



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 3, 2023

Ms. Jean A. Fleming
Vice President, Licensing,
Regulatory Affairs, and PSA
Holtec International, LLC
Krishna P. Singh Technology Campus
1 Holtec Boulevard
Camden, NJ 08104

SUBJECT: PALISADES NUCLEAR PLANT – ACCEPTANCE OF REQUESTED LICENSING
ACTION RE: REQUEST FOR EXEMPTION FROM 10 CFR 50.82(a)(2) TO
SUPPORT REAUTHORIZATION OF POWER OPERATIONS
(EPID L-2023-LLE-0025)

Dear Ms. Fleming:

By letter dated September 28, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23271A140), Holtec Decommissioning International, LLC (HDI) submitted a request for an exemption from portions of Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.82, "Termination of license," paragraph (a)(2) for Palisades Nuclear Plant. Specifically, HDI is requesting an exemption from the requirement in 10 CFR 50.82(a)(2) providing that the 10 CFR Part 50 license no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel upon docketing of the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel that were submitted in accordance with 10 CFR 50.82(a)(1). HDI states that the exemption request, in combination with future license amendment requests (LARs) and NRC approval of an order to transfer operational authority, are necessary to reauthorize placement of fuel into the reactor vessel and reauthorize power operations at Palisades Nuclear Plant. The LARs and the request to transfer operational authority are anticipated to be submitted to NRC over the next several months.

The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC or Commission) staff's acceptance review of the exemption request. In accordance with 10 CFR 50.12, "Specific exemptions," the Commission may, upon application by any interested person or upon its own initiative, grant an exemption from the requirements of the regulations in Part 50 (1) if the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and (2) if special circumstances are present. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical safety review. The acceptance review is also intended to identify whether the exemption request application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

The NRC staff has reviewed your application and concluded that it provides technical safety information in sufficient detail to enable the NRC staff to complete its detailed technical safety review. Given the lesser scope and depth of the acceptance review, as compared to the detailed technical safety review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical safety review are identified despite completion of an adequate acceptance review. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate correspondence.

With respect to the environmental information in the exemption request, by letter dated September 28, 2023, you provided information in support of your determination that a categorical exclusion in accordance with 10 CFR 51.22(c)(25), was satisfied by the exemption request. However, because the exemption request and the future requests for license amendments and to transfer operational authority are connected actions that are all necessary to reauthorize placement of fuel into the reactor vessel and reauthorize power operations at Palisades Nuclear Plant, the NRC staff will make a determination on its regulatory obligations under the National Environmental Policy Act once all associated requests have been received by the NRC.

Based on the information provided in your submittal and discussions during the pre-licensing meeting on August 29, 2023 (ML23235A180), the NRC staff has estimated that this exemption request will require approximately 300 hours to complete the safety review. With respect to your requested completion schedule of December 31, 2024, the NRC staff believes that it will complete the safety review by then. If the NRC staff determines that the exemption meets applicable requirements, the issuance and effective dates would be further communicated to you and would depend on the prerequisite conditions for restart, such as receipt and review of the other aspects of the Palisades Nuclear Plant reauthorization of power operations effort, including the license transfer application and license amendment requests to update the operating license, technical specifications, and emergency plan. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be provided to you via separate correspondence.

If you have any questions, please contact me at (301) 415-2048 or via email at Justin.Poole@nrc.gov.

Sincerely,

/RA/

Justin C. Poole, Project Manager
Plant Licensing Branch III
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-255

cc: Listserv

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