

From: [Mike Zoeller](#)
To: [Paul Ryerson](#); [Allison Wood](#)
Cc: [Rob Kelter](#); [Moody, Michael \(AG\)](#); alovett@balch.com
Subject: [External_Sender] Palisades NRC Proceedings: Public Access
Date: Wednesday, December 14, 2022 8:10:44 AM
Attachments: [image003.png](#)
[ELPC letter re public access.pdf](#)

Dear Judge Ryerson,

Attached please find ELPC's request for greater public access to this License Transfer proceeding.

Respectfully submitted,

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ENVIRONMENTAL LAW & POLICY CENTER

December 14, 2022

BY EMAIL

Hon. Paul S. Ryerson
Associate Chief Administrative Judge
The Atomic Safety and Licensing Board
11545 Rockville Pike
Rockville, MD 20852

In the Matter of: Entergy Nuclear Operations, Inc., *et al.* (Palisades Nuclear Plant and Big Rock Site), Docket Nos. 50-255-LT-2, 50-155-LT-2, 72-007-LT, and 72-043-LT-2

Dear Judge Ryerson,

The Environmental Law & Policy Center (“ELPC”) is writing to ask that all filings in the above-referenced proceedings be made public, with the understanding that the Court may allow Holtec to redact those portions of the filings that it demonstrates contain confidential or proprietary information.

ELPC petitioned to intervene in this License Transfer Application because of our concern with licensees’ meeting their decommissioning obligations. Although the petition was denied, as members of the public we still have the right to information regarding these proceedings of public interest. Unfortunately, the Applicant, Holtec, has precluded access to nearly all of the filings in this proceeding by designating them as confidential or proprietary under the Protective Order of August 31, 2022, thereby making nearly all of the pre-hearing filings non-public.

The public has a right “to be fully apprised as to the bases for and effects of the proposed action” by the NRC. 10 C.F.R. § 2.390(b)(5). The issues raised by Michigan (and the intervenors including ELPC) and certified by the Commission involve the financial capability of Holtec Decommissioning Int’l LLC to decommission the Palisades nuclear plant. The underlying issues are primarily: (1) the current and projected future performance of the Decommissioning Fund, and (2) the estimated cost of decommissioning. Neither of these issues appear to involve classified, confidential, or proprietary trade secret business information for which disclosure could harm public safety or Holtec’s competitive position. 10 C.F.R. § 2.390(b)(2).

In light of the impacts on the community’s health, safety, and welfare, and that the public might ultimately be required to backstop any shortfall, the public has the right to see the projections being made to support the decisions in this proceeding. To the extent that the parties’ filings contain confidential or proprietary information, we request that they file redacted versions that are publicly-accessible.

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Hon. Paul S. Ryerson
December 14, 2022
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ELPC is a non-profit, public interest environmental legal advocacy and eco-business innovation organization working throughout the Midwest to improve environmental quality and protect natural resources on behalf of our organization, members and clients. ELPC works to protect public health, clean water, clean air and the Great Lakes in ways that are good for the environment and good for the economy. ELPC has been engaged in both nuclear power plant safety and economic issues in several cases over the past 25 years.

Please let us know the extent to which the proceedings in this important license transfer application will be made available to the public.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael J. Zoeller", with a stylized flourish at the end.

Michael J. Zoeller

cc: Michael Moody, Asst. Attorney General of Michigan
Alan D. Lovett, Counsel for Applicant

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
Entergy Nuclear Operations, Inc., Entergy)	Docket Nos. 50-255-LT-2
Nuclear Palisades, LLC, Holtec)	50-155-LT-2
International, and Holtec Decommissioning)	72-007-LT
International, LLC)	72-043-LT-2
(Palisades Nuclear Plant & Big Rock Point))	
)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **E-Mail and Letter from the Environmental Law & Policy Center** have been served upon the following persons by Electronic Information Exchange.

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Entergy Nuclear Operations, Inc, Holtec International (Palisades Nuclear Plant and Big Point Rock)

Docket No. 50-255-LT-2, 50-155-LT-2, 72-007-LT, 72-043-LT-2

E-Mail and Letter from the Environmental Law & Policy Center

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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 14th day of December 2022