



10 CFR 2.201

June 18, 2024

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001

Indian Point Generating Station Units 1, 2 and 3.  
Provisional Operating License No. DPR-5  
Renewed Facility Operating License No. DPR-26 & DPR-64  
NRC Docket No. 50-003, 50-247, 50-286, and 72-051

Subject: Reply to a Notice of Violation EA-24-037

Dear Sir or Madam:

Holtec Decommissioning International, LLC (HDI) hereby submits the Reply to a Notice of Violation identified in NRC Inspect Report Nos. 05000003/2024005, 05000247/2024005, 05000286/2024005, 07200051/202401. As requested, the enclosure contains the following responses for the notice of violation and HDI's corrective actions: (1) the reason for the violation; (2) the corrective steps that have been taken and the results achieved; (3) the corrective steps that will be taken; and (4) the date when full compliance will be achieved. The corrective actions included an extent of condition review of restrictive or otherwise discouraging language in IPEC agreements.

This letter contains no new regulatory commitments. Should you have any questions, please contact me at (856) 797-0900, ext. 3578.

Sincerely,

Jean A.  
Fleming

Digitally signed by Jean A. Fleming  
DN: cn=Jean A. Fleming, c=US,  
o=Holtec Decommissioning  
International, LLC, ou=Regulatory and  
Environmental Affairs,  
email=J.Fleming@Holtec.com  
Date: 2024.06.18 12:08:55 -0400

Jean A. Fleming  
Vice President of Licensing and Regulatory Affairs  
Holtec International

Reference: U.S. Nuclear Regulatory Commission Inspection Report to Holtec Decommissioning International, LLC, Indian Point Energy Center Units 1, 2 and 3 - NRC Inspection Report Nos. 05000003/2024005, 05000247/2024005, 05000286/2024005, 07200051/2024001 and Notice of Violation (ADAMS Ascension No. ML24120A226), dated May 21, 2024.



KPS Technology Campus, 1 Holtec Blvd., Camden, NJ 08104

Telephone (856) 797-0900 – Fax (856) 797-0900

[www.holtecinternational.com](http://www.holtecinternational.com)

Enclosure: Reply to a Notice of Violation; EA-24-037

cc: NRC Regional Administrator - Region I  
Chief of the Decommissioning, ISFSI and Reactor Health Physics Branch, Region I  
NRC Lead Regional Inspector – IPEC  
NRC NMSS Sr Project Manager – IPEC  
New York State Liaison Officer Designee, NYSERDA  
New York State (NYS) Public Service Commission



KPS Technology Campus, 1 Holtec Blvd., Camden, NJ 08104

---

Telephone (856) 797-0900 – Fax (856) 797-0900

[www.holtecinternational.com](http://www.holtecinternational.com)

**Enclosure**

Reply to a Notice of Violation; EA-24-037

### **Notice of Violation**

NRC Inspect Report Nos. 05000003/2024005, 05000247/2024005, 05000286/2024005, 07200051/2024001, (EA-24-037) dated May 21, 2024, cited a Severity Level IV Notice of Violation as stated below:

During an NRC inspection conducted between January 1, 2024, and March 31, 2024, a violation of NRC requirements was identified. In accordance with the NRC Enforcement Policy, the violation is listed below:

10 CFR 50.7(f) states in part: “No agreement affecting the compensation, terms, conditions, or privileges of employment, including an agreement to settle a complaint filed by an employee with the Department of Labor pursuant to section 211 of the Energy Reorganization Act of 1974, as amended, may contain any provision which would prohibit, restrict, or otherwise discourage an employee from participating in protected activity as defined in paragraph (a)(1) of this section, including, but not limited to, providing information to the NRC or to his or her employer on potential violations or other matters within NRC’s regulatory responsibilities.”

Contrary to the above, Holtec agreements contained language that would restrict or otherwise discourage Holtec employees from participating in protected activities as evidenced by the following examples:

1. Between July 2022 and December 2023, at least seven Holtec employees signed a Utility Workers Union of America (UWUA) separation and release agreement containing language that would restrict or discourage employees from participating in protected activities. Specifically, the agreements contain a general release of rights and claims under “[a]ny federal statute,” without sufficiently clear language indicating that employees retain their rights to engage in activities protected under section 211 of the Energy Reorganization Act. The agreements also contain language prohibiting employees from voluntarily acting as a witness for any party in a matter adverse to Holtec and requiring employees to inform Holtec of “all subpoenas, correspondence, telephone calls, requests for information, inquiries or other contacts” received from third parties, including government agencies.

2. As of January 2021, and May 2022, respectively, Holtec’s Conditions of Employment forms, 11HR and 11HR-HSI, restrict or otherwise discourage Holtec/Holtec Security International (HSI) employees from providing information voluntarily to the NRC on potential violations or other matters within NRC’s regulatory responsibilities. Specifically, the Conditions of Employment forms state, in part, that “[y]ou agree that you will not, during or after your employment with [Holtec/HSI], (i) disclose or allow the publication of, in whole or in part, any [Holtec/HSI] and Holtec International’s Confidential Information to any person, firm, corporation, association, or other entity for any reason or purpose whatsoever unless authorized in writing to do so by [Holtec/HSI].” These forms concern the terms and Conditions of Employment with Holtec/HSI, and as stated in the documents, constitute “binding and enforceable” agreements between Holtec/HSI and its employees.

This is a Severity Level IV violation (NRC Enforcement Policy Section 6.10)

Holtec Decommissioning International (HDI) accepts this violation, has performed a causal analysis, has taken prompt action to return to full compliance and has implemented comprehensive corrective actions for long-term sustained compliance.

### **Reason for the Violation**

The direct cause is that language in both the former release agreements and HR-11 forms is such that the signer could misinterpret the general clauses as prohibitive from raising concerns to the NRC either during or post-employment.

### **Corrective Steps Taken and Results Achieved**

In response to the violation described in NOV. The licensee took the following prompt corrective actions:

- Incident Report (IR) written to document the issue and potential NRC violation (IP2-01091). Additional IR written upon issuance of inspection report (IP2-01119).
- Work Group Evaluation completed to evaluate cause and corrective actions.
- Extent of Condition reviews completed at other HDI decommissioning sites and IRs PAL-02051, PIL-7289, and OYS-3862 entered into the corrective action program.
  - o HDI decommissioning sites were impacted by the use of NDAs and Union Separation Agreements.
- Extent of Condition review of additional employment agreements.
  - o HDI confirmed that restrictive or otherwise discouraging language was not in other IPEC agreements.
- Review of Separation Agreements.
  - o Use of unamended Separation Agreements was discontinued after notification of a potential violation.
- Separation Agreement amended with updated language.
  - o Completed on May 1, 2024
- Confidentiality Agreements (HR-11) amended with updated language.
  - o Completed on May 8, 2024
- Training created in the Learning Management System (LMS) for “Reporting Safety Concerns to the NRC” and notifying employees that no language in previously signed confidentiality agreements precludes them from raising concerns to the NRC.

- Completed by all HDI employees on May 31, 2024, with the exception of those on Leave of Absence. LMS tracks individuals who have not completed the required training for completion upon their return to work.
- HR informed former HDI employees via a letter who signed separation agreements that nothing in the agreement precludes them from raising concerns to the NRC.
  - Completed on May 2, 2024

**Corrective Steps That Will be Taken:**

No further actions have been identified.

**Date of Full Compliance**

HDI established full compliance on May 31, 2024.