

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Michael M. Gibson, Chair
Dr. Gary S. Arnold
Dr. Arielle J. Miller

In the Matter of:

HOLTEC PALISADES, LLC
(Palisades Nuclear Plant)

Docket No. 50-255-LA-4

ASLBP No. 25-988-01-LA-BD01

June 25, 2025

MEMORANDUM AND ORDER
(Initial Prehearing Order)

This proceeding concerns a request to amend the Renewed Facility Operating License No. DPR-20, for the Palisades Nuclear Plant in Van Buren County, Michigan. Holtec Palisades, LLC (“Holtec Palisades”) submitted this license amendment request on February 11, 2025. It seeks to revise the facility’s “technical specifications to allow for the use of Framatome Alloy 690 sleeves to repair the defective steam generator tubes as an alternative to removing the tubes from service by plugging.”¹ In response to the April 15, 2025 notice published in the Federal Register announcing the opportunity to request a hearing on the subject license amendment request,² Beyond Nuclear, Don’t Waste Michigan, Michigan Safe Energy Future, Three Mile Island Alert, and Nuclear Energy Information Service (collectively “Petitioners”) submitted a hearing request through the agency’s E-Filing system on June 16, 2025.³

¹ See 90 Fed. Reg. 15,722, 15,723 (Apr. 15, 2025).

² See *id.* at 15,722.

³ See Petition to Intervene and Request for Adjudicatory Hearing by Beyond Nuclear, Don’t Waste Michigan, Michigan Safe Energy Future, Three Mile Island Alert, and Nuclear Energy Information Service (June 16, 2025).

On June 25, 2025, this Licensing Board was established to rule on standing and contention admissibility matters and to preside at any hearing.⁴

The following directives shall apply to this proceeding.

I. BRIEFING SCHEDULE

Pursuant to 10 C.F.R. § 2.309(i), answers to the petition by Holtec Palisades and by the NRC Staff are due by Friday, July 11, 2025. Any reply to those answers is due by Friday, July 18, 2025.⁵

II. ADMINISTRATIVE MATTERS

A. Notices of Appearance

Unless they have already done so, on or before Friday, July 11, 2025, each counsel shall file a notice of appearance complying with the requirements of 10 C.F.R. § 2.314(b) via the agency's E-Filing system.⁶ Each such notice of appearance should include a business address, a telephone number, and an e-mail address for the counsel or representative.

B. Administrative Prescriptions for Pleadings

1. All pleadings shall be double spaced.
2. Absent preapproval by this Board, any motion filed after the date of this memorandum and order, as well as any related responsive pleading thereto, shall not exceed ten pages (including the signature page but excluding the certificate of service and any attachments/enclosures). Any request for preapproval to exceed this page limit shall be submitted in writing no less than three business days prior to the expected filing date of the underlying motion or responsive pleading. The request must (1) indicate whether the

⁴ See Establishment of Atomic Safety and Licensing Board (June 25, 2025).

⁵ In the event answers to the petition are filed earlier than July 11, 2025, Petitioners' reply will nevertheless be due on or before July 18, 2025.

⁶ For assistance with the NRC's E-Filing system, a participant can contact the Electronic Filing Helpdesk via its webpage (<https://www.nrc.gov/site-help/e-submittals/contact-us-eie.html>) or by calling (866) 672-7640 between the hours of 9:00 a.m. to 6:00 p.m. Eastern Time, Monday through Friday (excluding federal government holidays).

request is opposed or supported by the other participants to the proceeding;⁷ (2) provide a good faith estimate of the number of additional pages that will be filed; and (3) demonstrate good cause for being permitted to exceed the page limitation.

C. Replies to an Answer to a Motion

Except for motions to file a new contention(s) or motions to file an amended contention(s), a participant to this proceeding must request permission to file a reply to any answer(s) to a motion.⁸ A request for Board approval to file such a reply shall be submitted in writing no fewer than three business days prior to the time the reply will be filed.⁹ A request to file a reply (1) must indicate whether the request is opposed or supported by the other participants to the proceeding; and (2) must demonstrate that compelling circumstances exist for permitting the reply to be filed.¹⁰

D. Motions for Extension of Time

A motion for an extension of time shall be submitted in writing at least three business days before the due date for the pleading or other submission for which an extension is sought.¹¹ A motion for extension of time (1) must indicate whether the request is opposed or

⁷ See 10 C.F.R. § 2.323(b). Pursuant to section 2.323(b), all motions require a certification by the moving participant, or by the attorney or representative for the moving participant, that a sincere effort has been made to contact the other participants in the proceeding and to resolve the matters raised by the motion. If the consultation mandated by section 2.323(b) is initiated within a reasonable time and the participants believe that all or part of the matter may be resolved amicably if additional time is provided for filing the subject motion, the participants are encouraged to file a joint motion requesting such a time extension.

⁸ See 10 C.F.R. § 2.323(c).

⁹ Although the agency's rules do not specifically provide for replies, the Board will presume that for a reply to be timely, it would have to be filed within seven days of the date of service of the answer it is intended to address. Cf. 10 C.F.R. § 2.309(i)(2).

¹⁰ Section 2.323(c) indicates that "compelling circumstances" might be shown in an instance where the moving participant demonstrates it could not reasonably have anticipated the arguments to which it seeks to reply.

¹¹ Unless some other time is specified either in the agency's rules or by this Board, motions (other than summary disposition motions) generally are due within ten days after the occurrence or circumstance from which the motion arises, with any answer to that motion due within ten days of service of that motion. See 10 C.F.R. § 2.323(a)(2)(c). An exception to this ten-day filing period is a motion seeking the admission of a new/amended contention(s). See 10 C.F.R. § 2.309(c)(2)(ii), (f)(2); see also id. § 2.323(a)(1) (motions for new/amended contentions not

supported by the other participants to this proceeding; and (2) must demonstrate appropriate cause to justify the Board granting the extension.

E. Opposing a Request to Exceed the Page Limit, to File a Reply, or to Extend the Time for Filing a Pleading

Any opposition to a motion to exceed the page limit, to file a reply, or to extend the time for filing a pleading shall be filed no later than the next business day after the filing of the subject motion.

F. Attachments/Enclosures to Pleadings

For future filings, where a pleading has additional documents appended to it, such appended documents are to be referred to as either attachments or enclosures (and not as exhibits), and each such appended document shall bear a separate alphabetic or numeric designation (e.g., Attachment A, or Enclosure 1) that is noted either on the first page of the appended document or on a cover/divider sheet in front of the appended document.

Attachments or enclosures to a motion, as well as to any related responsive pleadings (1) are not subject to the page limit set forth in section II.B.2 above, but (2) should be submitted via the agency's E- Filing system as part of a single electronic file consisting of the pleading, the certificate of service, and all associated attachments or enclosures.¹²

G. Filing Date on Pleadings

The Board requests that the first page of each pleading submitted by a participant include the pleading's filing date placed either in the upper right-hand corner or as part of the caption.

subject to section 2.323 requirements). To be considered timely under 10 C.F.R. § 2.309(c)(1)(iii), a motion seeking the admission of new/amended contentions (and the accompanying new/amended contention) should be filed within 30 days of the date on which the information that forms the basis of the motion becomes available.

¹² In accordance with the agency's electronic submission guidance, multiple electronic files should be used for pleadings or submissions with attachments or enclosures only if the filing exceeds 1,000 megabytes in size. See Guidance for Electronic Submissions to the NRC (Rev. 10), at 6 (May 30, 2023) (ADAMS Accession No. ML13031A056).

III. INITIAL PREHEARING CONFERENCE

The Board has not determined whether it will hold an initial prehearing conference to hear oral argument regarding standing and contention admissibility. The Board will make that determination after the case is fully briefed. Nevertheless, in the event oral argument is held, it will be on one of the following dates: July 28, July 29, or July 31. After counsel for the parties confer among themselves about which of these dates are acceptable, counsel are to email the Board's law clerk, Whitlee Dean (whitlee.dean@nrc.gov), with their suggested dates for oral argument.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Michael M. Gibson, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 25, 2025

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Initial Prehearing Order)** have been served upon the following persons by Electronic Information Exchange.

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 25th day of June 2025.