

**UNITED STATES OF AMERICA NUCLEAR REGULATORY
COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of

Holtec Decommissioning International, LLC and Holtec
Palisades, LLC

(Palisades Nuclear Plant)

Docket No. 50-255-LA-3

Petitioners' Notice of Withdrawal of Contention Four

I. Introduction

On September 9, 2024, Petitioners filed a petition seeking a hearing regarding Holtec Decommissioning International, LLC (HDI) and Holtec Palisades, LLC's proposals to return the Palisades Nuclear Plant to operational status. Among various other contentions, **Contention Four** argued that Holtec was either prohibited from performing system restoration or

remediation work prior to final NRC approval, or that any such pre-approval work should not obligate the NRC to accept or endorse it in subsequent licensing decisions.

In its response, Holtec clarifies that it proceeds with onsite “restoration activities” **“at risk,”** meaning the NRC is not precluded from rejecting, modifying, or otherwise questioning work completed before final approval of Holtec’s proposed regulatory framework and License Amendment Requests (LARs), collectively the operating “License”. It is outside the scope of this process to question how NRC or Holtec will evaluate the completed “at risk” work for compliance to the final, approved license.

Specifically, Holtec stated:

November 4, 2024, “APPLICANTS’ ANSWER OPPOSING JOINT PETITIONERS’ PETITION FOR HEARING”

“Contention 4 is not admissible because nothing bars Applicants from proceeding with system restoration activities, subject to final NRC approvals and inspections.”

and further explains:

“Alternatively, Contention 4 can be read as asserting that Applicants cannot do any remediation or system restoration work, and NRC cannot inspect any of Palisades’s systems, until NRC has issued all required approvals. In other words, Applicants cannot perform any work ‘at risk’ pending NRC’s evaluation of the various regulatory actions. Joint Petitioners do not identify any regulation or portion of the licensing basis that prevents Applicants from performing remediation and system restoration work at Palisades, nor do they supply any compelling basis for imposing such a requirement given that NRC will only reauthorize power operations after completing inspections necessary to obtain ‘reasonable assurance for safe operations following reactivation of an operating license.’”

By Holtec's own acknowledgment, the NRC remains free to withhold or condition final approvals based on its ongoing oversight and inspections and final license approval, even if Holtec chooses to perform site work beforehand "**at risk**". This clarifies that any pre-approval work is performed at Holtec's own commercial and regulatory risk.

Given these representations, Joint Petitioners' primary concern underlying Contention Four—that the NRC might be bound to accept, or that Holtec might be legally barred from performing, such onsite restoration activities—has been resolved.

Accordingly, Petitioners hereby withdraw Contention Four.

II. Basis for Withdrawal

1. Holtec's Acceptance of "At Risk" Work

Holtec explicitly acknowledges it is not guaranteed NRC acceptance of any "at risk" site restoration activities.

Petitioners' contention sought assurance that any onsite remediation or reactivation-related work prior to NRC's final

decisions could not bind the NRC or bypass crucial regulatory reviews. With Holtec's statements, it is clear that no regulation prohibits pre-approval site work per se, and the Joint Petitioners further understand and do not contest that current "at risk" work is being performed under the existing decommissioning license and Technical Specifications.

Accordingly, the Joint Petitioners understand that Holtec's current "at risk" work on SSCs outside the existing decommissioning license is acceptable under its present license. Nonetheless, Holtec still bears the risk of NRC rejections or required rework once the operating licensing process is finalized.

2. Reconciliation and Commercial Risk

Holtec will bear the commercial risk of reconciling the on-site work performed "at risk" and the requirements of the final approved licensing basis.

3. NRC's Ongoing Authority Remains Intact

Holtec's statements confirm that the NRC retains full inspection and approval authority. Nothing in Holtec's "at risk" work compels the NRC to accept those activities or reduces NRC's discretion to require additional modifications or deny license amendments.

Petitioners thus conclude that Contention Four's central issues—whether Holtec was barred from doing system restoration "**at risk**" work, or whether the NRC would be obligated to credit it—have been addressed. Holtec's own filing answers Petitioners' concern that the NRC might lack full discretion over unapproved work.

III. Conclusion

Based on Holtec's clarifications and the company's acceptance that all restoration work remains "**at risk**" pending final NRC approval, Petitioners' original issues in Contention Four are resolved. Therefore, Petitioners **withdraw Contention Four** with

prejudice. All other contentions or issues raised by Petitioners remain in effect and are not affected by this withdrawal.

CONSULTATION UNDER 10 C.F.R. § 2.323(b)

Pursuant to 10 C.F.R. § 2.323(b), the undersigned certifies that, counsel for the Joint Petitioners conferred in good faith with counsel for the NRC Staff and counsel for Holtec regarding the Joint Petitioners' intent to withdraw Contention Four. The email request for consultation email following this submittal.

Responses:

Petitioning Organizations, January 30, 2025: “the Joint Petitioning parties consent”

NRC Staff: January 31, 2025: “The Staff does not oppose the withdrawal of Joint Petitioners' proposed contention four. Holtec is free to conduct system restoration and other activities supporting potential restart before restart is authorized (if it is authorized) as long as those activities are

not contrary to the requirements in the current licensing basis for the plant in decommissioning. If the NRC issues the approvals that would support authorizing reactor restart, Holtec would be bound to follow the requirements in the approved licensing basis for reactor operation, regardless of what work occurred prior to authorization of restart.”

Holtec, January 30, 2025: “Holtec does not oppose your withdrawal of Contention 4”

Respectfully submitted,

Alan Blind pro se Joint Petitioner’s Consolidated Representative

Signed and verified by NRC Electronic Submission

Declaration of Alan Blind

Notice of Withdrawal of Contention Four

I, **Alan Blind**, declare under penalty of perjury that the following statements are true and correct to the best of my knowledge and belief:

1. I have over 40 years of experience in the nuclear power industry, with a majority of my career spent at the executive level. My expertise includes extensive application of the 10 CFR 50.59 regulatory process, having overseen numerous facility changes, safety assessments, and licensing compliance initiatives at various nuclear power plants. I have firsthand knowledge of the technical, regulatory, and operational frameworks that govern nuclear plant safety and licensing, including the requirements and limits of the 10 CFR 50.59 process.
2. I have reviewed the foregoing "**Petitioners' Notice of Withdrawal of Contention Four**" filed on January 30, 2025, in the matter of Holtec Decommissioning International, LLC and Holtec Palisades, LLC (Palisades Nuclear Plant), Docket No. 50-255-LA-3. The facts and statements contained therein are true and correct to the best of my knowledge and belief.
3. This background allows me to fully comprehend and assess the implications of Holtec's proposed actions and representations regarding "at risk" work and the scope of NRC oversight. Based on my review and professional understanding, I affirm that the withdrawal of Contention Four is based upon Holtec's clarifications that any ongoing restoration activities remain "at risk" pending final NRC approval and that the NRC retains full authority to require modifications or deny license amendments as deemed necessary.
4. I am the designated representative of the Joint Petitioners in this matter and have consulted them on this matter.

I declare under penalty of perjury that the foregoing is true and correct.

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 1/31/2025



Alan Blind <a.alan.blind@gmail.com>

Request for Consultation re: Withdrawal of Contention Four

1 message

Alan Blind <a.alan.blind@gmail.com>

Thu, Jan 30, 2025 at 12:20 PM

To: Anita Ghosh Naber <anita.ghoshnaber@nrc.gov>, "Lovett, Alan" <alovett@balch.com>, Michael Spencer <Michael.Spencer@nrc.gov>, Peter.Lon@nrc.gov, "Blanton, Stan" <sblanton@balch.com>, Julie.Ezell@nrc.gov, Terry Lodge <tjlodge50@yahoo.com>, "Eskelsen, Grant" <geskelsen@balch.com>, David Roth OGC <David.Roth@nrc.gov>, Caitlin Byrd <Caitlin.Byrd@nrc.gov>, Wally Taylor <wtaylor784@aol.com>, Susan Vrahoretis <Susan.Vrahoretis@nrc.gov>

Bcc: Alan Blind <a.alan.blind@gmail.com>

Subject: **Request for Consultation re: Withdrawal of Contention Four**

To: Counsel for Holtec, Counsel for NRC Staff, Any Other Admitted Parties

I am writing on behalf of the Joint Petitioners in the above-captioned proceeding regarding the Palisades Nuclear Plant (Docket No. 50-255-LA-3). Pursuant to **10 C.F.R. § 2.323(b)**, we are providing advance notice that we intend to file a submittal withdrawing **Contention Four** from our September 9, 2024 Petition.

The draft submission is attached.

Summary of the Submittal

- **Contention Four** originally asserted that Holtec was either barred from performing site restoration or that the NRC would be bound to accept Holtec's "at risk" activities prior to final approvals.
- Holtec's recent clarifications indicate it fully recognizes and accepts any restoration or remediation work before final NRC approval is done "at risk," and the NRC retains full authority to accept, reject, or require rework of that pre-approval activity.
- Because this clarification aligns with Joint Petitioners' principal concern, we plan to withdraw Contention Four in a forthcoming filing, subject to formal notice to the Atomic Safety and Licensing Board.

We respectfully request your position on this proposed withdrawal by **Saturday, February 1, 2025**, so we can include a statement of consultation in our filing to the Board. Specifically, please let us know if you **oppose** or **do not oppose** our proposed withdrawal of Contention Four.

Thank you for your cooperation. If you have any questions or need additional details, please feel free to let me know.

Alan Blind, Joint Petitioner's Consolidated Representative

**Contention Five Withdrawal.pdf**

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