

## **PRE-SUBMITTAL OF FIVE-MINUTE PREHEARING CLOSING**

### **REMARKS**

**Prepared by: Alan Blind, Joint Petitioners' pro se Representative**

#### **Introduction and Background**

On December 30, 2024, the Licensing Board issued a *Memorandum and Order (Scheduling Initial Prehearing Conference)* in this proceeding. That Order scheduled an in-person prehearing conference for February 12, 2025, at NRC Headquarters in Rockville, Maryland, allocating time to each participant for an opening statement and closing statement, along with a question period from the Board.

In anticipation of that conference and to maintain clarity within the constrained schedule, Joint Petitioners hereby submit our five-minute **Closing Remarks** in advance. These remarks, like the previously submitted Opening Remarks, are drawn from the broader petition already on file. They are offered here in the interest of streamlining the hearing, ensuring each participant—and the Board—has notice of our concluding statements before the oral session.

#### **Advance Filing of Closing Remarks**

Under 10 C.F.R. §2.304 (“Filing of documents and serving papers”), participants in an NRC adjudicatory proceeding may file relevant documents on the docket if those documents meet the Commission’s procedural requirements. By filing these Closing Remarks via the NRC’s electronic docket, Joint Petitioners ensure they are served on all parties well in advance of the prehearing conference, allowing the participants ample opportunity to prepare.

Additionally, the Board’s December 30, 2024 Order allots time for closing remarks at the February 12, 2025 prehearing conference. Under 10 C.F.R. §2.319 (“Presiding officer powers”), the Board may accept early filings that enhance clarity and efficiency. By placing these Closing Remarks on the record now, we further the objectives of transparency and effective case management—core principles of 10 C.F.R. Part 2 proceedings.

### **No New Arguments or Contentions Introduced**

Joint Petitioners emphasize that this submittal of our Closing Remarks neither raises new contentions nor presents novel arguments. Instead, these remarks:

#### **1. Reiterate Existing Positions**

They reinforce the same challenges regarding Holtec’s License

Amendment Request (LAR) and the NRC Staff’s interpretations already set forth in our petition.

**2. Focus on Core Compliance Issues**

We continue to question the regulatory adequacy of Holtec’s reliance on outdated safety evaluations and the absence of explicit “return-to-service” regulations. Our concerns regarding the licensee’s use of outdated FSAR revisions, interpretations of 10 C.F.R. §§ 50.12, 50.34, 50.59, 50.82, and other pivotal regulations remain unchanged.

**3. Do Not Expand the Record**

By submitting the closing remarks in written form, we merely provide a concise, well-referenced conclusion that aligns with the same contentions already under review.

Thus, our pre-submittal conforms to 10 C.F.R. § 2.309(f)(1), which guides admissible contentions; we do not seek to alter or enlarge our claims at this late stage.

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**January12 Pre-Hearing: Five-Minute, Closing Remarks**

Prepared for Oral Presentation on February 12, 2025

By *Alan Blind, pro se Representative for Joint Petitioners*

### **Closing Remarks**

After carefully considering the NRC and Holtec responses, it is clear that Joint Petitioners may only challenge the specific regulations Holtec itself included in its LAR submittals. Because no existing regulations directly address returning a plant from decommissioning to operational status—compounded by the uncertainty surrounding NRC guidelines for implementing Holtec’s proposed “Berka Denial” interpretation to set Commission policy—our ability to contest these matters is highly constrained. We respectfully request that the ASLB take these limitations into consideration.

As we close this prehearing, we emphasize Holtec’s clear failures to comply with some operational regulations it cited or rely on in its LAR submittals—deficiencies we believe lie within the ASLB’s authority to address. These issues are fully detailed in our petition and should remain under consideration.

### **50.59; Changes, Tests, and Experiments**

Holtec's approach under 10 C.F.R. § 50.59, "Changes, Tests, and Experiments," is fundamentally flawed. That rule requires evaluating any facility change against the "as **currently updated**" FSAR—here, the defueled FSAR (Revision 36) is being updated and is therefore the current updated FSAR. Yet Holtec proposes to update the current "updated" Revision 36 using superseded FSAR Revision 35 as the basis, circumventing § 50.59's core purpose of comparing proposed changes to the valid, in-effect, updated, FSAR and identifying unreviewed safety questions. Section 50.59 is explicit: the current "**updated**" FSAR is Revision 36 for Palisades.

This reliance on an older revision compromises the integrity of the safety evaluation process and violates § 50.59. The NRC Staff's § 50.82(b) "license termination" legal theory—to revert to a previous FSAR revision—does not cure this defect.

Given the significant transition from defueled to operating status, including reclassification of SSCs and revised accident analysis, many changes likely will exceed § 50.59's screening criteria and thus require separate license amendments—an outcome Holtec deems improbable but that the regulations clearly anticipate.

**50.34; Contents of Applications for Licenses**

Second, Holtec's LAR submittals fails to satisfy the integrated requirements of 10 C.F.R. §§ 50.34, 50.90, 50.36, and 50.92 for its LAR submittals. Section 50.34 requires that any significant amendment include a complete, up-to-date FSAR reflecting the plant's current configuration. Instead, Holtec relies on an outdated FSAR (Revision 35) and partial references to a defueled FSAR (Revision 36), leaving a critical gap in the safety basis.

This shortfall violates § 50.90's mandate to fully describe proposed changes, undermines § 50.36's requirement for accurate Technical Specifications, and contravenes § 50.92's demand for a safety analysis equivalent to that required for initial licensing. Without a unified, modern FSAR, neither the NRC nor the public can determine whether Palisades meets the rigorous safety benchmarks expected of an operating nuclear facility.

**50.12; Specific Exceptions**

Under 10 C.F.R. § 50.12, "Specific Exceptions," the NRC may grant exemptions only if "special circumstances" exist that do not endanger

public health or conflict with law. Holtec claims reactivation benefits justify bypassing decommissioning rules, but its decision to reverse decommissioning was self-inflicted—not an unforeseen event. Reliance on outdated references and the absence of a current operating FSAR undermine any valid safety basis. These omissions fail to demonstrate genuine “special circumstances.”

## **Conclusion**

In conclusion, Holtec’s proposal to resurrect Palisades on the basis of incomplete and outdated documentation—along with an unsupported request for exemptions—does not satisfy the standards required by 10 C.F.R. Part 50.

In accordance with the Board’s authority under 10 C.F.R. Part 2, we respectfully urge that it deny, add requirements, or withhold any license amendments or exemptions that fail to satisfy the regulatory and procedural requirements intended to protect public health and safety. We ask that the Board thoroughly examine these gaps and require full compliance with the applicable rules before granting any path forward.

**End of Closing Remarks, Five Minutes**

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## **Submittal Conclusion**

The Board's December 30, 2024 Order sets the upcoming prehearing conference for February 12, 2025. In light of that Order, Joint Petitioners respectfully submit these Closing Remarks in advance for entry into the docket, aiding in an efficient and transparent proceeding. We reiterate that these remarks are based on existing contentions and do not expand the scope of our challenges to Holtec's LAR.

**Respectfully submitted,**

**Alan Blind**

*Pro se Joint Petitioner's Representative*

*Electronic signature via NRC Electronic Docket*

**DECLARATION OF ALAN BLIND****Part Two: Pre-Submittal of Five-Minute Prehearing Closing Remarks**

I, **Alan Blind**, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

I have over 40 years of experience in the nuclear power industry, with the majority of my career spent at the executive level. My expertise includes extensive application of the 10 C.F.R. § 50.59 regulatory process, having overseen numerous facility changes, safety evaluations, and licensing actions at nuclear plants. I have firsthand knowledge of the technical, regulatory, and operational frameworks governing nuclear plant safety and licensing—including the requirements and limits of § 50.59, as well as the overarching obligations under 10 C.F.R. Part 50.

This background enables me to assess and comprehend the potential safety and regulatory implications of Holtec's proposed approach to reviving the Palisades Nuclear Plant from decommissioning status, including how Holtec's reliance on out-of-date FSAR revisions and its interpretation of decommissioning regulations may violate § 50.59, § 50.34, and other related provisions.

I declare under penalty of perjury that the statements in the **Pre-Submittal of Five-Minute Prehearing Closing Remarks** are true and correct to the best of my knowledge and belief. I am the designated representative of the Joint Petitioners in this matter.

Printed Name A. Alan Blind Signature A. Alan Blind  
Executed In Accordance with 10CFR 2.304(d)

Address 1000 W. Shawnee Rd, Baroda, MI 49101

Phone Number 269-303-6396 Date 1/27/2025