the health and safety of the surrounding area. Through their commission of acts denying due process the parties, i.e., Talen Energy, NRC and Township Zoning Board, have undermined the action of citizens of Salem Township to review and participate in the design of storage as it relates to health and safety of the citizen of Salem Township

Applicable Statute: NRC considers health and safety of paramount importance, per act.

Health and Safety review – Susquehanna Site

1. Page 6: **Evaluation** – Act applies for the disposal of high-level radioactive waste resulting from atomic energy defense activities. Such evaluation shall take into consideration factors relating to cost efficiency, health and safety, regulation, transportation, public acceptability, and national security.
2. Page 9: **Disposition of waste** – The Federal Government has the responsibility to provide for the permanent disposal of high-level radioactive waste and such spent nuclear fuel as may be disposed of in order to protect the public health and safety and the environment. The costs of such disposal should be the responsibility of the generators and owners of such waste and spent fuel.
3. Page 9: **Concern** – High-level radioactive waste and spent nuclear fuel have become major subjects of public concern, and appropriate precautions must be taken to ensure that such waste and spent fuel do not adversely affect the public health and safety and the environment for this or future generations.
4. Page 11: **Evaluation** – Each nomination of a site under this subsection shall be accompanied by an environmental assessment, which shall include a detailed statement of the basis for such recommendation and of the probable impacts of the site characterization activities planned for such site.
5. Page 30: **Responsibility** – Secretary shall assist such State, and the units of general local government in the vicinity of the repository site, in resolving the offsite concerns of such State and units of general local government, including, but not limited to, questions of State liability arising from accidents, necessary road upgrading and access to the site, ongoing emergency preparedness and emergency response, monitoring of transportation of high-level radioactive waste and spent nuclear fuel through such State, conduct of baseline health studies of inhabitants in neighboring communities near the repository site and reasonable periodic monitoring thereafter, and monitoring of the repository site upon any decommissioning and decontamination.
6. Page 37: **Disposal** – Any repository constructed on a site approved under this subtitle [42 U.S.C. 10131 et seq.] shall be designed and constructed to permit the retrieval of any spent nuclear fuel placed in such repository, during an appropriate period of operation of the facility, for any reason pertaining to the public health and safety, or the environment, or for the purpose of permitting the recovery of the economically valuable contents of such spent fuel. The

Health and Safety review – Susquehanna Site

Secretary shall specify the appropriate period of retrievability with respect to any repository at the time of design of such repository, and such aspect of such repository shall be subject to approval or disapproval by the Commission as part of the construction authorization process under subsections (b) through (d) of section 114 [42 U.S.C. 10134(b)-(d)]. [42 U.S.C. 10142]

7. Page 39: **Interim storage** – The Secretary, the Commission, and other authorized Federal officials shall each take such actions as such official considers necessary to encourage and expedite the effective use of available storage, and necessary additional storage, at the site of each civilian nuclear power reactor consistent with—
 - a. the protection of the public health and safety, and the environment;
 - b. economic considerations;
 - c. continued operation of such reactor;
 - d. any applicable provisions of law (Salem Township); and
 - e. the views of the population surrounding such reactor. [42 U.S.C. 10152]
8. Page 42: **Storage** – The Secretary shall provide, in accordance with paragraph (5), not more than 1,900 metric tons of capacity for the storage of spent nuclear fuel from civilian nuclear power reactors. Such storage capacity shall be provided through any one or more of the following methods: (C) construction of storage capacity at any site of a civilian nuclear power reactor.
9. Page 43: **Environmental review** – The provision of 300 or more metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) shall be considered to be a major Federal action requiring preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)]. The Secretary shall prepare, and make available to the public, an environmental assessment of the probable impacts of any provision of less than 300 metric tons of storage capacity at any one Federal site under subsection (a)(1)(A) that requires the modification or expansion of any facility at the site, and a discussion of alternative activities that may be undertaken to avoid such impacts. Such environmental assessments shall include –
 - a. (i) an estimate of the amount of storage capacity to be made available at such site;

Health and Safety review – Susquehanna Site

- b. (ii) an evaluation as to whether the facilities to be used at such site are suitable for the provision of such storage capacity;
 - c. (iii) a description of activities planned by the Secretary with respect to the modification or expansion of the facilities to be used at such site; (iv) an evaluation of the effects of the provision of such storage capacity at such site on the public health and safety, and the environment;
 - d. a reasonable comparative evaluation of current information with respect to such site and facilities and other sites and facilities available for the provision of such storage capacity;
 - e. a description of any other sites and facilities that have been considered by the Secretary for the provision of such storage capacity; and
 - f. an assessment of the regional and local impacts of providing such storage capacity at such site, including the impacts on transportation.
10. Page 45: **Review** – in all stages of the planning, development, modification, expansion, operation, and closure of storage capacity at a site or facility within such State for the interim storage of spent fuel from civilian nuclear power reactors. Public participation in the negotiation of such an agreement shall be provided for and encouraged by the Secretary, the State, and the affected Tribal Council (we have one up the road, have they been part of the process).
11. Page 46: **Notification** – For the purpose of this subsection, "process of consultation and cooperation" means a methodology by which the Secretary (A) keeps the State and eligible Tribal Council fully and currently informed about the aspects of the project related to any potential impact on the public health and safety and environment
12. Page 61: **Survey** – The Secretary shall consider the extent to which siting a monitored retrievable storage facility at each site surveyed would—provide for public confidence in the ability of such system to safely dispose of the fuel and waste; impose minimal adverse effects on the local community and the local environment; provide a high probability that the facility will meet applicable environmental, health, and safety requirements in a timely fashion
13. Page 70: **Content** – A benefits agreement under section 170 [42 U.S.C. 10173] shall provide that— the State or Indian tribe that is party to such agreement participate in the design of the repository or monitored retrievable storage facility and in the preparation of

Health and Safety review – Susquehanna Site

documents required under law or regulation governing the effects of the facility on the public health and safety;

14. Page 93: **Dry Cask Storage** – the Secretary shall – (1) consider the costs of dry cask storage technology, the extent to which dry cask storage on the site of civilian nuclear power reactors will affect human health and the environment, the extent to which the storage on the sites of civilian nuclear power reactors affects the costs and risk of transporting spent nuclear fuel to a central facility such as a monitored retrievable storage facility, and any other factors the Secretary considers appropriate

Salem Township Resident: The implication of the meeting of Salem Township Zoning Board April 19 is that Talen Energy and Salem Township denied the citizen any right to review or assess the impact of additional waste storage. The implication was that Talen Energy was going forward without any due diligence. That the citizen including local tribe would accept without concern for health and safety the decision of Talen Energy. It was obvious that the NRC had not conducted an environmental evaluation. The NRC nor did Talen Energy present any evidence of their evaluation to the citizen.

Conclusion: Talen Energy and the NRC should be prohibited from pursuit of this expansion without review and acceptance by Salem Township citizen.

From: [Sabatini Monatesti](#)
To: [Docket, Hearing](#)
Cc: [Docket, Hearing](#); [OCAAMAIL Resource](#); [Docket, Hearing](#); [Roy Hawkens](#); [david.lewis@pillsburylaw.com](#); [Mizuno, Beth](#); [Scott, Catherine](#); [Wachutka, Jeremy](#); [OGCMailCenter Resource](#); [Speiser, Herald](#); [Julian, Emile](#); [Newell, Brian](#); [Sola, Clara](#); [erik_helbing_esq@yahoo.com](#); [susan.schwartz@pressenterprise.net](#); [marande07@aol.com](#); [Vincent.kundrik@mail.house.gov](#)
Subject: [External_Sender] Re: Re: *** Susquehanna - Challenge to Access to SUNSI Denial *** Time-sensitive information included
Date: Monday, October 24, 2016 2:51:31 PM
Importance: High

Herald Speiser

Per the Morning Call, Scott Kraus, and per documents filed with the Security and Exchange Commission, Riverstone said its post merger "operational strategy" for Talen includes a focus on increasing cash flow (no longer a public utility, so one must assume, Riverstone will increase cost per kilowatt unit, driving up delivery cost to consumer, without constraint or oversight by public utility commission), reducing "plant-level costs" (does this include the reduction of security, maintenance and capital improvements, if so how will these actions affect health and safety), "corporate overhead" (usually requires reduced administration and job positions, as well as shut down of non-operational facilities, e.g., park area next to Susquehanna River), Non-critical activities (does this include training facilities, software and hardware upgrades, forcing remain in place technology), and evaluation of the sale of "certain non-core assets" including liquidity and reduced debt (Outstanding debt is significant, Talen secured term loan of \$250 million, plus an outstanding unsecured debt of \$3.3 billion).

I plan to review Talen Energy and Riverstone 10K reports. I will need additional time for this review. It will be very interesting to discern how Riverstone will cut operating expenditures by \$100 million per year, reduce capital expenditures by another \$50 million and in so doing erase the \$340 million shortfall reported by Talen Energy. I understand Talen reported total operating expenses of \$1.5 billion for the first six months of 2016. These numbers need further review, and until the impact of this deal to the citizen is understood, this license transfer should be scrutinized in detail and tabled until citizen review is completed.

Regards,
Sabatini Monatesti

Update to previous post.

Sabatini Monatesti

Oct 24, 2016 12:46:48 PM, smonatesti@verizon.net wrote:

Herald Speiser;

Thank you for your prompt response to my request, i.e., challenge to adverse determination. I attached the signed Certificate of Service requesting the challenge.

As you know, I raised concerns regarding Susquehanna, April 19, 2016. I believe these concerns are still valid. I again reviewed these concerns in my draft letter May 18, 2016, reference attached.

The difficulty I have with the transfer of license process, i.e., from PPL, to Talen Energy, to Riverstone, is this; At no time along the license transfer path, to my knowledge, has a public hearing occurred within the 10 mile Plume Exposure Zone, nor in the 50 mile Ingestion Pathway Zone, i.e., Notification per Act. Further, during this process Talen Energy posted a loss of \$341 Million. The revenue stream for nuclear is under severe strain, energy prices are going down, maintenance costs are increasing, health and safety issues continue to plague many facilities (10 out of 100 facilities are out of service regularly further increasing the cost per unit of a generated kilowatt hour, note Susquehanna outage performance), plans for on site storage at Susquehanna, i.e., on site two miles from my home, plan to go beyond the 1,900 metric ton limit, and I do not believe the decommissioning dollars allotted are adequate, i.e., given estimated \$13 to \$19 million per facility and 100 units to decommission over the next 20 years, using an inflation rate of 3% over 20 years and decommission dollar value for one site @ \$15 million, my estimate: \$2,630,259,079.62 and we have two units up the road.

Further, given that Riverstone could go bankrupt during the near future, the question raised is this: Who is left with the cost of cleaning up what is left? We have a superfund site down the road off old route 11, and we still have scars left over from coal mining, reference McAdoo, PA. Who will be the guarantor given potential failure? Will burden fall on the citizen? Without access to the Riverstone operating plan, investment NPV calculation, and clear recognition and resolution of the issues raised above, along with known dollar values for continued operation, the citizen is left with a lack of understanding, information, and lack of trust as to the veracity of the proposed transfer.

References used: <https://www.iaea.org/textbase/npsum/wei2016sum.pdf> and Nuclear Energy Institute, Fact Sheet, Decommissioning Nuclear Power Plants, August 2016

Sabatini Monatesti

Oct 24, 2016 11:08:31 AM, Hearing.Docket@nrc.gov wrote:

Mr. Monatesti,

Tanya Hood of the NRC Staff has shared with the Office of the Secretary your email stating that you would like to challenge the Staff's denial of your request for access to SUNSI. Please be advised that your email to Ms. Hood **does not** constitute a challenge to Staff's adverse determination of your request. As stated in the Federal Register Notice related to the subject of your request, a copy of which is attached, any such challenge must be submitted **within 5 days of receipt of the adverse determination** to the presiding officer in the proceeding or, if no presiding officer has been appointed, the Chief Administrative Judge. No presiding officer has been appointed in this matter, so any challenge you wish to submit must go to Chief Administrative Judge E. Roy Hawkens. Judge

Hawkens' contact information was shown on the draft certificate of service you were previously provided, another copy of which is also attached for your convenience. Please be sure to copy all parties listed in the certificate of service on anything you submit.

Thank you.

Herald Speiser

Herald M. Speiser

Rulemakings and Adjudications Staff

Office of the Secretary

U. S. Nuclear Regulatory Commission

(301) 415-1675

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Susquehanna Nuclear, LLC;)	Docket Nos. 50-387, 50-388
Susquehanna Steam Electric Station,)	and 72-28-LT-2
)	
Units 1 and 2)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM FROM THE SECRETARY REFERRING SUNSI APPEAL** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission Office of Commission Appellate Adjudication Mail Stop: O-7H4 Washington, DC 20555-0001 OCAO Mail Center E-mail: ocaamail@nrc.gov	U.S. Nuclear Regulatory Commission Office of the Secretary of the Commission Mail Stop: O-4F00 Washington, DC 20555-0001 Hearing Docket E-mail: hearingdocket@nrc.gov
Atomic Safety and Licensing Board Panel U.S. Nuclear Regulatory Commission Mail Stop T-3F23 Washington, DC 20555-0001 E. Roy Hawken, Chief Administrative Judge E-mail: Roy.Hawken@nrc.gov	Pillsbury Winthrop Shaw Pittman LLP 2300 N Street NW Washington, DC 20037-1122 David Lewis, Esq. E-mail: david.lewis@pillsburylaw.com
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[Original signed by Herald M. Speiser]

Dated at Rockville, Maryland,
this 25th day of October, 2016