

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Emily I. Krause, Chair
Dr. Gary S. Arnold
Dr. Arielle J. Miller

In the Matter of

HOLTEC DECOMMISSIONING
INTERNATIONAL, LLC, AND HOLTEC
PALISADES, LLC

(Palisades Nuclear Plant)

Docket No. 50-255-LA-3

ASLBP No. 24-986-01-LA-BD01

January 14, 2025

MEMORANDUM AND ORDER

(Denying Petitioning Organizations' Motion for Reconsideration)

Petitioning Organizations have asked us to reconsider the time allotted to them for oral argument.¹ Specifically, Petitioning Organizations request that the Board allocate additional time for their opening statement, presentation, closing statement, and rebuttal.² Applicants and the NRC Staff oppose the motion.³

¹ Petitioning Organizations' Motion for Reconsideration of Prehearing Conference Agenda (Jan. 3, 2025) (Motion for Reconsideration).

² Id. at 3.

³ Applicants' Opposition to Petitioning Organizations' Motion for Reconsideration (Jan. 6, 2025) at 1; NRC Staff Answer to Motion for Reconsideration Regarding Oral Argument (Jan. 7, 2025) at 1. Petitioning Organizations represent that Joint Petitioners indicated their consent to the motion during the consultation process. See Certification of Conference of Opposing Parties Prior to Filing of Petitioning Organizations' Motion for Reconsideration of Prehearing Conference Agenda (Jan. 3, 2025) at 1.

We will not grant a motion for reconsideration in the absence of compelling circumstances, and we conclude that Petitioning Organizations have not demonstrated compelling circumstances here.⁴

Petitioning Organizations would have us grant them seventy minutes to present argument on their hearing petition, more than double the time allotted in our order.⁵ They assert that the time currently allotted “does not allow for the consideration the issues deserve.”⁶ They also raise due process and fairness concerns.⁷

But the decision to hold (or not to hold) an initial prehearing conference is within our discretion, as is the structure of that conference.⁸ We remind Petitioning Organizations that the time to present their case was in their hearing petition, and they have also availed themselves of the opportunity to file a written reply.⁹ The primary purpose of this prehearing conference, in contrast, is to allow the Board to seek clarification from the participants on their written filings. It is not an occasion for the participants to raise new arguments;¹⁰ nor is it an occasion merely to repeat arguments from their pleadings.

Accordingly, in our order setting forth the agenda for oral argument, we allotted twenty-seven minutes each to Petitioning Organizations and Joint Petitioners, with a total of twelve

⁴ See 10 C.F.R. § 2.323(e).

⁵ Motion for Reconsideration at 3. Petitioning Organizations state that they would not object to similar time allotments for the other participants. Id.

⁶ Id. at 2.

⁷ Id.

⁸ See 10 C.F.R. § 2.329(a) (“The Commission or the presiding officer may . . . direct the parties or their counsel to appear at a specified time and place for a conference”); see also id. § 2.309(j) (providing a deadline for a licensing board’s decision on standing and contention admissibility if no prehearing conference is held).

⁹ See id. § 2.309(a), (i)(2).

¹⁰ See Licensing Board Order (Scheduling Initial Prehearing Conference) (Dec. 30, 2024) at 2 n.2 (unpublished).

minutes each to present an opening statement, closing statement, and rebuttal, and the remaining time reserved for the Board's questions.¹¹ Our decision to set aside specific time for Board questioning was to signal to the participants that the remaining time would be for them to speak uninterrupted. If we have not completed our questioning in the time allotted, we will of course take additional time to ask questions, as is within our discretion. But that does not require reconsideration of our order.

We deny the motion.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Emily I. Krause, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 14, 2025

¹¹ Id. at 2.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Denying Petitioning Organizations' Motion for Reconsideration)** have been served upon the following persons by Electronic Information Exchange, and by email and/or first-class mail as indicated.

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Palisades Nuclear Plant, Docket No. 50-255-LA-3

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 14th day of January 2025.