

**From:** [Sabatini Monatesti](#)  
**To:** [Docket\\_Hearing](#)  
**Cc:** [OCAAMAIL\\_Resource](#); [Docket\\_Hearing](#); [Roy Hawkens](#); [david.lewis@pillsburylaw.com](mailto: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](mailto:erik_helbing_esq@yahoo.com); [susan.schwartz@pressenterprise.net](mailto:susan.schwartz@pressenterprise.net); [marande07@aol.com](mailto:marande07@aol.com); [Vincent.kundrik@mail.house.gov](mailto: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

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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](mailto: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

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*Herald M. Speiser*

*Rulemakings and Adjudications Staff*

*Office of the Secretary*

*U. S. Nuclear Regulatory Commission*

*(301) 415-1675*

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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: <a href="mailto:ocaamail@nrc.gov">ocaamail@nrc.gov</a></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: <a href="mailto:hearingdocket@nrc.gov">hearingdocket@nrc.gov</a></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: <a href="mailto:Roy.Hawkens@nrc.gov">Roy.Hawkens@nrc.gov</a></p>	<p>Pillsbury Winthrop Shaw Pittman LLP 2300 N Street NW Washington, DC 20037-1122 David Lewis, Esq. E-mail: <a href="mailto:david.lewis@pillsburylaw.com">david.lewis@pillsburylaw.com</a></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: <a href="mailto:beth.mizuno@nrc.gov">beth.mizuno@nrc.gov</a> <a href="mailto:cathy.scott@nrc.gov">cathy.scott@nrc.gov</a> <a href="mailto:jeremy.wachutka@nrc.gov">jeremy.wachutka@nrc.gov</a> <a href="mailto:ogcmailcenter.resource@nrc.gov">ogcmailcenter.resource@nrc.gov</a></p>	<p>Sabatini Monatesti 919 Belair Drive Berwick, PA 18603 E-mail: <a href="mailto:smonatesti@verizon.net">smonatesti@verizon.net</a></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

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**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](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

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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

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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

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- 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

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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.