

From: [Michel Lee Council](#)
To: [Docket Hearing](#)
Subject: [External_Sender] Comments of CIECP-PHASE: Indian Point Nuclear Generating Unit Nos. 1, 2, and 3; Consideration of Approval of Transfer of NRC - NRC-2020-0021
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March 25, 2020

**COMMENTS OF COUNCIL ON INTELLIGENT ENERGY & CONSERVATION POLICY
and PROMOTING HEALTH AND SUSTAINABLE ENERGY (PHASE)**

**Re: Indian Point Nuclear Generating Unit Nos. 1, 2, and 3; Consideration of Approval
of Transfer of NRC – NRC-2020-0021**

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Attn: Rulemakings and Adjudications Staff
Via Hearing.Docket@nrc.gov

Dear Nuclear Regulatory Commission:

The Council on Intelligent Energy & Conservation Policy (CIECP) and Promoting Health and Sustainable Energy (PHASE) oppose the application dated Nov 21, 2019 (Application) for direct and indirect transfers of licenses, filed by Entergy Nuclear Operations, Inc. (ENOI), on behalf of itself; Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC (collectively, Entergy); and on behalf of Holtec International; and Holtec Decommissioning International, LLC (HDI) (collectively, Holtec; and Entergy and Holtec, collectively, a/k/a the applicants).

The application of Entergy and Holtec seeks Nuclear Regulatory Commission (NRC) approval of the transfer of control of the operating licenses for Indian Point Nuclear Generating, Unit Nos. 1, 2, and 3 (Indian Point or IP1, IP2, and IP3) as well as the general license for the Indian Point Energy Center Independent Spent Fuel Storage Installation (ISFSI) (collectively, the licenses). Entergy and Holtec request NRC consent to (1) the transfer of control of the licenses to Holtec subsidiaries to be known as Holtec Indian Point 2, LLC and Holtec Indian Point 3, LLC and (2) the transfer of ENOI's operating authority to HDI. (Entergy and Holtec Application)^[1]

Introduction

Granting the application referenced Order would be extraordinarily reckless decisionmaking and a violation of the prime mission of the Nuclear Regulatory Commission (NRC) to protect the public.

In deference to the extreme and unprecedented conditions under which the NRC is being

forced to operate, CIECP aims to present its core points in these Comments with brevity.

So as not to strain the current limited time resources of agency staff, we will here not repeat the many well articulated facts stated and concerns raised by the New York Attorney General with respect to the specific deficiencies in the Application. We agree with our State's Attorney General and aver that arguments made in the Petition of the State of New York for Leave to Intervene and for a Hearing (New York Petition) are abundantly

supported by the evidence presented and detailed therein.^[2] We also share the concerns about the financial and technical capability of Holtec raised in the intervenor petitions filed by Riverkeeper, Inc. (Riverkeeper Petition) and the Town of Cortlandt, Village of Buchanan, and Hendrick Hudson School District (Towns), as well as the comments submitted respectively by Hudson River Sloop Clearwater and Westchester County.

Rather, in these Comments, we seek to contribute a new perspective to the record with a specific focus on the novel and evolving conditions presented by the coronavirus – or Covid-19 – pandemic.

We submit that the current crisis illustrates why low-probability, high consequence events such as pandemics/epidemics, terrorism, extreme weather, and natural disasters must be taken into consideration, especially where the “high consequence” may be truly catastrophic. Substantially elevated risks, by definition, will impact time and cost assumptions and challenge the technical capability of even substantially capitalized entities. Any serious event occurring at the site or failure to adequately manage the nuclear waste (spent fuel) will have major impacts for the simple reason that Indian Point is situated in the most highly populated area of any nuclear power plant in the nation.

The Covid-19 crisis illustrates the need to incorporate uncertainty and unpredictability into calculations.

Further the Covid-10 crisis demonstrates that analyses involving hazardous activities and sites must be broad in scope and forward-thinking. In our connected and warming world, we need to approach risks posed by pathogens, terrorism (including cyberattacks), and acts of Mother Nature by taking into consideration the harsh reality that these hazards may not be fully escapable. The Application fails to take any of these new realities into account, but the NRC must.

At this critical point in time, the NRC stands at a crossroads. It can either continue to pretend that its regulatory schema and the applicants' modeling assumptions will provide “adequate” assurance or it can acknowledge actual reality, including and especially the rapidly growing magnitude of uncertainties.

Which path you chose may well determine whether the region in which Indian Point is situated will be able to financially recover from this pandemic.

POINT ONE: None of the Documents or NRC Regulations Upon Which the Applicants Rely Contemplate the Level of Complexity and Uncertainty Added by the Pandemic to All Levels of Technical and Financial Risk

Even before Covid-19 struck, Entergy and Holtec disregarded the potential disruption of

decommissioning activity which could result as a consequence of unanalyzed (or grossly improperly and inadequately analyzed) risks highly specific to the Indian Point site. The Application fails to consider the seismic risk. The Application also completely ignores the risk to the site presented by two high pressure gas pipelines that run proximate to and actually traverse the Indian Point site. The earthquake risk at the site magnifies the risk presented by the pipelines, as a temblor could initiate cracks or a major rupture of one or both of the high-pressure gas pipelines. Applicants have given no serious consideration to the possibility of a major accident involving high velocity shaking, vibration, fires, and/or collapses of various non-robust structures (e.g., roofs and debris falling into the spent fuel pool). The potential for an accident (radiological or other) during decommissioning is not inconsequential due to extensive activity that does not occur during normal operation of the active plant. At Indian Point, the risks attendant to dismantlement and demolition, present at any reactor, are considerably heightened by the gas pipelines.

The impacts of a seismic or gas pipeline rupture upon site decommissioning and spent fuel management can only be imagined in a world dealing with Covid-19. Will that world last months, a year, years? No one knows. Further, it will be quite some time before anyone can guess when the pandemic will end or whether incidence will hit a peak and then decline, or rise and fall with virulence with the seasons, possibly over years or decades. It requires truly magical thinking to imagine that significant events would not severely challenge operational activity at the site during decommissioning, and by extension, the duration of such activity and the technical and financial capability of Holtec and its partners.

Moreover, the matter of events impacting operation and management of the site and decommissioning extends way beyond the potentially catastrophic to the mundane. Accidents, problems, delays due to vendors, etcetera, at any large complex site commonly occur, as even Applicants acknowledge. Such events can only be reasonably anticipated to occur with some regularity under the schema and with the byzantine rather incomprehensible structure Holtec proposes in its "fleet" plan. Intervenor petitions and comments submitted by New York State and regional bodies and others have noted the fact that Holtec has never decommissioned a single nuclear power plant in the United States. It has, until very recently, focused on spent fuel canister and cask systems. Its activities in fuel transfer at San Onofre has been marred by delays, safety culture problems and confusion over what mandates NRC review. For example thin-walled canisters have been scratched and gouged when transferred from fuel pools to casks. In one case a canister got caught while being lowered into the storage cask and was dangerously suspended for hours. Holtec did not report this occurrence. It became known only when a whistleblower discussed the incident at a public hearing.

Nevertheless, Holtec now embarks upon a vast expansion of its nuclear operations, seeking to decommission multiple sites at the same time. Even with every optimistic assumption proffered by Holtec regarding its own estimated spectacular planned performance under the conditions existing at the time it submitted the Application and PSDAR, how is this not a glaring fantasy in a Covid-19 threatened world?

POINT TWO: The Reality of the Human Factor, the Physical Vulnerability of Executives, Employees, Contract Workers and Vendors Must Now be Taken into Strong Consideration

Nuclear industry actors and the NRC may no longer legitimately rely on the capability of human beings to function. Even if Holtec had vast experience in decommissioning, and long smooth-running collaborations in the process with contractors and vendors, the reality of our world now would blow that smoothly running machine to smithereens.

This obviously is a problem that impacts the safety of operating reactors with immediacy.

However it becomes something of massively elevated concern during fuel transfer and all other operations at nuclear sites which involve the orchestration of a multitude of corporate actors and literally swarms of workers involved in close collaboration, on-site and off. As Holtec acknowledges, on-site decommissioning work can involve thousands of individuals.

Not only will the issues of quarantine and potential transmission of infection from worker-to-worker on-site be a grave risk which can create bring decommissioning to a screeching halt, but illness and incapacity of employees at every level of every single entity engages – from the senior executives to administrative staffs to the highly skilled engineer to the temporary unskilled worker – will present staggering set of problems.

POINT THREE: Conditions of the “New Normal” Render the Post Shutdown Decommissioning Activities Report (PSDAR), the Timeline, and the Site-Specific Decommissioning Cost Estimate (Cost Estimate) Obsolete

Applicants contend there is enough money in the Decommissioning Trust Fund, including enough to manage spent fuel for decades.

The merits of this contention were debatable prior to the Covid-19 crisis, they are absurd now. The logistical operations which Applicants envision can no longer be viewed as reasonably feasible. Even if the pandemic abates far faster than predicted by medical experts and does not return, the workforce and economic disruption caused will have far ranging impacts on the capability and availability of the contractors and vendors and the many supply chains upon which Holtec must rely.

At best, given the current reality, the cost estimates must now be viewed as exceedingly questionable.

POINT FOUR: The Pandemic Has Far-Ranging Impacts Which Interact and Interrelate With the Site – Such as Reduced Government Budgets and Strained First Responder and Emergency Response Capability

The pandemic has caused dramatic disruption of the entire society. Decommissioning and spent fuel management will not exist in a vacuum. The unstated presumption that any problem that emerges can be readily handled and no major delays will occur is now utterly unsupportable.

¹ As per an order of the NRC, the Post Shutdown Decommissioning Activities Report (PSDAR) submitted by Holtec, including a Site-Specific Decommissioning Cost Estimate (DCE), is deemed part of the Application. [ML20026A002](#). For ease of reference, CIECP will use the terms Entergy and Holtec or applicants to refer generally to said parties.

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https://ag.ny.gov/sites/default/files/001_state_petition_to_intervene.pdf, and the Riverkeeper Petition.
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