

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

IN THE MATTER OF )  
ENTERGY NUCLEAR )  
OPERATIONS, INC. ) Docket No. 50-255  
 )  
PALISADES NUCLEAR PLANT )

**PETITION FOR DECLARATORY ORDER**

The Petitioners, Beyond Nuclear and Don't Waste Michigan (Petitioners), bring this Petition for Declaratory Order pursuant to the Administrative Procedure Act, 5, U.S.C. § 554(e), and in support thereof state as follows:

INTRODUCTION

The Palisades Nuclear Plant (PNP) was a nuclear power plant in Covert Township, Michigan. It was originally licensed for operation in 1971. The license was extended in 2007 for 20 years, to 2031. In 2017, Entergy, the licensee of the Palisades plant, notified the Nuclear Regulatory Commission (NRC) that Entergy would permanently shut down the Palisades plant no later than May 31, 2022. In fact, due to the performance of a control rod seal, Entergy closed the operation of the plant on May 20, 2022, 11 days early. Since that time, the plant has been undergoing decommissioning.

After the plant was closed, it was purchased by Holtec International, in June of 2022. On July 5, 2022, Holtec submitted to the U.S. Department of Energy (DOE) an application for funding to restart the Palisades plant, pursuant to the Civil Nuclear Credit (CNC) Program. That program was created by § 40323 of the Infrastructure Investment and Jobs Act, 42 U.S.C. § 18753, for the purpose of providing a subsidy to currently operating nuclear reactors facing closure for economic reasons. Holtec's July 5, 2022 request for CNC

funding was denied by DOE, but the reason for that denial has not been made public. It seems obvious that the reason should have been because Palisades is not a currently operating reactor as contemplated by the CNC Program.

Undaunted, Holtec intends to reapply for CNC funding in the 2023 application cycle. See, <https://www.world-nuclear-news.org/Articles/Holtec-to-reapply-for-funding-to-restart-Palisades>, and <https://www.hollandsentinel.com/story/news/environment/2022/12/20/holtec-plans-second-attempt-to-reopen-shuttered-palisades-nuclear-plant/69743023007/>. It seems clear that Palisades would still not qualify as a currently operating reactor.

Accordingly, Petitioners request the Commissioners of the U.S. Nuclear Regulatory Commission (NRC or Commission) to exercise their supervisory authority to find and declare that the prior exemption allowing the discontinuation and destruction of records pertinent to the maintenance, current licensing basis and operation of the Palisades reactor be reversed, and that the Commissioners enter an order directing resumption of records compilation and retention and retrospective construction of any records that would otherwise have been generated and maintained during the time the exemption was in effect. Petitioners particularize their request below.

## PARTIES AND STANDING

### **1. Beyond Nuclear**

Beyond Nuclear (BN) is a not-for-profit public policy, research, education organization based in Takoma Park, Maryland that advocates the immediate expansion of renewable energy sources to replace commercial nuclear power generation. Beyond Nuclear has over 12,000 members of whom a number reside, work and recreate near the

Palisades Nuclear Plant. Nuclear's address is 7304 Carroll Ave., #182, Takoma Park, MD 20912, phone (301) 270-2209, [www.beyondnuclear.org](http://www.beyondnuclear.org).

BN petitioned in 2021 to intervene in the on the application of Entergy Nuclear Operations, Inc., seeking approval of the transfer of control of Provisional Operating License No. DPR-6 and Renewed Facility Operating License No. DPR-20 for Big Rock Point Plant and Palisades Nuclear Plant, as well as the general license for the Big Rock Point Independent Spent Fuel Storage Installation and the Palisades ISFSI to Holtec Decommissioning International. Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC (Palisades Nuclear Plant) Docket Nos. 50-255-LT-2, 50-155-LT-2, 72-007-LT, 72-043-LT-2.

BN additionally petitioned in 2015 to be an intervenor in a license amendment proceeding at Palisades wherein Entergy sought to amend its operating license by using an equivalent margin analysis to demonstrate that the steel plate and weld materials in the reactor pressure vessel would retain margins of safety against fracture from metallurgical embrittlement. *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant), Docket No. 50-255-LA2.

BN also petitioned in 2014 to be made an intervenor in a license amendment proceeding at Palisades wherein Entergy desired to amend its operating license authorization to implement 10 CFR § 50.61a, "Alternate fracture toughness requirements for protection against pressurized thermal shock events," *in lieu* of compliance with 10 CFR § 50.61. *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant), Docket No. 50-255-LA.

## **2. Don't Waste Michigan**

Don't Waste Michigan (DWM) is a 30-year-old grassroots association with over 50 members in southern, western and central Michigan. DWM is located at 811 Harrison St., Monroe, MI 48161. DWM works to shut down aging, dangerous nuclear power plants in the Great Lakes Basin; to halt or block the construction of new nuclear power plants; to educate the public about the dangers of nuclear power and nuclear waste, its deadly by-product; and to block the practice of landfilling nuclear waste.

DWM petitioned in 2021 to intervene in the on the application of Entergy Nuclear Operations, Inc., seeking approval of the transfer of control of Provisional Operating License No. DPR-6 and Renewed Facility Operating License No. DPR-20 for Big Rock Point Plant and Palisades Nuclear Plant, as well as the general license for the Big Rock Point Independent Spent Fuel Storage Installation and the Palisades ISFSI to Holtec Decommissioning International. Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC (Palisades Nuclear Plant) Docket Nos. 50-255-LT-2, 50-155-LT-2, 72-007-LT, 72-043-LT-2.

DWM additionally petitioned in 2015 to be an intervenor in a license amendment proceeding at Palisades wherein Entergy sought to amend its operating license by using an equivalent margin analysis to demonstrate that the steel plate and weld materials in the reactor pressure vessel would retain margins of safety against fracture from metallurgical embrittlement. *Entergy Nuclear Operations, Inc. (Palisades Nuclear Plant)*, Docket No. 50-255-LA2.



DWM also petitioned in 2014 to be made an intervenor in a license amendment proceeding at Palisades wherein Entergy desired to amend its operating license authorization to implement 10 CFR § 50.61a, “Alternate fracture toughness requirements for protection against pressurized thermal shock events,” *in lieu* of compliance with 10 CFR § 50.61. *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant), Docket No. 50-255-LA.

### **3. Standing**

In determining whether a petitioner has sufficient interest in a proceeding, the Commission has traditionally applied judicial concepts of standing. *See Metropolitan Edison Co.* (Three Mile Island Nuclear Station, Unit 1), CLI-83-25, 18 NRC 327, 332 (1983) (citing *Portland General Electric Co.* (Pebble Springs Nuclear Plant, Units 1 and 2), CLI-76-27, 4 NRC 610 (1976)). Contemporaneous judicial standards for standing require a petitioner to demonstrate that (1) she, he or it has suffered or will suffer a distinct and palpable harm that constitutes injury-in-fact within the zone of interests arguably protected by the governing statutes (*e.g.*, the Atomic Energy Act of 1954 (AEA), the National Environmental Policy Act of 1969 (NEPA)); (2) the injury can be fairly traced to the challenged action; and (3) the injury is likely to be redressed by a favorable decision. *See Carolina Power & Light Co.* (Shearon Harris Nuclear Power Plants), LBP-99-25, 50 NRC 25, 29 (1999).

An organization that wishes to intervene in a proceeding may do so either in its own right by demonstrating harm to its organizational interests, or in a representational capacity by demonstrating harm to its members. *See Hydro Resources, Inc.* (2929 Coors Road, Suite 101, Albuquerque, NM 87120), LBP-98-9, 47 NRC 261, 271 (1998). An organization

seeking representational standing must demonstrate how at least one of its members may be affected by the licensing action (such as by activities on or near the site), must identify that member by name and address, and must show (preferably by affidavit) that the organization is authorized to request a hearing on behalf of that member. *See, e.g., Georgia Institute of Technology* (Georgia Tech Research Reactor, Atlanta, Georgia), CLI-95-12, 42 NRC 111, 115 (1995); *Houston Lighting and Power Co.* (South Texas Project, Units 1 and 2), ALAB-549, 9 NRC 644, 646-48-12 (1979); *Houston Lighting and Power Co.* (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 390-97 (1979). Regarding the preference for an affidavit, see *Shieldalloy Metallurgical Corp.* (Cambridge, Ohio Facility), CLI-99-12, 49 NRC 347, 354 & n.4 (1999); *Northeast Nuclear Energy Co.* (Millstone Nuclear Power Station, Unit 1), LBP-96-1, 43 NRC 19, 23 (1996).

### **C. Petitioners Have Demonstrated Standing**

Standing to participate in this proceeding is demonstrated by the proximity to Palisades stated in the declarations of the individuals annexed to this Petition. All individual Petitioners, in turn, have authorized the organizational Petitioners to represent their interests in this proceeding.

All but one of the individual members have provided evidence of living within 1 mile of Palisades. Alice Hirt lives 36.5 miles from Palisades. BN and DWM all are entitled to the presumption of injury-in-fact for persons residing within that zone. *Houston Lighting & Power Co.* (South Texas Project, Units 1 & 2), LBP-79-10, 9 NRC 439, 443 (1979); *Detroit Edison Co.* (Enrico Fermi Atomic Power Plant, Unit 2), LBP-79-1, 9 NRC 73, 78 (1979); and *Entergy Nuclear Generation Co. & Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), LBP-06-23, 64 NRC 257, 270 (2006)).

The license transfer application involves a reactor which will be decommissioned during the license period.

Even assuming, *arguendo*, there is no presumption of standing based upon mere close geographic proximity to Palisades, then standing should be accorded the individual citizens near Palisades based on the “proximity-plus” test, where a petitioner may show that the activity at issue involves geographical closeness to a “significant source of radioactivity producing an obvious potential for offsite consequences.” *Sequoyah Fuels Corp. and General Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 75 n.22 (1994). The case of *Shaw Areva MOX Services*, LBP-07-14 (2007) involved a license application for a mixed oxide fuel fabrication facility in South Carolina. The petitioners there submitted standing affidavits from members whose residences were within 20 to 32 miles from the facility site. The licensing board noted that the NRC Staff included residents as far away as 50 miles from the facility in its calculation of potential population doses. The *Shaw* decision suggests that a significant proximity radius is justified in cases involving large amounts of spent nuclear fuel, and cited *Carolina Power & Light Co.* (Shearon Harris Nuclear Power Plant), LBP-99-25, 50 NRC 25 (1999).

The notion of “injury-in-fact” encompasses all radiation impacts, including those that do not necessarily amount to a regulatory violation. See *Duke Cogema Stone & Webster* (Savannah River Mixed Oxide Fuel Fabrication Facility), LBP-01-35, 54 NRC 403, 417 (2001) (citing *Yankee Atomic Electric Co.* (Yankee Nuclear Power Station), CLI-96-7, 43 NRC 235, 247-48 (1996)). A minor exposure to radiation—even if it is within regulatory limits—will suffice to state an injury-in-fact. *Id.* And not only actual injury, but the threat of injury from radiation exposure, is sufficient to satisfy the “injury-in-fact” requirement of

traditional standing. See *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Unit 2), CLI-03-14, 58 NRC 207, 216 (2003) (“A threatened unwanted exposure to radiation, even a minor one, is sufficient to establish an injury.”). See also, *Duke Power Co. v. Carolina Environmental Study Group, Inc.*, 438 U.S. 59, 74 (1978). Here, the petitioning organizations’ members live, work and recreate near a site of a nuclear power reactor, and they express valid concerns that the reactor, although now involved in decommissioning, will be restarted and pose the risks of any operating nuclear plant.

Whether and at what distance from the radiation source a person can be presumed to be affected, and thus have legal standing, is judged on a case-by-case basis in NRC licensing cases, taking into account the nature of the proposed action and the significance of the radioactive source. While a petitioner must show that he or she lives, works or recreates proximate to the location of dangerously radioactive materials, importantly, the petitioner does *not* have the burden of articulating a plausible means through which those materials could cause harm. It is the inherent dangers of the radioactive materials that create the obvious potential for offsite consequences. *U.S. Army Installation Command* (Schofield Barracks, Oahu, Hawaii, and Pohakuloa Training Area, Island of Hawaii, Hawaii), CLI-10-20, 71 NRC 216, 218 (2010), citing *USEC, Inc.* (American Centrifuge Plant), CLI-05-11, 61 NRC 309, 311 (2005).

As noted, spent nuclear fuel is high-level nuclear waste and is inherently dangerous with “obvious potential for offsite consequences.” The reasonableness of a petitioner’s apprehension of injury must be left for consideration when the merits of the controversy are reached. *Armed Forces Radiobiology Research Institute* (Cobalt-60 Storage Facility), ALAB-682, 16 NRC 150, 152, 154 (1982) (petitioners lived three to five miles from water-



shielded irradiation facility at National Naval Medical Center holding 320,000 curies of radioactive cobalt-60 that allegedly “Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel,” (NUREG-2157) (2014) (“Continued Storage GEIS” or “GEIS”) at Executive Summary, p. lviii. were emitting gamma radiation; proximity to cobalt inventories sufficed to establish petitioner's interest). In *Georgia Institute of Technology* (Georgia Tech Research Reactor, Atlanta, Georgia), CLI-95-12, 42 NRC 111 (1995), the Commission left undisturbed the Atomic Safety and Licensing Board’s finding that it was “neither ‘extravagant’ nor ‘a stretch of the imagination’ to presume that some injury, ‘which wouldn’t have to be very great,’ could occur within one half mile of the research reactor.” *Id.* at 117. *See also CFC Logistics, Inc.*, LBP-03-20, 58 NRC 311, 320 (2003) (petitioners residing from between one-third of a mile to three miles from a facility licensed to possess up to 1 million curies of cobalt-60 could rely on proximity presumption to establish their standing to intervene because of the quantity of radioactive material and its dangerousness). Also, *see Louisiana Energy Services, L.P.* (National Enrichment Facility), CLI-04-15, 59 NRC 256, 257 (2004) (groups with members living at 2.5- and 4.9-mile distances, respectively, from the proposed facility “live in [such] close proximity to the proposed LES facility” that they would have an obvious potential to be affected by the facility). And in an earlier *LES* proceeding involving the proposed Claiborne Enrichment Center, the Licensing Board remarked that the petitioner (which had several members residing within 1 mile, in “close proximity” to the proposed facility) could rely on a “presumption of injury” from an “accidental release of fission products.” *See Louisiana Energy Services, L.P.* (Claiborne Enrichment Center), Memorandum and Order (July 16, 1991) (unpublished) at 6.



Prior agency rulings regarding spent fuel pool expansion proceedings also supply some guidance. *Shearon Harris*, LBP-99-25, 50 NRC at 29-31 (petitioner seventeen miles from the facility at issue accorded standing); *Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), LBP-87-7, 25 NRC 116, 118-19 (1987); *id.*, LBP-87-17, 25 NRC 838, 842, *aff'd in part and reversed in part on other grounds*, ALAB-869, 26 NRC 13 (1987) (residence within ten miles of ISFSI sufficient for standing); *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Unit 1), LBP-88-10A, 27 NRC 452, 454-55 (1988), *aff'd*, ALAB-893, 27 NRC 627 (1988) (standing of individual living within 10 miles of ISFSI conceded by parties); *Northeast Nuclear Energy Co.* (Millstone Nuclear Power Station, Unit 3), LBP-00-02, 51 NRC 25, 28 (2000) (standing granted individual with part-time residence located ten miles from ISFSI).

This petition relates to possible reactivation of the Palisades Nuclear Plant, implicating significant health, safety, environmental, and financial concerns for BN, DWM and their members. BN and DWM and their members will be at risk if there is a reactivation of the Palisades plant. The radiological risk to members' health and safety is well documented in prior NRC reactor licensing cases.

In sum, Petitioner organizations have demonstrated, via declarations of their members, that the members face present or prospective injury, and that they reside close by inherently dangerous radioactive materials that could cause or contribute to extremely serious accidents and/or contamination accidents. Beyond Nuclear and Don't Waste Michigan all should be granted legal standing to pursue contentions denominated below on behalf of their members.

## EXEMPTION FROM RECORDS RETENTION REQUIREMENTS

Nuclear reactors licensed under 10 C.F.R. Part 50, including Palisades, have several regulatory requirements concerning maintaining and preserving records.

- 10 C.F.R. § 50.59(d) requires a licensee to maintain records of changes to the facility, of changes in procedures, and of tests and experiments. The records must be maintained until the termination of an operating license.

- 10 C.F.R. § 50.71 requires a licensee to maintain all records and make all reports as may be required by the conditions of the license or permit or by the regulations and orders of the Commission.

- 10 C.F.R. Part 50, Appendix B, Criterion VII requires a licensee to maintain sufficient records to furnish evidence of activities affecting quality. Consistent with applicable regulatory requirements, the licensee must establish requirements concerning record retention, such as duration, location, and assigned responsibility.

After Entergy made the decision to shut down Palisades, it requested, on June 15, 2021, an exemption from the above described records requirements. The exemption request was premised on a notice Entergy submitted to the NRC on October 19, 2017, expressing Entergy's intention to permanently cease power operations at Palisades by May 31, 2022. Specifically Entergy proposed that the following records would not be retained:

1. Records associated with systems, structures and components (SSCs), and activities that were applicable to the nuclear unit, which are no longer required by the Part 50 licensing basis; or
2. For SSCs associated with safe storage of fuel in the spent fuel pool, when spent nuclear fuel has been completely transferred from the spent fuel pool to dry

storage, and the spent fuel pool is ready for demolition and the associated licensing bases are no longer effective.

In order for an exemption from these requirements to be granted, a licensee must show that the requirements of 10 C.F.R. § 50.12(a)(1) are met and that special circumstances, as specified in 10 C.F.R. § 50.12(a)(2), exist. 10 C.F.R. § 50.12 provides, in pertinent part, as follows:

- (a) The Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are -
  - (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security.
  - (2) The Commission will not consider granting an exemption unless special circumstances are present. Special circumstances are present whenever -
    - (i) Application of the regulation in the particular circumstances conflicts with other rules or requirements of the Commission; or
    - (ii) Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; or
    - (iii) Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated; or
    - (iv) The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption; or
    - (v) The exemption would provide only temporary relief from the applicable regulation and the licensee or applicant has made good faith efforts to comply with the regulation; or
    - (vi) There is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. If such condition is relied on exclusively for satisfying paragraph (a) (2) of this section, the exemption may not be granted until the Executive Director for Operations has consulted with the Commission.

On November 23, 2021, the Commission granted Entergy's requested exemption.

The exemption was issued on the basis that the license for Palisades would be terminated.

## HOLTEC'S REQUEST TO RESTART PALISADES

If Holtec's request for CNC funding is granted and Holtec seeks to restart Palisades it will be important to reverse the Commission's November 23, 2021 approval in order to have the records that were subject to the exemption described above maintained and preserved. If restarted, Palisades will be subject to the requirements of record maintenance and retention in the regulations described above. Therefore, with the possibility of Palisades resuming operations and the record maintenance and retention requirements being applicable, the exemption issued on November 23, 2021 should be withdrawn. The exemption was based on the formal intention of a permanent shutdown of Palisades such that keeping the records would cease to be necessary.

The Petitioners therefore request that a declaratory order be issued by the Commission stating that the previous exemption is not prospectively supported and must be rescinded, and that Palisades recordkeeping at PNP must be reinstated as required by 10 C.F.R. § 50.59(d), 10 C.F.R. § 50.71, and 10 C.F.R. Part 50, Appendix B, Criterion VII.

Any doubts that Holtec can successfully commence power generation at Palisades must be resolved against Holtec so that the exempted the records will once again be maintained and available. As explained in the exemption issued by the Commission to Entergy, records retention is important "for NRC to ensure compliance with the safety and health aspects of the nuclear environment and for the NRC to accomplish its mission to protect the public health and safety." The exemption decision also explains that records retention also "assists the NRC 'in judging compliance and noncompliance, to act on possible noncompliance, and to examine facts as necessary following any incident.'" Those



purposes for maintaining and retaining the records will be obviously relevant if Palisades is restarted.

#### APPROPRIATENESS OF DECLARATORY ORDER

5 U.S.C. § 554(e) states, “The agency, with like effect as in the case of other orders, and in its sound discretion, may issue a declaratory order to terminate a controversy or remove uncertainty.” As explained above, there is much uncertainty as to whether Holtec will be successful in restarting Palisades, and therefore, much uncertainty as to whether the recordkeeping at Palisades should be restored. A declaratory order is necessary to remove this uncertainty.

#### REQUEST FOR RELIEF

Based on the foregoing and pursuant to 5 U.S.C. § 554(e), Petitioners request the Commissioners of the U.S. Nuclear Regulatory Commission to exercise their supervisory authority to find and declare that the prior exemption allowing the discontinuation and destruction of records pertinent to the maintenance, current licensing basis and operation of the Palisades reactor be reversed, and that the Commissioners enter an order directing resumption of records compilation and retention and retrospective construction of any records that would otherwise have been generated and maintained during the time the exemption was in effect.

/s/ Terry J. Lodge  
Terry J. Lodge  
316 N. Michigan St, Suite 520  
Toledo, Ohio 43604  
419-205-7084  
(Fax) 419-932-6625  
e-mail: tjlodge50@yahoo.com

/s/ Wallace L. Taylor  
Wallace L. Taylor  
4403 1<sup>st</sup> Ave. N.E., Suite 402  
Cedar Rapids, Iowa 52402  
319-366-2428  
(Fax) 319-366-3886  
e-mail: wtaylorlaw@aol.com

CO-COUNSEL FOR PETITIONERS



## **CERTIFICATE OF SERVICE**

I, Wallace L. Taylor, certify that on February 2, 2023, I served:

Petition for Declaratory Order by Beyond Nuclear and Don't Waste Michigan, and attached standing declarations by Carolyn Ferry, Joseph Kirk, Alice Hirt and William Reed on the following persons by electronic mail:

NRC Commissioners  
c/o Brooke Poole Clark, Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
NRCExecSec@nrc.gov

Jason Day  
Holtec Decommissioning International  
Krishna P. Singh Technology Campus  
1 Holtec Boulevard  
Camden, NJ 08104  
Tel. (856) 797-0900 Ext. 3688  
Email: j.day@holtec.com

Alan D. Lovett  
BALCH & BINGHAM LLP  
1710 Sixth Avenue North  
Birmingham, AL 35203-2015  
(205) 226-8769  
alovett@balch.com

/ s/ Wallace L. Taylor  
Wallace L. Taylor

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

IN THE MATTER OF )  
ENTERGY NUCLEAR )  
OPERATIONS, INC. ) Docket No. 50-255  
PALISADES NUCLEAR PLANT )

**DECLARATION OF ALICE HIRT**

Under penalty of perjury, Alice Hirt declares as follows:

1. My name is Alice Hirt. I am a member of Don't Waste Michigan.
2. I am an adult citizen of Michigan who lives at 6677 Summit View, Holland, MI 49423, which is 36.5 straight-line miles from the Palisades Nuclear Plant.
3. I am aware that Holtec International has purchased the Palisades Nuclear Plant and proposes to restart the plant, which is now in the process of decommissioning. I am concerned that if the plant is restarted, I will be in danger of a radioactive release because I know Palisades has had technical problems in the past, including embrittlement of the reactor vessel and defective performance of multiple control rod devices. In fact, the defective control rod devices were the reason the plant was shut down before the original planned shutdown.
4. I also know that this action for a declaratory order to preserve, maintain and reconstruct the records at Palisades will help to ensure the safety of the plant in the event it is restarted.
5. Therefore, I authorize Don't Waste Michigan to represent my interests by petitioning for a declaratory judgment to require the preservation, maintenance and reconstruction of the records at Palisades.

Dated 1/23, 2023.

Alice Hirt  
ALICE HIRT

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

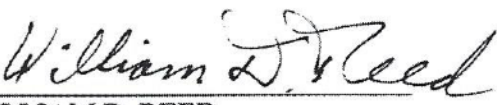
IN THE MATTER OF )  
ENTERGY NUCLEAR )  
OPERATIONS, INC. ) Docket No. 50-255  
PALISADES NUCLEAR PLANT )

**DECLARATION OF WILLIAM D. REED**

Under penalty of perjury, William D. Reed declares as follows:

1. My names is William D. Reed. I am a supporter of Beyond Nuclear.
2. I am an adult citizen of Michigan who lives at 80015 Ramblewood Dr., Covert, MI 49043, which is 0.67 straight-line miles from the Palisades Nuclear Plant.
3. I am aware that Holtec International has purchased the Palisades Nuclear Plant and proposes to restart the plant, which is now in the process of decommissioning. I am concerned that if the plant is restarted, I will be in danger of a radioactive release because I know Palisades has had technical problems in the past, including embrittlement of the reactor vessel and defective performance of multiple control rod devices. In fact, the defective control rod devices were the reason the plant was shut down before the original planned shutdown.
4. I also know that this action for a declaratory order to preserve, maintain and reconstruct the records at Palisades will help to ensure the safety of the plant in the event it is restarted.
5. Therefore, I authorize Beyond Nuclear to represent my interests by petitioning for a declaratory judgment to require the preservation, maintenance and reconstruction of the records at Palisades.

Dated January 31, 2023.

  
WILLIAM D. REED



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

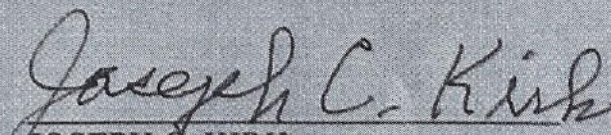
IN THE MATTER OF )  
ENTERGY NUCLEAR )  
OPERATIONS, INC. ) Docket No. 50-255  
 )  
PALISADES NUCLEAR PLANT )

**DECLARATION OF JOSEPH C. KIRK**

Under penalty of perjury, Joseph C. Kirk declares as follows:

1. My names is Joseph C. Kirk. I am a member of Don't Waste Michigan.
2. I am an adult citizen of Michigan who lives at 29794 Lake Bluff, Palisades Park, MI 49043, which is 0.8 straight-line miles from the Palisades Nuclear Plant.
3. I am aware that Holtec International has purchased the Palisades Nuclear Plant and proposes to restart the plant, which is now in the process of decommissioning. I am concerned that if the plant is restarted, I will be in danger of a radioactive release because I know Palisades has had technical problems in the past, including embrittlement of the reactor vessel and defective performance of multiple control rod devices. In fact, the defective control rod devices were the reason the plant was shut down before the original planned shutdown.
4. I also know that this action for a declaratory order to preserve, maintain and reconstruct the records at Palisades will help to ensure the safety of the plant in the event it is restarted.
5. Therefore, I authorize Dont' Waste Michigan to represent my interests by petitioning for a declaratory judgment to require the preservation, maintenance and reconstruction of the records at Palisades.

Dated January 31, 2023.

  
JOSEPH C. KIRK



UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION

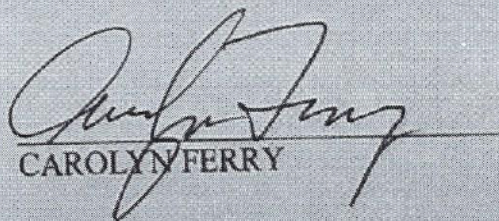
IN THE MATTER OF )  
ENTERGY NUCLEAR )  
OPERATIONS, INC. ) Docket No. 50-255  
PALISADES NUCLEAR PLANT )

**DECLARATION OF CAROLYN FERRY**

Under penalty of perjury, Carolyn Ferry declares as follows:

1. My names is Carolyn Ferry. I am a member of Beyond Nuclear.
2. I am an adult citizen of Michigan who lives at 799964 Fernwood Dr., Covert, MI 49043, which is 1/2 straight-line miles from the Palisades Nuclear Plant.
3. I am aware that Holtec International has purchased the Palisades Nuclear Plant and proposes to restart the plant, which is now in the process of decommissioning. I am concerned that if the plant is restarted, I will be in danger of a radioactive release because I know Palisades has had technical problems in the past, including embrittlement of the reactor vessel and defective performance of multiple control rod devices. In fact, the defective control rod devices were the reason the plant was shut down before the original planned shutdown.
4. I also know that this action for a declaratory order to preserve, maintain and reconstruct the records at Palisades will help to ensure the safety of the plant in the event it is restarted.
5. Therefore, I authorize Beyond Nuclear to represent my interests by petitioning for a declaratory judgment to require the preservation, maintenance and reconstruction of the records at Palisades.

Dated Feb. 2, 2023.

  
CAROLYN FERRY