

**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

**JOINT PETITIONERS' MOTION TO APPEAR IN PERSON AT THE**

**February 12, 2025 PREHEARING CONFERENCE**

## **I. INTRODUCTION**

Pursuant to 10 C.F.R. § 2.323 and the Memorandum and Order (Altering Schedule and Format of Initial Prehearing Conference), dated February 6, 2025 (“February 6 Order”), the Joint Petitioners respectfully move this Board for permission to **attend and present oral argument in person** at the United States Nuclear Regulatory Commission (“NRC”) Headquarters for the February 12, 11 AM, initial prehearing conference in the above-captioned proceeding.

Joint Petitioners assume that the NRC Staff and the Atomic Safety and Licensing Board (“ASLB” or “Board”) will be convening in person at NRC Headquarters.

Given the significance of the matters at issue, Joint Petitioners believe that personal interactions with these participants are essential to ensure that the Board fully appreciates the concerns and evidence that Joint Petitioners intend to present.

## **II. BACKGROUND**

1. On December 30, 2024, the Board issued an Order scheduling the Initial Prehearing Conference for February 12, 2025, at NRC Headquarters.

2. In light of inclement weather forecasts, on February 6, 2025, the Board issued its Memorandum and Order converting the in-person conference to a virtual format via Microsoft Teams and rescheduling it for 11:00 a.m. Eastern Time on February 12, 2025.
3. Joint Petitioners, who reside in Michigan near the Palisades Nuclear Plant, had previously prepared for in-person travel to Washington, D.C., and remain willing to do so if the Board grants leave.
4. Based on the February 6 Order and communications from the NRC Staff, Joint Petitioners understand that the NRC Staff and the Board intend to be physically present at NRC Headquarters on the scheduled date.
5. Joint Petitioners strongly believe that direct, in-person interaction with the Board and the NRC Staff is of paramount importance to properly address and underscore the gravity of the issues raised in their contentions.

### **III. ARGUMENT**

#### **1. In-Person Participation Is the Most Effective Means of Conveying Complex and Significant Concerns**

The issues surrounding the decommissioning of the Palisades Nuclear Plant,

including potential safety and environmental impacts, are complex and of acute concern to the surrounding community. An in-person format fosters clearer communication, particularly when nuanced explanations or clarifications are required. Although virtual platforms can address some needs, they often limit face-to-face interactions and may diminish the effectiveness of spontaneous exchanges that arise in oral argument.

**2. Personal Interaction with NRC Staff and the Board Promotes Transparency and Understanding**

Joint Petitioners understand from the February 6 Order and subsequent communications that the NRC Staff and the ASLB may be gathered in person at NRC Headquarters. Given the public interest nature of these proceedings, having the Joint Petitioners physically present to engage directly with Staff counsel and the Board will ensure maximum transparency. It will also promote a deeper understanding of the critical concerns and their real-world effects on the local community.

**3. Attending in Person Will Not Prejudice Other Parties and Is Logistically Feasible**

Granting Joint Petitioners' request will not inconvenience or prejudice other parties. If other participants choose to attend virtually for their own convenience, that option remains available. However, Joint Petitioners' in-person presence would allow them to more effectively participate.

**4. Fairness and Due Process Are Best Served by Allowing In-Person Participation**

Finally, principles of fairness, due process, and public participation support allowing Joint Petitioners the opportunity to engage directly with the decisionmakers who are considering their interests. Joint Petitioners' local community relies on them to convey concerns about the return to operations of the Palisades facility. Physical presence not only underscores the gravity of those concerns but also ensures that the Board, NRC Staff, and others can fully appreciate any issues or follow-up questions that arise during the argument.

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

Pursuant to 10 C.F.R. § 2.323(b), Joint Petitioners typically would seek consultation with all other parties in good faith prior to filing this motion.

However, due to the extremely tight timeframe—approximately half of on day (12) hours within which a decision on this motion is needed to restore travel arrangements—Joint Petitioners have not solicited input from the other parties.

Joint Petitioners and other participants, have been in continuous communication with the Board’s law clerk regarding these scheduling issues. They submit that these email exchanges effectively serve as a functional equivalent of consultation under the circumstances. Accordingly, Joint Petitioners respectfully request that the Board consider the consultation requirement satisfied to the extent practicable given the urgent time constraints.

## **V. CONCLUSION**

For the foregoing reasons, Joint Petitioners respectfully request that the Atomic Safety and Licensing Board **grant this Motion** and **permit them to appear and present their arguments in person** at the NRC Headquarters for the prehearing conference on February 12, 2025 at 11 AM. Allowing in-person appearance will

facilitate the most robust and meaningful exchange of information, ensure due process is served, and underscore the significance of the issues to the local community.

**Respectfully submitted,**

Electronic verified and signed via NRC electronic submittal process

**Alan A. Blind**

On behalf of Joint Petitioners