

**Law Office of
TERRY J. LODGE**

**316 N. Michigan Street, Suite 520
Toledo, OH 43604-5627**

**lodgelaw@yahoo.com
(419) 205-7084**

October 8, 2026

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001
Via email to Marlayna.Doell@nrc.gov

Re: Palisades Nuclear Plant, Docket No. 50-255 (Opposition to expedited approval of
DD41 fuel recovery amendment)

Dear NRC Commissioners and Staff:

I write on behalf of my clients, Michigan Safe Energy Future and Don't Waste Michigan, both of which have been engaged for years in litigation over the Palisades restart before the Commission, and presently in two federal appellate courts. We urge the NRC not to approve Holtec's proposed one-time alternative fuel-handling amendment on an expedited basis without thorough, independent safety review and a full opportunity for searching public scrutiny. Retrieval of the errant damaged fuel assembly DD41 is obligatory, but the purely economic urgency stated by Holtec International LLC as justification for the NRC to act would be to continue enabling the accumulating Palisades follies.

We incorporate by reference as though rewritten in this letter the comments filed with the NRC by Arnold Gundersen, Ace Hoffman, Kary Love, Alan Blind and Kraig Schultz on October 7 or 8, 2026 in this exigent proceeding.

Holtec has not adequately justified urgent handling of its request by the NRC. It describes this significant deviation from existing USFAR procedures in its October 2 letter:

With DO41 moved on the trolley to the Spent Fuel Pool (SFP) side of the Equipment Hatch, DO41 will then be lifted and travel North on the West side of the SFP in SFP Heavy Load Path #1 to the North end of the SFP. This path will take the canister over the North Tilt Pit where spent fuel is currently stored. After reaching the North end, OD41 *[sic]* will then be moved to the Northeast corner of the SFP and be placed in the SFP cask laydown area utilizing a portion of SFP Heavy Load Path #4. Use of SFP Heavy Load Path #1 is the normal load path used to move all material, regardless of weight, in and out of Containment. SFP Heavy Load Path #4 is the load path used for moving casks between the cask washdown pit and the SFP.

Holtec has requested expedited license amendment issuance pursuant to 10 CFR § 50.91(a)(5). But the NRC appears to be treating the request as made under 10 CFR § 50.91(a)(6), where “the Commission finds that exigent circumstances exist, in that a licensee and the Commission must act quickly and that time does not permit the Commission to publish a Federal Register notice allowing 30 days for prior public comment, and it also determines that the amendment involves no significant hazards considerations.”

The (a)(6) track, though, requires the NRC to require Holtec to conform to 10 CFR § 50.91(a)(6)(vi), to “explain the exigency and why the licensee cannot avoid it, and use its normal public notice and comment procedures in paragraph (a)(2) of this section if it determines that the licensee has failed to use its best efforts to make a timely application for the amendment in order to create the exigency and to take advantage of this procedure.”

And Holtec has completely failed to provide any explanation of genuinely exigent circumstances. Holtec’s justification at page 8 of its submission states:

PNP is requesting emergency processing of this license amendment request as a delay in approval of the proposed changes would result in a delay in the resumption of activities necessary to reach the plant conditions required to restore the plant to power operation.

This is not a *bona fide* emergency. Holtec’s economic “emergency” is not a *public emergency*. Holtec’s desire to avoid public embarrassment at being forced to reveal the actual details of how the fuel bundle problem occurred in the first place is also not an emergency. Holtec persists in its ongoing and unjustified race to accomplish the restart wherein Holtec, itself, has been the source of its problems.

In sum, Holtec has not “explained the exigency and why the licensee cannot avoid it, and use its normal public notice and comment procedures.” This matter must be relegated to the normal 30-day public comment track with all information known to the NRC disclosed immediately so that the public may knowledgeably and meaningfully monitor and critique this or any other contemplated deviation from established USFAR procedure.

How many more “one-time” exemptions and excursions will the public have to anxiously tolerate as Holtec shambles along its improvidently accelerated path to a gilded restart? How much more common sense and solid science will Holtec be permitted to ignore as it serially bets the public health and the natural environment of Michigan on its quest to enrich absentee investors?

/s/ Terry J. Lodge

Terry J. Lodge, Esq.
Counsel for Don’t Waste Michigan and
Michigan Safe Energy Future