

# PUBLIC SUBMISSION

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**Docket:** NRC-2024-0076

Notice of Intent to Conduct Scoping Process and Prepare an Environmental Assessment Holtec Decommissioning International, LLC and Holtec Palisades, LLC; Palisades Nuclear Plant, Unit 1

**Comment On:** NRC-2024-0076-0001

Holtec Decommissioning International, LLC, and Holtec Palisades, LLC; Palisades Nuclear Plant; Notice of Intent To Conduct Scoping Process and Prepare an Environmental Assessment

**Document:** NRC-2024-0076-DRAFT-0004

Comment on FR Doc # 2024-14112

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## Submitter Information

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## General Comment

Federal Register, Docket ID NRC-2024-0076 in part, says:

“...The NRC is announcing that it will hold a hybrid public scoping meeting for the PNP exemption request, license transfer, and license amendment request submittals....”

Based on this wide scope of topics for which the NRC is requesting public comments,

“.....in this instance, the NRC considered the unique nature of the requests and the demonstrated high public interest....”

Because of the above Federal Register statements, I am submitting questions on the following:

Holtec and NRC Use of Exceptions for Relicensing PalisadesQuality

Assurance Program, Restart Activities

Planned NRC Inspections

Transition to Operational Status Issues List

DOE Conditional Loan Term Sheet

Attached is a pdf of the text of each question, including supporting.

Because it is referenced in comment A (use of Exceptions), attached is a pdf file of the Alan Blind / Roger Rapoport Petition for Rule Making, requesting an NRC Commission-approved process for returning a decommissioned plant to operational status. This request for rule-making has been received by the Regulatory Analysis and Rulemaking Support Branch but has not yet been docketed. I understand this request is being reviewed outside the scope of this public meeting proceeding. Still, there is an intersection of arguments and basis between my comments to this preceding and the request for rulemaking. Evaluators of this public meeting comment should be aware, and reviewers of the petition for rule-making should know both, including the outpouring of public support for both.

Also, I have attached a PDF file containing the signatures of residents who support my comment and petition. These residents live next to the Palisades Nuclear Power Plant. The number of signatories continues to increase, and the final list will be presented at the July 11 public meeting.

Attached are pdf files:

Comments/ Docket ID NRC–2024–0076  
Petition For Rulemaking  
Signatures of Support From Local Residents

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## Attachments

Comments

Petition For Rulemaking

Petition Signatures Redacted(

## Holtec and NRC Use of Exceptions for Relicensing Palisades

Comment:

The Federal Register announcing this public meeting said the purpose was to hear public comments:

The scope is, "...no significant impacts is reached, related to the exemption request, license transfer request, and license amendment requests..."

Public Interest, "... in this instance the NRC considered the unique nature of the requests and the demonstrated high public interest...."

In view of this meeting's purpose, I would like to comment on Exception Requests. I bring up Exception Requests first, because if General Counsel has not approved the current application, then all other Holtec submittals do not stand.

For full disclosure, I am also a co-petitioner on a Petition For Rule Making, in which Exception Requests is one element.

Holtec and NRC staff reference a single sentence from a 2020 Petition for Rulemaking denial as a legal basis for using the exception rule to process Holtec submittals for the purpose to return Palisades to operation from a decommissioned status, essentially a relicensing process. Both Holtec and NRC staff omit other parts contained in the same petition denial letter that do not support their position. The 2020 denial of the request for rulemaking must be read in its entirety, not just selectively, and must include all text from sentences that are used. NRC General Counsel should rule if Holtec's and NRC's application of one sentence, for the purpose of relicensing Palisades, is allowable. The General Council's ruling on Holtec's usage of the 2020 exception denial wording should be made public. Rather than use the exception rule, I urge the NRC to make new rules for this very complicated process of relicensing Palisades for which no current NRC processes exist.

The single sentence, with some text removed by Holtec and NRC is:

...The NRC is denying PRM-50-117 because the existing regulatory framework may be used **removed >> on a case-by-case basis<< removed**

*Note: The words "on a case-by-case basis" were removed by Holtec and the NRC, although they appear in the formal denial letter to Mr. George Berka.*

In effect, Holtec and the NRC are using a single sentence—at best, a loophole—taken out of context, to deny public involvement in the relicensing of Palisades. The actual licensing rule is much more complex and includes many steps, including opportunities for public input. The NRC should direct staff to write a new rule for returning a decommissioned plant to operational status and reinstating its operating license. A recent Petition for Rulemaking has been submitted to the NRC with this same request.

According to 10CFR50.3, "Interpretations":

"No interpretation of the regulations in this part by any officer or employee of the Commission, other than a written interpretation by the General Counsel specifically authorized by the Commission in writing, shall be considered binding upon the Commission."

The NRC staff must demonstrate that the General Counsel approved the entirety of the 2020 petition denial text, as referenced in Reference 5 of the Holtec StartUp Plan, which appears to also be utilized by NRC staff to progress the matters contained in these proceedings. If the General Counsel did not authorize the 2020 petition denial, then the staff is prohibited from utilizing the text in accordance with the "Interpretations" rule. Conversely, if the General Counsel did approve the complete text, then their approval should be required once more for the current staff's interpretation, which selectively uses portions of the full text to advance the relicensing of Palisades.

For exception requests to be considered by the NRC, the following must be met, in part: "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 NRC staff continues to use the 2020 petition for rulemaking denial as the basis for accepting Holtec's use of the existing regulatory framework to address the issue raised in the petition, we request that the NRC General Counsel review this sentence's use, including the intentional omission of all other factors, such as the "complexity of the issue" paragraph and omitted text from the sentence used, from the same 2020 denial letter.

In conclusion, the use of a single sentence from a 2020 petition for rulemaking denial, with the text "on a case-by-case basis" removed, should not serve as a simple gateway for relicensing Palisades. Without this gateway, the Holtec path for restart does not stand and must be evaluated against new rulemaking. NRC General Counsel needs to review, and make public, the current use of the 2020 Petition for Rule Making Denial.

The Alan Blind / Roger Rapoport Petition For Rule making for a NRC Commission-approved process for returning a decommissioned plant to operational status, includes additional arguments and a solution for relicensing to go forward, while maintaining public health and safety with full transparency.

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#### References:

Holtec StartUp Plan ML23072A404

While NRC regulations do not prescribe a specific regulatory path for reinstating operational authority following docketing of the 50.82(a)(1) certifications, the NRC has recognized that its existing regulatory framework—namely the process of reviewing and approving exemption and license amendment requests prescribed by 10 CFR

50.12 and 50.90—provides adequate flexibility to accommodate reauthorization of operations (Reference 5)

Reference 5: U.S. Nuclear Regulatory Commission SECY-20-0110, Enclosure 1, Federal Register Notice – Denial of Petition for Rulemaking on Criteria to Return Retired Nuclear Power Reactors to Operations (PRM-50-117; NRC-2019-0063), (ADAMS Accession No. ML20205L307), dated December 7, 2020

#### 10CFR50.3, “Interpretations”

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

#### 10CFR50.12, “Specific Exceptions”

(a) The Commission may, upon application by 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—: (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 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

Denial Letter ML20205L309 to Mr George Berka, Petitioner:

- Holtec’s Reference: “The NRC is denying PRM-50-117 because the existing regulatory framework **may be used on a case-by-case\*\*\* basis** to address the issue raised in the petition.” \*\*\*Bold portion not included in Holtec’s usage.
- The enclosed notice, which will be published in the Federal Register, further explains the reasons for the denial...
  - There have been instances in which a licensee submitted to the NRC and then subsequently withdrew—a certification of an intent to cease operations under § 50.82(a)(1)(i). In those cases, the licensee had not submitted the certification of permanent removal of fuel from the reactor vessel.
  - Based on the complexity of the issue raised by the petitioner, rulemaking on this issue would entail a significant expenditure of NRC resources. Any such rulemaking effort would likely address a wide variety of technical and regulatory topics including, but not limited to, decommissioning status, aging management, quality

assurance, equipment maintenance, personnel, license expiration, hearing process, and appropriate licensing basis.

12-18-23-NRC-Secy-Palisades-Exemption-SECY-v-4.docx-SECY-Order-on-exemption-1, in part:

On September 28, 2023, Holtec Decommissioning International, LLC (Holtec) on behalf of Holtec Palisades, LLC submitted an exemption request from certain requirements in 10 C.F.R. § 50.82.<sup>1</sup> On December 5, 2023, Beyond Nuclear, Don't Waste Michigan, and Michigan Safe Energy Future (Petitioners) filed a petition to intervene and a request for an adjudicatory hearing on Holtec's exemption request.<sup>2</sup>

Section 189 of the Atomic Energy Act (AEA) of 1954, as amended, provides a right to request a hearing "[i]n any proceeding under this Act, for the granting, suspending, revoking, or amending of any license or construction permit, or application to transfer control, and in any proceeding for the issuance or modification of rules and regulations dealing with the activities of licensees ... ." <sup>6</sup> As a general matter, exemption requests do not give rise to a hearing opportunity.<sup>7</sup>

Therefore, pursuant to my authority under 10 C.F.R. § 2.346(h), I *deny* the petition to intervene and request a hearing.

NRC Response to question following previous Public Meeting to Discuss Palisades Restart Panel:

**Question to NRC:** The above, Holtec's letter, concerning the NRC process to be used for evaluation of Palisades restart, is a Holtec position. Does NRC agree? Given the lack of a codified NRC process, should this process be codified and approved by the NRC commissioners?

**NRC Response:** A petition for rulemaking had been submitted to codify the process a licensee would need to follow to restart a plant that had previously entered a decommissioning state but was denied by the NRC. In its ruling, the Commissions stated that "the existing regulatory framework may be used to address the issue raised" in the petition and that "the NRC may consider requests from licensees to resume operations under the existing regulatory framework." For Palisades, the NRC staff is reviewing applications from the licensee that fall within existing regulatory processes, such as license amendments and exemption.

## Quality Assurance Program, Restart Activities

### Comment:

When the NRC questioned Holtec about the Quality Assurance Manual in place during the period of system restoration, Holtec said they would modify the in place decommissioning Quality Assurance Plan to cover the activities being performed at the plant during the restoration period.

It seems reasonable such a QA plan would be at least equal in scope and importance as the operating QA program.

Holtec's own analysis was the operating QA program was more than "editorial" and would require prior NRC approval.

It does not appear Holtec's plan to revise its decommissioning QA program for the for the period of system restoration, without NRC approval is allowed.

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### References:

ML24166A291, SUMMARY OF APRIL 29, 2024, MEETING WITH HOLTEC DECOMMISSIONING INTERNATIONAL, LLC REGARDING PLAN TO SUBMIT A QUALITY ASSURANCE PROGRAM MANUAL TO SUPPORT POTENTIAL REAUTHORIZATION OF POWER OPERATIONS AT PALISADES NUCLEAR PLANT (EPID L-2024-LRM-0019)

NRC staff asked what quality assurance controls would be in effect during the period of system restoration, and what document would contain these controls. The licensee stated that they plan to update the HDI decommissioning QAP currently in effect with the appropriate quality assurance controls to cover the activities being performed at the plant during the restoration period.

Holtec Presentation Slide, Page 12, Conclusion: Since the change is not considered editorial and does not utilize generic organizational changes, the change requires an LAR.

## **Planned NRC Inspections**

### **Comments:**

The NRC inspection plan of restart activities, based on the Holtec schedule of activities should be available to the public.

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### **References:**

From NRC Inspection Manual, 2562:

Based on review of the licensee's schedule of activities, inspections shall be planned and conducted to gain reasonable assurance of the licensee's operational readiness in ensuring adequate protection of public health and safety



## Transition to Operational Status Issues List

**Comment:**

The itemized listing of resort issues from NRC inspection Manual should be made available to the public.

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**References:**

From NRC Inspection Manual, 2562:

The Transition to Operational Status Issues List is an itemized listing of restart issues that contains a description and the status of the issue, and any corresponding status of the NRC regulatory actions and the associated inspection report documentation.

## DOE Conditional Loan Term Sheet

### Comment:

- A. The term sheet specific to the Holtec Conditional Commitment Loan needs to be made available for public view.

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### References:

From the DOE WebSite, "Getting to Know LPO: What is a Conditional Commitment and How is it Different from a Loan or Loan Guarantee?"

"The term sheet contains the key financial and commercial terms of the potential loan or loan guarantee, the conditions that must be satisfied prior to the issuance and funding of a loan or loan guarantee, and the ongoing rights and remedies of DOE under the financing documents."

"The approved term sheet will specify additional steps the borrower must take to proceed toward financial close on the loan or loan guarantee..."

Petitioners, Alan Blind and Roger Rapoport are requesting that the Commission modify 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," to include an NRC Commission-approved process for returning a decommissioned plant to operational status. This new rule-making is necessary, as Palisades is the first plant seeking NRC approval to transition from decommissioned status back to operation. The petitioner believes that Palisades represents a unique, "outlier" case that will set a precedent for any future plants making similar requests.

Petitioners are both residents of Southwest Michigan. Roger is a well known author and investigative journalist, and Alan is a retired nuclear power executive.

The single point of contact for petitioners will be:

Alan Blind  
1000 West Shawnee Road  
Baroda, Michigan 49101  
Email: a.alan.blind@gmail.com

The petitioners have standing due to concerns that the NRC staff lacks a specific NRC Commission-approved and codified process for licensing, inspecting, and approving the return to service of a decommissioned plant. This process must consider the unique, fifty-year licensing history of an "outlier" plant like Palisades. Holtec has announced plans to seek another life extension term beyond the current one after the plant returns to operation. Therefore, any decisions and approvals from the NRC regarding the return to service will have long-term implications for local communities, potentially affecting them for up to 25 more years.

The NRC Staff has received a proposal for a regulatory path to the reauthorization of power operations at the Palisades Nuclear Plant, using the current regulatory framework<sup>1</sup>. The proposed framework is based entirely on a Denial of a Petition for Rule-making for a 2019 petition, "Criteria to Return Retired Nuclear Power Reactors to Operations"<sup>2</sup>. This petitioner's reading of the 2019 petition denial basis, was in part, and perhaps largely, based on there being no current proposal (2020) to return a plant

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<sup>1</sup> ML23072A404, March 2023, "Regulatory Path to Reauthorize Power Operations at the Palisades Nuclear Plant"

<sup>2</sup> U.S. Nuclear Regulatory Commission SECY-20-0110, Enclosure 1, Federal Register Notice – Denial of Petition for Rulemaking on Criteria to Return Retired Nuclear Power Reactors to Operations (PRM-50-117; NRC-2019-0063), (ADAMS Accession No. ML20205L307), dated December 7, 2020

in decommission status to operation<sup>3</sup>. We now (2024) have a specific plant making specific request, Palisades.

Questions and answers, from a public meeting (detailed later in this petition, footnote #17 and #18), leads the petitioner to believe the NRC staff will agree with the proposed Palisades/Holtec regulatory framework. This is concerning to the petitioner because current regulatory thinking is based on the denial of the 2019 petition for rule making that, in this petitioner's plain reading, is taken out of context by Holtec/Palisades and NRC Staff.

In particular concern to this petitioner, using the framework for denial of the 2019 petition, Palisades/Holtec is proposing the commission use existing rules for evaluating Palisades transition from decommission status to operating status. However, in its denial letter to the 2019 petitioner, NRC limited its "existing regulations" clause by including, "may be used on a case-by-case basis"<sup>4</sup>. Now that the NRC staff has a specific case, using the 2019 Petition Denial alone, how are NRC staff reviewers to know which "cases" the 2020 Commission meant? Who decides, "case-by-case basis"? This 2024 petitioner requests these important "case" decisions be made by the full NRC Commissioners via new rule making.

Further, this petitioner has reviewed the "documentary evidence"<sup>5</sup>, Holtec provided in its application for license transfer from Entergy to Holtec, and has concluded the premise of the "documentary evidence" was solely for decommissioning. Had the premise been to transfer a "operating plant's" license, would Holtec's submittal and NRC review of qualifications as per 10CFR50.80, "Transfer of Licenses", been different?

Holtec/Palisades has proposed using the following rules. This petitioner will argue, a "plain reading" of these rules are not applicable for Holtec's stated purpose and/or are not sufficient as follows:

- 10CFR50.90, "Amendment of License or Construction Permit at Request of Holder"

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<sup>3</sup> ML20205L309, Denial Letter to Mr. George Berka, "...In addition, nuclear industry representatives have expressed minimal interest in the development of a new regulatory process for reauthorizing operation, such that the benefits of the requested rule-making would be highly unlikely to outweigh the costs..."

<sup>4</sup> ML20205L309, Denial Letter to Mr. George Berka, "The NRC is denying PRM-50-117 because the existing regulatory framework may be used on a case-by-case basis to address the issue raised in the petition."

<sup>5</sup> ML22178A077, June 24, 2022: Holtec Decommissioning International, LLC (HDI) satisfactory documentary evidence required before the planned closing date of the purchase and sale transaction of Palisades Nuclear Plant and Big Rock Point Plant

- 10CFR50.12, “Specific Exceptions”
- 10CFR50.59, “Changes, tests and experiments”

**50.90 applicability** states it applies to construction permit, operating license under this part, an early site permit, a combined license, and manufacturing license under part 5 of this chapter: Petitioner’s plain reading is that Plants licensed for decommissioning do not meet the 50.90 applicability.

**50.12 applicability**, states: (a) The Commission may, upon application by 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—

Petitioner’s plain reading review of the 50.90 circumstances found only one which may have been considered by NRC Staff:

(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 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.

If this circumstance were used by NRC staff to determine 50.12 may apply to a request to return a decommissioned plant to operation, the Petitioner does not agree in general, and in particular for Palisades, such a view meets the “it would be in the public interest to grant an exemption’ clause.

This petitioner’s position is the public’s health and safety interest is better served by NRC Commission rule making provide an approved process to return a decommissioned plant to operating status. (Contrary to the 2020 petition that argues public interest is served by “simply allowing plants to restart”)<sup>6</sup>

**50.59 Applicability:** “(a) Definitions for the purposes of this section”, all reference “...FSAR (as updated) used in establishing the design bases or in the safety analyses means...”. Petitioner’s plain reading position is because the operating FSAR was surrendered by Entergy when it surrendered the operating license, there is no “FSAR (as updated)” for Holtec/Palisades to reference

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<sup>6</sup> “The above - proposed change would allow recently shuttered plants, such as Kewaunee, Vermont Yankee, San Onofre, Crystal River, and others, to be permitted to simply re-start, should their owners decide to pursue this approach.”

(emphasis on “as updated”). This petitioner believes NRC review of the new FSAR will be a very complex question and how to do this is best left to the full NRC commission, via new rule making, to resolve.

Following the current Commission’s process for rule making will ensure the extremely complex issue of returning Palisades to operation has been well thought out, including public and NRC full commission involvement. NRC Staff then can use the new codified process to implement the restart safely. The petitioner is not qualified to provide wording for the proposed rule. Rather the petitioner has full confidence in the NRC Commission process<sup>7</sup> for rule making and requests the commission direct the staff, with public input, to draft the proposed rule. The new rule should include, but not limited, to the following elements:

- Decommissioning Status and Configuration Verification
- Aging Management\*
- Quality Assurance During Restart and Operations\*
- Equipment Maintenance\*
- Personnel Qualifications\*
- License Expiration\*
- Hearing Process\*
- Appropriate Licensing Basis\*
- Start Up Testing
- NRC Catchup Review, and Completion of Past, Open Commitments
- Need for An Updated 10CFR.52 submittal, “Transfer of Licenses”

*\* NRC Identified Rule Elements: Criteria to Return Retired Nuclear Power Reactors to Operations<sup>8</sup>*

Petitioner is concerned that Palisades license/design basis, at the time of shutdown, had unique characteristics that make NRC review and acceptance for return to service more complicated than any other currently operating or eligible decommissioned plant.

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<sup>7</sup> The NRC Rule Making Process: <https://www.nrc.gov/about-nrc/regulatory/rulemaking/rulemaking-process.html>

<sup>8</sup> Docket No. PRM-50-117; NRC-2019-0063, Criteria to Return Retired Nuclear Power Reactors to Operations, February, 2019

Palisades is a unique, outlier example. Its not hard to imagine, over the last fifty years, the NRC staff, when preparing documents referenced below, could not have imagined the complex nature of a Palisades restart as we have in 2024, and request for a second life extension term. Examples that make Palisades unique include:

- At the time of its last shutdown, Palisades was one of three remaining Systematic Evaluation Process<sup>9</sup>, SEP, plants in operation<sup>10</sup>. Palisades was constructed prior to 10CFR Part 50 and General Design Criteria. The SEP was initiated by the NRC to review the design of older operating nuclear reactor plants to reconfirm and document their safety”. The NRC granted exceptions to design criteria that could not be met or were accepted on “another defined basis”, and were determined, fifty years earlier (1984), to be an acceptable safety risk<sup>11</sup>.

Over the fifty years since the SEP was completed there have been important industry events and lessons learned that must be considered in today’s light. The SEP authors anticipated such a case. From the NUREG 0820 SEP report, dated November, 1983:

“Because of the evolutionary nature of the licensing requirements discussed above and the developments in technology over the years, operating nuclear power plants embody a broad spectrum of design features and requirements depending on when the plant was constructed, who was the manufacturer, and when it was licensed for operation. The amount of documentation that defines these safety-design characteristics also has changed with the age of the plant--the older the plant, the less documentation and potentially the greater the difference from current licensing criteria.”

- After announcing its first of two commitments to shutdown Palisades, Entergy notified NRC it was withdrawing its open comments for resolving safety issues, and the withdrawal was accepted by the NRC. In doing so, in 2017, seven years ago, NRC reviewers were re-assigned to other NRC tasks. This petitioner is

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<sup>9</sup> NUREG 0820, Integrated Plant Assessment Program For Palisades, October 1982

<sup>10</sup> SEP Plants: Yankee, Haddam Neck, Millstone 1, Oyster Creek, Ginna, LaCrosse, Big Rock Point, Palisades, Dresden 1, Dresden 2, San Onofre

<sup>11</sup> INTEGRATED PLANT SAFETY ASSESSMENT REPORT SUPPLEMENT No 1, Section One: “...Of the original 137 topics, 90 were, therefore, reviewed for Palisades; of these, 59 met current c r i t e r i a or were acceptable on another defined basis. The review of the 31 remaining topics found that certain aspects of plant design differed from current criteria...”

concerned, lacking new rules for return to operation status, how will the lost seven years of NRC reviews of prior commitments and safety issues be regained? Safety Issues with withdrawn commitments include, but may not be limited to:

- A. GSI-191, Containment Recirculation Sump Blockage<sup>12</sup>
  - B. Appendix R/NFPA-805, Fire Protection<sup>13</sup>
  - C. Beyond-Design Basis Seismic Hazard Re-Evaluations<sup>14</sup>
- The current Quality Assurance Program only includes SSEs for a plant in decommissioning<sup>15</sup>. The operating QAPD was surrendered, by Entergy, to the NRC. This petitioner is concerned, lacking new rules, how the current safety related SSEs have been preserved? How will the NRC confirm? This petitioner's position is the public's health and safety interest is better served by NRC Commission rule making provide an approved process to return a decommissioned plant to operating status.
  - Palisades no longer has a Final Safety Analysis Report for operations. The approved FSAR was surrendered, by Entergy, to the NRC. How will NRC inspections be performed if there is no FSAR/Design Basis? This petitioner is concerned, given the 50 years of industry events and lessons learned, should the NRC again agree to a licensing basis with so many exceptions to past and current General Design Criteria? This petitioner's position is the public's health and safety interest is better served by NRC Commission rule making provide an approved process to return a decommissioned plant to operating status.

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<sup>12</sup> M19246B981, Notice to Cancel Commitments, September, 2019

<sup>13</sup> ML18039A244, NFPA-805 Request To Change Commitments, February, 2018

<sup>14</sup> ML19115A413, REQUEST FOR DEFERRAL OF ACTIONS RELATED TO BEYOND-DESIGN-BASIS SEISMIC HAZARD REEVALUATIONS, May, 2019

<sup>15</sup> June 13, 2014 Ngola Otto: **Question:** Have the follow-up discussion on the Holtec QA program been held? If so, what were the results?

**Response:** The follow-up discussions occurred during a pre-submittal public meeting on May 6, 2024. During that meeting, Holtec stated that they would supplement the license transfer amendment with a new operational quality assurance program to support QA activities for an operational plant. On May 23, 2024, the supplement to provide the new operational quality assurance program was submitted by Holtec. With regards to a program that supports QA activities occurring during the restart activities, during the public meeting, Holtec stated that the decommissioning QA plan will be updated to add the proper QA requirements.



Holtec has made submittals to the NRC to return Palisades to Operation after its previous owner, Entergy completed all necessary steps (50.82, “Termination of license,” and 52.110, “Termination of license,) to surrender the license<sup>16</sup>. Holtec has proposed a process for return to service and how it proposes to prepare the new FSAR and design/licensing basis:

“While NRC regulations do not prescribe a specific regulatory path for reinstating operational authority following docketing of the 50.82(a)(1) certifications, the NRC has recognized that its existing regulatory framework—namely the process of reviewing and approving exemption and license amendment requests prescribed by 10 CFR 50.12 and 50.90—provides adequate flexibility to accommodate reauthorization of operations”.

In response to questions<sup>17</sup> submitted to NRC staff regarding Holtec’s StartUp Plan letter, concerning the basis for Holtec’s statement about using current processes, NRC Staff seemed to accept Holtec’s proposal<sup>18</sup>, In responding to public meeting questions,

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<sup>16</sup> ML23072A404, Regulatory Path to Reauthorize Power Operations at the Palisades Nuclear Plant, March 2013

<sup>17</sup> June 13, 2014 Ngola Otto: **Question:** The above, Holtec’s letter, concerning the NRC process to be used for evaluation of Palisades restart, is a Holtec position. Does NRC agree? Given the lack of a codified NRC process, should this process be codified and approved by the NRC commissioners?

**Response:** A petition for rule-making had been submitted to codify the process a licensee would need to follow to restart a plant that had previously entered a decommissioning state but was denied by the NRC. In its ruling, the Commissions stated that “the existing regulatory framework may be used to address the issue raised” in the petition and that “the NRC may consider requests from licensees to resume operations under the existing regulatory framework.” For Palisades, the NRC staff is reviewing applications from the licensee that fall within existing regulatory processes, such as license amendments and exemption requests.

<sup>18</sup> June 13, 2014 Ngola Otto: **Question:** May Holtec use the 10 CFR 50.59 process to review the acceptability of a new FSAR? How can there be a no unreviewed safety question determination, against a design basis that no longer exists? It seems the correct approach is for the NRC staff, to review the new FSAR in its entirety, for acceptance.

**Response:** Holtec has stated in its license amendment requests that it will restore the FSAR to the revision that was in effect just prior to the plant shutting down. The NRC is reviewing the applications to restore the technical specifications and the operating license to that which existed just prior to the plant shutting down, as a basis for our review. Our review will focus on changes from what had previously been found acceptable for operation.

NRC's NRR staff referenced a 2019 Petition For Rule Making, which was denied<sup>19</sup>, as the basis for giving consideration to Holtec's licensing / design basis process. The 2019 petition said:

"The petitioner requested that the NRC allow the owner or operator of a nuclear power reactor a fair, reasonable, and unobstructed opportunity to return a retired facility to full operational status, even if the operating license for the facility had previously been surrendered"

In the Commission's 2020 response for denying the 2019 Petition, the following basis were given:

- the existing regulatory framework may be used on a case-by-case basis to address the issue raised by the petitioner
- the nuclear industry has not expressed a strong interest in returning retired plants to operational status and proceeding with rule-making to develop a new regulatory framework that may not be used is not a prudent use of resources
- this issue would entail a significant expenditure of NRC resources. Any such rule-making effort would likely address a wide variety of technical and regulatory topics including, but not limited to, decommissioning status, aging management, quality assurance, equipment maintenance, personnel, license expiration, hearing process, and appropriate licensing basis

It appears to the petitioner's plain reading, the NRC Commission's denial of the 2019 petition does not support the current (2024) NRC position that existing (current) process, in all cases, provides adequate direction for returning a plant from decommissioned status to operation. The denial clearly says, "...on a case-by-case basis...".

In fact, it appears to the petitioner's plain reading, the NRC's denial of the 2019 petitioner, supports the current petitioner's 2024 request, based on:

More than another plant, Palisades has a unique licensing basis, and considering how to integrate all of the issues into a coherent start up and NRC approval plan, that ensures transparency and public safety, goes well beyond current regulations and falls outside the "case by case" exceptions basis statement in the 2020 petition denial

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<sup>19</sup> Docket No. PRM-50-117; NRC-2019-0063, Criteria to Return Retired Nuclear Power Reactors to Operations, February, 2019

response. From the Commission's own prior analysis, when it was considering a much easier set of conditions for the 2019 petition<sup>20</sup>:

"Based on the complexity of the issue raised by the petitioner, a rule making on this issue would entail a significant expenditure of NRC resources. Any such rule-making effort would likely address a wide variety of technical and regulatory topics including, but not limited to, decommissioning status, aging management, quality assurance, equipment maintenance, personnel, license expiration, hearing process, and appropriate licensing basis."

And, to add to the complexity are the comments from the SEP report, NUREG 0820", who we cannot know if the previous NRC staff considered Palisades, fifty years later, would be relicensed for two additional Life Extension periods, using a fifty year old design basis. Again, from the SEP;

"...Because of the evolutionary nature of the licensing requirements discussed above and the developments in technology over the years, operating nuclear power plants embody a broad spectrum of design features and requirements depending on when the plant was constructed, who was the manufacturer, and when it was licensed for operation."

In closing, the petitioner argues that returning a decommissioned plant to operation does not meet the applicability requirements of 10CFR 50.59, 10CFR 50.90, and 10CFR 50.12, as proposed by Holtec/Palisades. Using the NRC's own analysis, the steps necessary to allow decommissioned plants like Palisades to return to service are "very complex and require a thoughtful, integrated approach." Therefore, the petitioners requests the Commission modify 10 CFR Part 52 to include an NRC Commission-approved rule for returning a decommissioned plant to operating status, with particular consideration given to Palisades, given its unique circumstances and submitted restart plan.

Moreover, upon reviewing the documentary evidence that Holtec submitted in its application to transfer the Palisades license from Entergy to Holtec, the petitioner's view is the evidence was provided solely for decommissioning purposes. The petitioner is requesting that rule-making require NRC staff to review all materials associated with license transfers to new entities for decommissioning. Should there be a request to resume operations, the petitioner requests that entities previously approved for decommissioning be required to submit a new license transfer application in accordance with 10CFR 50.80, "Transfer of Licenses." This requirement will ensure that the NRC assesses the qualifications of the requesting entity based on evidence of its operational capabilities, not evidence of its decommissioning qualifications.

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<sup>20</sup> Docket No. PRM-50-117; NRC-2019-0063, Criteria to Return Retired Nuclear Power Reactors to Operations, February, 2019

We, the below signed support the petition submitted by Roger Rapoport and Alan Blind requesting the NRC  
mend its regulations in Title 10 of the Code of Federal Regulations codifying safety standards in the industry.

Printed Name	Address	Signature
TOM FLYNN	[REDACTED]	[Signature]
Karen Davis	[REDACTED]	K.D.
DILLON REED	[REDACTED]	[Signature]
Jim Tillson	[REDACTED]	[Signature]
Bruce Davis	[REDACTED]	[Signature]
GENE WARNER	[REDACTED]	[Signature]
Thomas Beck	[REDACTED]	Court Mr. Thomas Beck
JOBY FLYNN	[REDACTED]	Covert MI [Signature]
Jon Schulte	[REDACTED]	[Signature]
John Heisel	[REDACTED]	[Signature]
Peggy Sutton	[REDACTED]	[Signature]
Mary Dolores Dikler	[REDACTED]	Covert mi
Salvatore Huggins	[REDACTED]	
Lauren VanderBerg	[REDACTED]	[Signature]
Josh VanderBerg	[REDACTED]	[Signature]
Walt Oberhen	[REDACTED]	Walt Oberhen
Jeff Melillo	[REDACTED]	Covert M
Rebecca Halpin	[REDACTED]	
Laura Strehlow	[REDACTED]	Covert
KATHERY G. Thompson	[REDACTED]	Covert 49043
Julie: Janet Frego	[REDACTED]	Covert 49043
Kathleen Kim Snider	[REDACTED]	Covert 49043

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Tom Flynn	[REDACTED]	[Signature]
Karen Davis	[REDACTED]	K. Davis
DILLON REED	[REDACTED]	[Signature]
Jim Tillson	[REDACTED]	[Signature]
Bruce Davis	[REDACTED]	[Signature]
GENE WARNER	[REDACTED]	[Signature]
Thomas Beck	[REDACTED]	Carl M. Thomas Beck
JOBY FLYNN	[REDACTED]	Covert MI [Signature]
Jon Schulte	[REDACTED]	[Signature]
John Heisel	[REDACTED]	[Signature]
Peggy Sutton	[REDACTED]	[Signature]
Mary Dolores Dalkin	[REDACTED]	Covert mi
Salvatore Hingish	[REDACTED]	
Lauren VanderBerg	[REDACTED]	[Signature]
Josh VanderBerg	[REDACTED]	[Signature]
Walt Oberheim	[REDACTED]	Walt Oberheim
Jeff Melvick	[REDACTED]	Covert M
Rebecca Halpin	[REDACTED]	
Laura Strehlow	[REDACTED]	
KATHERY G. Thompson	[REDACTED]	Covert 49043
Jill: Janet Frego	[REDACTED]	Covert 49043
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John Kleb	[redacted]	Covert MI [Signature]
DAVID SIMANLU	[redacted]	COVERT MI [Signature]
Martha Murray	[redacted]	Covert MI Martha Murray [Signature]
Rhett Murray	[redacted]	Covert MI Rhett Murray [Signature]
Kara Holman	[redacted]	Covert MI Kara Holman [Signature]
Margaret Holman	[redacted]	Covert, MI Margaret Holman [Signature]
Raymond Lewis	[redacted]	Covert MI Raymond Lewis [Signature]
J. W. King	[redacted]	Covert, MI J. W. King [Signature]
STEVEN SARACENO	[redacted]	Covert [Signature]
Judy Hamblin	[redacted]	Covert MI Judy Hamblin [Signature]
Susan Whitney	[redacted]	Covert MI Susan Whitney [Signature]
Terrence O'Brien	[redacted]	Covert MI Terrence O'Brien [Signature]
Stephen Bates	[redacted]	Covert MI Stephen Bates [Signature]
Mary Huffman	[redacted]	Covert MI Mary Huffman [Signature]
Mal Stephens	[redacted]	Covert MI 49043 Mal Stephens [Signature]
Erin Dougherty Foley	[redacted]	Covert MI 49043 Erin Dougherty Foley [Signature]
LEIGH SPEICHER	[redacted]	COVERT, MI 49043 Leigh Speicher [Signature]
Adrienne McArdle	[redacted]	Covert 49043 Adrienne McArdle [Signature]
Brant Harrison	[redacted]	COVERT, MI Brant Harrison [Signature]
John McArdle	[redacted]	COVERT, MI 49043 John McArdle [Signature]



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Printed Name

Address

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Printed Name	Address	Signature
Nancy Wintermute	[REDACTED]	Nancy P. Wintermute
Bob Wintermute	[REDACTED]	Bob Wintermute
Erin Ruemmele	[REDACTED]	Erin Ruemmele
JACK GIBBINS	[REDACTED]	JACK GIBBINS
William T. Henry	[REDACTED]	William T. Henry
Bryan Henry	[REDACTED]	Bryan Henry
Tim RICHARD	[REDACTED]	Tim RICHARD
Nancy McCreary	[REDACTED]	Nancy McCreary
Wendy Dancy	[REDACTED]	Wendy Dancy
Sally Breen	[REDACTED]	Sally Breen
Michael G. Breen	[REDACTED]	Michael G. Breen
Ann Wehrman	[REDACTED]	Ann Wehrman
Jackie Sobel	[REDACTED]	Jackie Sobel
Tye Fox	[REDACTED]	Tye Fox
Maureen Sharpe	[REDACTED]	Maureen Sharpe
Cindy Cordell	[REDACTED]	Cindy Cordell
Erik Schwinger	[REDACTED]	Erik Schwinger
Alison Schwinger	[REDACTED]	Alison Schwinger
Dawn Russell	[REDACTED]	Dawn Russell
Giuseppe Nardulli	[REDACTED]	Giuseppe Nardulli
Stephanie Johnson	[REDACTED]	Stephanie Johnson
Juliette Nardulli	[REDACTED]	Juliette Nardulli

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Printed Name

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Terri Schultz

[REDACTED]

Covert MI

*Terri Schultz*

Kinda Neal

[REDACTED]

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*Kinda Neal*

Ann Sylvester

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Ann Garvey

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*Ann Garvey*

Kenn Flynn

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*Kenn Flynn*

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Signature \_\_\_\_\_

Tim Scott

 Correct

Thompson

Ann Scott

[REDACTED], Court

Chas. E. Smith

Barb Derbs

Count Bank Dept

Barb Depp

Howard Perkins

Covert H. Penh

H. Benth

Bob Ebert

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React H<sub>2</sub>SO<sub>4</sub> hot

Diane Ebert

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Albert Probus

CONFIDENTIAL

Covered *McLeod*

Susan Kavanaugh

CONFIDENTIAL

Susan B. Kwanche

MARY ANN GRABOWSKI

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May on Larchmont  
LAKE BEUTE IL

Signature \_\_\_\_\_

- JACK GIBBINS [REDACTED] COVER, No. 49043

[illegible]

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mend its regulations in Title 10 of the Code of Federal Regulations codifying safety standards in the industry.

Printed Name

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Marcus Lancaster

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Frank Whitman

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Printed Name

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Molly K. Whansen

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Molly K. Whansen

Rebecca Thompson

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Rebecca S. Thompson

George J. Relias

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Barbara Frigola

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Mary Beth Tamm

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Mary Beth Tamm

Kara Noor

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Dawn Davis

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Bridget Davis

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Bridget Davis

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Patricia R. Zimet

Claudia Somes mo

Hunter Davis

Chelsea Davis

DAK U

*[Signature]*

Reklam Dergi

Robert G. Jones

RT MT Walter D.

Current MI *MD*