

July 11, 2025

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

HOLTEC PALISADES, LLC

(Palisades Nuclear Plant)

Docket No. 50-255-LA-4

**NRC STAFF'S ANSWER OPPOSING THE PETITION TO INTERVENE FILED
BY BEYOND NUCLEAR, DON'T WASTE MICHIGAN, MICHIGAN
SAFE ENERGY FUTURE, THREE MILE ISLAND ALERT,
AND NUCLEAR ENERGY INFORMATION SERVICE**

INTRODUCTION

Pursuant to 10 C.F.R. § 2.309(i)(1) and the Atomic Safety and Licensing Board's (Board) Initial Prehearing Order dated June 25, 2025,¹ the staff (Staff) of the U.S. Nuclear Regulatory Commission (NRC or Commission) herein responds to the petition to intervene and request for hearing filed by Beyond Nuclear, Don't Waste Michigan, Michigan Safe Energy Future, Three Mile Island Alert, and Nuclear Energy Information Service (collectively, Petitioners) on June 16, 2025.² In their Petition, the Petitioners challenge a February 2025 license amendment request (LAR) filed by Holtec Palisades LLC and Holtec Decommissioning International (collectively,

¹ *Holtec Palisades, LLC* (Palisades Nuclear Plant), Memorandum and Order (Initial Prehearing Order) (June 25, 2025) (unpublished).

² 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 (Petition)).

Holtec), in which Holtec seeks to amend the technical specifications for the Palisades Nuclear Plant (Palisades) to allow it to repair certain Palisades steam generator tubes by sleeving.³

As described more fully below, the NRC Staff opposes the Petition because while the Petitioners have properly established representational standing to intervene, they have failed to submit an admissible contention. First, the contention raises numerous matters that are beyond the scope of this proceeding, exceed the scope of the license amendment request at issue here, and fail to raise a genuine dispute on a material issue of fact or law with the LAR. Second, in the limited areas where the contention raises matters within the scope of the proposed action, the Petitioners (a) fail to provide sufficient basis with supporting evidence which support their position on the issue and on which they intend to rely at hearing, and (b) their expert's assertions do not challenge the relevant information in the LAR or the associated Framatome technical report, and fail to provide sufficient information to show that a genuine dispute exists with the Applicant on a material issue of law or fact. Accordingly, the Staff opposes the Petition for failing to satisfy the requirements of 10 CF.R. § 2.309(f)(1)(iii)-(vi).

³ License Amendment Request to Revise Selected Permanently Defueled Technical Specifications to Support Repairing of Steam Generator Tubes by Sleeving (Feb. 11, 2025) (ADAMS Accession No. ML25043A348) (Steam Generator Sleeving Amendment). As described by Holtec, the LAR "would revise the Permanently Defueled Technical Specifications (POTS) to allow the use of Framatome Alloy 690 sleeves to repair defective steam generator (SG) tubes as an alternative to removing the tubes from service by plugging." LAR at 1. Further, Holtec observed that "[t]he approval of this LAR is contingent upon the prior approval of the LAR, dated December 14, 2023, . . . to reflect the resumption of power operations at [Palisades], which is currently under NRC review." *Id.*

BACKGROUND

1. Palisades Licensing History

The Palisades Nuclear Plant is situated in Covert, Michigan, five miles south of South Haven, MI. The initial provisional operating license for Palisades was issued on March 24, 1971;⁴ a full-term operating license was issued on February 21, 1991⁵ and was renewed on January 17, 2007, with operation authorized until March 24, 2031.⁶ By letter dated June 13, 2022, the licensee at that time, Entergy Nuclear Operations, Inc. (Entergy) submitted certifications under 10 C.F.R. § 50.82(a)(1) that operation had permanently ceased and that fuel had been permanently removed from the reactor vessel.⁷ Subsequently, the NRC issued amendments to the operating license (including the TS), to reflect the authorities and requirements for a reactor in decommissioning.⁸

2. 2020 License Transfer Request

In December 2020, Entergy submitted a request to transfer the Palisades license to Holtec Palisades, LLC., as the facility's licensed owner, and to Holtec Decommissioning, Inc. as the facility's licensed operator.⁹ In December 2021, the Staff issued an order (2021 Transfer

⁴ Palisades Nuclear Plant, <https://www.nrc.gov/info-finder/reactors/pali.html> (last accessed July 2, 2025).

⁵ *Id.*

⁶ Letter from Juan Ayala, NRC, to Paul A. Harden, Nuclear Management Company, LLC, "Issuance of Renewed Facility Operating License No. DPR-20 for Palisades Nuclear Plant" (Jan. 17, 2007) (ML070100476).

⁷ Letter from Darrell W. Corbin, Entergy, to NRC Document Control Desk, "Certifications of Permanent Cessation of Power Operations and Permanent Removal of Fuel from the Reactor Vessel" (June 13, 2022) (ML22164A067) (Palisades 50.82(a)(1) Certifications).

⁸ See (1) Letter from Scott P. Wall, NRC, to Vice President for Operations, Entergy, "Palisades Nuclear Plant – Issuance of Amendment Regarding Administrative Controls for Permanently Defueled Condition" (June 4, 2018) (ML18114A410) (Defueled Administrative Controls Amendment); and (2) Letter from Scott P. Wall, NRC, to Vice President for Operations, Entergy, "Palisades Nuclear Plant – Issuance of Amendment No. 272 Re: Permanently Defueled Technical Specifications" (May 13, 2022) (ML22039A198) (Defueled TS Amendment).

⁹ See Letter from A. Christopher Bakken III, Entergy, to NRC Document Control Desk, "Application for Order Consenting to Transfers of Control of Licenses and Approving Conforming License Amendments," at 2 (Dec. 23, 2020) (ML20358A075).

Order) approving the requested transfer.¹⁰ On June 28, 2022, Entergy transferred the Palisades defueled operating license, after it submitted the § 50.82(a)(1) certifications, on which date the Staff issued a conforming administrative amendment to the license (Conforming Amendment).¹¹

Four hearing requests were filed challenging the transfer request. On July 15, 2022, the Commission denied three of the hearing requests and granted the hearing request filed by the Michigan Attorney General regarding the transferees' financial qualifications.¹² The Presiding Officer held an oral hearing on February 8-9, 2023, and then closed the evidentiary hearing record and certified the hearing record to the Commission.¹³ On April 8, 2025, the Commission held that proceeding in abeyance, in light of HDI's requests and actions related to the restart of Palisades.¹⁴ This license transfer request remains pending before the Commission.

3. Restart-Related Exemption, License Transfer, and License Amendment Requests

During the period of September 2023 to May 2024, the NRC received six licensee requests related to the potential restart of Palisades, which the Staff is currently reviewing:

- September 28, 2023, request for an exemption (Exemption Request) "from the 10 CFR 50.82(a)(2) restriction that prohibits reactor power operations and retention

¹⁰ Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International and Holtec Decommissioning International, LLC, Big Rock Point Plant and Palisades Nuclear Plant; Transfer of Licenses; Order, 86 Fed. Reg. 71,528 (Dec. 16, 2021). See also Letter from Scott P. Wall, NRC, to A. Christopher Bakken, III, Entergy, "Palisades Nuclear Plant and Big Rock Point Plant – Order Approving Transfer of Licenses and Draft Conforming Administrative License Amendments (EPID L-2020-LLM-0003)" (Dec. 13, 2021) (ML21292A155 (package)).

¹¹ Letter from Scott P. Wall, NRC, to Pierre Paul Oneid, Holtec International, and Kelly D. Trice, HDI, "Palisades Nuclear Plant and Big Rock Point Plant – Issuance of Amendment Nos. 129 and 273 Re: Order Approving Transfer of Licenses and Conforming Administrative License Amendments (EPIDS L-2022-LLM-0002 AND L-2020-LLM-0003)" (June 28, 2022) (ML22173A179 (package)) (Entergy-Holtec Transfer Conforming Amendment).

¹² See *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant & Big Rock Point Site), CLI-22-8, 96 NRC 1, 7 (2022).

¹³ *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant & Big Rock Point Site), LBP-23-5, 97 NRC 116 (2023).

¹⁴ *Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC* (Palisades Nuclear Plant and Big Rock Point Site), CLI-25-02, 101 NRC ____ (Apr. 8, 2025) (slip op.).

of fuel in the reactor vessel ... by allowing for a one-time rescission of the docketed 10 CFR 50.82(a)(1) certifications.”

- December 6, 2023, Restart Transfer Request, which seeks NRC consent to, and a conforming amendment for, a transfer of operating authority from HDI to Palisades Energy, LLC (OPCO) under Renewed Facility Operating License No. DPR-20 for Palisades and the general license for the Palisades Independent Spent Fuel Storage Installation (ISFSI).
- December 14, 2023, license amendment request (Primary Amendment Request) in support of resuming power operations that largely seeks to undo the changes made by the previously issued Defueled TS Amendment with some proposed differences from the previous operating reactor TS.
- February 9, 2024, license amendment request (Administrative Controls Amendment Request) in support of resuming power operations that largely seeks to undo the changes made by the previously issued Defueled Administrative Controls Amendment with some proposed differences from the previous operating reactor TS.
- May 1, 2024, license amendment request (Emergency Plan Amendment Request) to revise the Palisades site emergency plan to support resuming power operations.
- May 24, 2024, license amendment request (MSLB Amendment Request) to revise the Palisades main steam line break analysis to “support the Palisades restart project.”

On August 7, 2024, the NRC published a *Federal Register* notice of opportunity to request a hearing regarding the Transfer Request (Transfer Notice)¹⁵ and a *Federal Register* notice of opportunity to request a hearing regarding the four license amendment requests listed above (Amendments Notice).¹⁶ The Transfer Notice established an August 27, 2024, deadline for hearing requests, while the Amendments Notice established an October 7, 2024, deadline for hearing requests.¹⁷

¹⁵ Holtec Decommissioning International, LLC, Holtec Palisades, LLC, and Palisades Energy, LLC; Palisades Nuclear Plant and the Palisades Independent Spent Fuel Storage Installation; Consideration of Approval of Transfer of Licenses and Conforming Amendment, 89 Fed. Reg. 64,493 (Aug. 7, 2024) (Transfer Notice).

¹⁶ Holtec Decommissioning International, LLC, and Holtec Palisades, LLC; Palisades Nuclear Plant; Applications for Amendments to Renewed Facility Operating License Involving Proposed No Significant Hazards Considerations and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information, 89 Fed. Reg. 64,486 (Aug. 7, 2024) (Amendments Notice).

¹⁷ Transfer Notice, 89 Fed. Reg. at 64,493; Amendments Notice, 89 Fed. Reg. at 64,487.

On August 27, 2024, Beyond Nuclear, Don't Waste Michigan, and Michigan Safe Energy Future filed a petition to intervene in the LT-3 proceeding, challenging the December 6, 2023, license transfer request in response to the Transfer Notice. On April 29, 2025, the Commission denied that hearing request.¹⁸

On October 7, 2024 (as refiled October 10, 2024), the Petitioners filed a hearing request in response to the Amendments Notice in the LA-3 proceeding, challenging the license amendment requests and a related exemption.¹⁹ On March 3, 2025 the Petitioners filed amended and new contentions based on the Staff's publication of the Draft Environmental Assessment and Draft Finding of No Significant Impact for the potential resumption of operations at Palisades.²⁰ On March 31, 2025 the Board denied the initial hearing request, finding that none of the contentions were admissible.²¹ On June 20, 2025 the Board denied the motion for leave to file new and amended contentions, and terminated the LA-3 proceeding.²²

4. Steam Generator Tube Sleeving License Amendment (the Current LAR)

Palisades is a single Combustion Engineering pressurized water reactor. As described in the LAR, the primary coolant system is comprised of two heat transfer loops connected in

¹⁸ *Holtec Decommissioning International, LLC; Holtec Palisades, LLC; and Palisades Energy, LLC* (Palisades Nuclear Plant, Docket No. 50-255-L T-3), CLI-25-03, 101 NRC ____ (Apr. 29, 2025) (slip op.).

¹⁹ 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 (Oct. 10, 2024) (ML24284A364).

²⁰ Petitioning Organizations' Motion to File Amended and New Contentions (Mar. 3, 2025) (ML25062A308); Petitioning Organizations' Amended and New Contentions Based on Draft Environmental Assessment/Finding of No Significant Impact for Palisades Nuclear Plant (Mar. 3, 2025) (ML25062A309).

²¹ *Holtec Decommissioning International, LLC, and Holtec Palisades, LLC* (Palisades Nuclear Plant), Memorandum and Order (Ruling on Intervention Petitions) (Mar. 31, 2025) (unpublished); Notice of Appeal of ASLB Decision LBP-25-04, By Beyond Nuclear, Don't Waste Michigan, Michigan Clean Energy Future, Three Mile Island Alert and Nuclear Energy Information Service, and Brief in Support of Appeal (April 25, 2025) (ML25115A265).

²² *Holtec Decommissioning International, LLC, and Holtec Palisades, LLC* (Palisades Nuclear Plant), Memorandum and Order (Ruling on Motion for Leave to File New and Amended Contentions) (June 20, 2025) (unpublished); petitions for review due by July 15, 2025.

parallel to the reactor, with one steam generator on each loop.²³ The steam generators transfer heat from the primary coolant loop in the steam generator tubes to the secondary flow on the shell side, in which steam is generated to turn the turbines and generate electricity.²⁴

As noted above, on February 11, 2025, Holtec filed the instant license amendment request, seeking to amend the Palisades technical specifications to allow it to repair certain defective steam generator tubes by inserting Framatome Alloy 690 tube support plate sleeves inside the tubes, in lieu of plugging the tubes and removing them from service.²⁵ Each steam generator contains 8,219 tubes.²⁶ sleeving provides an option, if approved, to maintain the effective plugged tube quantity below the plant's design plugging limit.²⁷ More specifically, Holtec proposed to revise the following technical specifications (LAR at 1):

- TS 3.4.1, *Primary Coolant System Pressure, Temperature and Flow Departure from Nucleate Boiling Limits*, Surveillance Requirement (SR) 3.4.1.3 would be revised to require the primary coolant system total flow rate to be verified within limits whenever repairing or plugging steam generator tubes results in a specified flow reduction.
- The option to repair steam generator tubes would be added to TS Limiting Condition for Operation (LCO) 3.4.17, *Steam Generator Tube Integrity*; and Administrative Controls TS 5.5.8, *Steam Generator Program*, which currently allow only tube plugging.
- Administrative Controls TS 5.6.8, *Steam Generator Tube Inspection Report*, would be revised to add reporting requirements for repaired tubes.

²³ Steam Generator Slewing Amendment at Section 3.2.

²⁴ *Id.*

²⁵ See n.3 *supra*.

²⁶ See Letter from Justin C. Poole, NRC, to Jean A. Fleming, Vice President, Licensing, Regulatory Affairs, and PSA, Holtec International, LLC, 1 Holtec Boulevard, Camden, NJ 08104, Subject: Palisades Nuclear Plant - Summary of Conference Call Regarding Steam Generator Tube Inspections (EPID L-2024-NFO-0008) (Oct. 1, 2024), Enclosure (Summary of Conference Call), at 1) (ML24267A296).

²⁷ Steam Generator Slewing Amendment Enclosure 5 "Framatome Document Number 51-9388710-001, *Steam Generator Mechanical TSP Sleeve Qualification Assessment for 3/4" Tubes at Palisades Nuclear Power Plant.*" at Section 1.0 (Non-Proprietary) (Framatome Report).

DISCUSSION

As more fully explained below, based on its review of the Petition, the NRC Staff has determined that each of the Petitioners has demonstrated its representational standing to intervene, but their proposed contention fails to satisfy the Commission's contention admissibility standards in 10 C.F.R. § 2.309(f)(iii)-(vi). Accordingly, the Staff opposes the Petition and requests that the Board deny the Petition and terminate this proceeding.

I. The Petitioners Have Demonstrated Representational Standing to Intervene

A. Applicable Legal Requirements

Section 189a. of the Atomic Energy Act, as amended (AEA), requires the Commission to "grant a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding."²⁸ A request for a hearing or petition for leave to intervene in a proceeding must demonstrate the petitioners' standing in accordance with the NRC's requirements in 10 C.F.R. § 2.309(d).²⁹ The presiding officer will grant the hearing request if it determines that the requestor has standing under 10 C.F.R. § 2.309(d) and has proposed at least one admissible contention that meets the requirements in 10 C.F.R. § 2.309(f).³⁰ Pursuant to § 2.309(d)(1), the request for a hearing or petition to intervene must state:

- (i) The name, address and telephone number of the petitioner;
- (ii) The nature of the petitioner's right under the AEA to be made a party to the proceeding;
- (iii) The nature and extent of the petitioner's property, financial or other interest in the proceeding; and

²⁸ 42 U.S.C. § 2239(a)(1)(A).

²⁹ 10 C.F.R. § 2.309(a).

³⁰ *Id.*

(iv) The possible effect of any decision or order that may be issued in the proceeding on the petitioner's interest.³¹

In ruling on a petition, the presiding officer "must determine, among other things, whether the petitioner has an interest affected by the proceeding" considering the factors enumerated in § 2.309(d)(1).³²

The Commission has "long applied contemporaneous 'judicial concepts of standing'" in evaluating whether a petitioner has established standing.³³ Accordingly, a petitioner must allege an injury in fact that is "fairly traceable" to the challenged action and that is "likely to be redressed" by a decision favorable to the petitioner.³⁴ In addition, the alleged injury must "arguably fall[] within the 'zone of interests' protected by the AEA."³⁵ The burden of demonstrating standing is on the petitioner.³⁶ The "injury 'must be both concrete and particularized, not conjectural, or hypothetical.'"³⁷ Further, at "the heart of the standing inquiry is whether the petitioner has 'alleged such a personal stake in the outcome of the controversy' as to demonstrate that a concrete adverseness exists [that] will sharpen the presentation of

³¹ 10 C.F.R. § 2.309(d)(1).

³² 10 C.F.R. § 2.309(d)(2). The presiding officer may also consider a request for discretionary intervention when a petitioner is determined to lack standing to intervene as a matter of right, provided that a sufficient showing is made with respect to the factors enumerated in 10 C.F.R. § 2.309(e). The Petitioners have not demonstrated that discretionary intervention is warranted here.

³³ *Florida Power & Light Co.* (Turkey Point Nuclear Generating Plant, Units 3 and 4), CLI-15-25, 82 NRC 389, 394 (2015); *El Paso Electric Co.* (Palo Verde Nuclear Generating Station, Units 1, 2, and 3), CLI-20-7, 92 NRC 225, 230 (2020), quoting *Calvert Cliffs 3 Nuclear Project, LLC and UniStar Nuclear Operating Servs., LLC* (Calvert Cliffs Nuclear Power Plant, Unit 3), CLI-09-20, 70 NRC 911, 915 (2009)

³⁴ *Turkey Point*, CLI-15-25, 82 NRC at 394.

³⁵ *Entergy Nuclear Operations, Inc., and Entergy Nuclear Palisades, LLC* (Palisades Nuclear Plant), CLI-08-19, 68 NRC 251, 258 (2008).

³⁶ *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 and 2), CLI-99-4, 49 NRC 185, 194 (1999).

³⁷ *Palo Verde*, CLI-20-7, 92 NRC at 230 (quoting *Sequoyah Fuels Corp. and General Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 72 (1994)).

issues.”³⁸ For the purposes of determining standing, the petition will be construed in the petitioner’s favor³⁹ and its material allegations will be accepted as true.⁴⁰

While the Commission generally requires the elements of standing be pled with specificity, it has also found standing in certain cases based upon a “proximity presumption.” Thus, in proceedings for “construction permits, operating licenses, or significant amendments thereto such as the expansion of the capacity of a spent fuel pool,”⁴¹ the Commission has permitted a petitioner who “lives within, or otherwise has frequent contacts with, the zone of possible harm from the nuclear reactor” to establish standing without needing to make an individualized showing of injury, causation, and redressability.⁴² The determination of how proximate a petitioner must be to a source of radioactivity “depends on the danger posed by the source at issue.”⁴³

In practice, the Commission has applied the proximity presumption in construction permit, operating license, and license renewal proceedings for power reactors to find standing where a petitioner resides within approximately 50 miles of the facility.⁴⁴ In such proceedings, standing is presumed for persons who reside in, or have frequent contact with, the zone of

³⁸ *Sequoyah Fuels Corp.*, CLI-94-12, 40 NRC at 71 (citing *Duke Power Co. v. Carolina Environmental Study Group, Inc.*, 438 U.S. 59, 72 (1978) and quoting *Baker v. Carr*, 369 U.S. 186, 204 (1962)).

³⁹ *Turkey Point*, CLI-15-25, 82 NRC at 394.

⁴⁰ *Georgia Institute of Technology* (Georgia Tech Research Reactor, Atlanta, Georgia), LBP-95-6, 41 NRC 281, 286 (1995), *vacated in part and remanded on other grounds*, CLI-95-10, 42 NRC 1, and *aff’d in part*, CLI-95-12, 42 NRC 111 (1995); *see also U.S. Army Installation Command* (Schofield Barracks, Oahu, Hawaii, and Pohakuloa Training Area, Island of Hawaii, Hawaii), CLI-10-20, 72 NRC 185, 192 n.39 (2010).

⁴¹ *Florida Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 and 2), CLI-89-21, 30 NRC 325, 329 (1989).

⁴² *Calvert Cliffs*, CLI-09-20, 70 NRC at 915.

⁴³ *Florida Power and Light Co.* (Turkey Point, Units 3 and 4), LBP-01-6, 53 NRC 138, 148 (2001), *aff’d on other grounds*, CLI-01-17, 54 NRC 3 (2001).

⁴⁴ *See Calvert Cliffs*, CLI-09-20, 70 NRC at 915 n.15 (noting that the Board in *Turkey Point*, LBP-01-6, was “applying [the] proximity presumption in [a] reactor operating license renewal proceeding”); *Cleveland Electric Illuminating Co.* (Perry Nuclear Power Plant, Unit 1), CLI-93-21, 38 NRC 87, 92 (1993).

possible harm around the nuclear reactor.⁴⁵ The Commission has also found standing under the proximity presumption where the petitioner has a property interest near the facility.⁴⁶ In license amendment proceedings, the proximity presumption would apply where the license amendment presents an “‘obvious’ potential of offsite radiological consequences.”⁴⁷ Accordingly, a determination as to whether the amendment has the potential to cause offsite radiological consequences must take into account “the nature of the proposed action and the significance of the radioactive source.”⁴⁸

An organization seeking to intervene “must satisfy the same standing requirements as an individual seeking to intervene.”⁴⁹ The organization may establish standing based on its organizational standing (showing that its own organizational interests could be adversely affected by the proceeding), or representational standing (based on the standing of its members). Where an organization seeks to establish representational standing, the organization must demonstrate that “at least one of its members may be affected” by the proceeding and these members, who must be identified by name, have authorized the organization to represent them and to request a hearing on their behalf.⁵⁰ Further, the “member seeking representation must qualify for standing in [their] own right; the interests that the representative organization

⁴⁵ *Calvert Cliffs*, CLI-09-20, 70 NRC at 915.

⁴⁶ See *USEC, Inc.* (American Centrifuge Plant), CLI-05-11, 61 NRC 309, 314-15 (2005) (granting standing based on petitioner holding title to home near uranium enrichment facility notwithstanding that petitioner did not reside at the home).

⁴⁷ *Zion*, CLI-99-4, 49 NRC at 191 (quoting *St. Lucie*, CLI-89-21, 30 NRC at 330); see also *Turkey Point*, LBP-01-6, 53 NRC at 148.

⁴⁸ *Exelon Generation Co, LLC & PSEG Nuclear, LLC* (Peach Bottom Atomic Power Station, Units 2 & 3), CLI-05-26, 62 NRC 577, 580-81 (2005).

⁴⁹ *Palo Verde*, CLI-20-7, 92 NRC at 231.

⁵⁰ *FirstEnergy Nuclear Operating Co. and FirstEnergy Nuclear Generation, LLC* (Beaver Valley Power Station, Units 1 and 2; Davis-Besse Nuclear Power Station, Unit 1; Perry Nuclear Power Plant, Unit 1), CLI-20-5, 91 NRC 214, 220 (2020); *Consumers Energy Co.* (Palisades Nuclear Power Plant), CLI-07-18, 65 NRC 399, 409-10 (2007).

seeks to protect must be germane to its purpose; and neither the asserted claim nor the requested relief must require an individual member to participate in the organization's legal action."⁵¹

B. The Petitioners Have Established Standing to Intervene.

As more fully set forth below, the Staff has concluded that each of the five Petitioners has established representational standing to intervene in this proceeding.⁵² The Petitioners' assertions are briefly summarized below.

1. Beyond Nuclear

In their Petition, Beyond Nuclear states, in part, that it is a nonprofit public policy, research, and educational membership organization based in Takoma Park, Maryland that advocates the expansion of renewable energy sources to replace commercial nuclear power generation. Beyond Nuclear states that it has over 12,000 members, some of whom reside, work and recreate near Palisades.⁵³ More particularly, Beyond Nuclear further states that it has agreed to represent two of its members, W. Dillon Reed and Caroline Ferry, in this proceeding, each of whom has designated Beyond Nuclear to intervene on their behalf to oppose the steam generator tube sleeving LAR and to protect their health and safety and the health and safety of their family members and their real property interests.

Mr. Reed and Ms. Ferry filed Declarations in support of Beyond Nuclear's intervention on their behalf in this proceeding. In their Declarations, Mr. Reed and Ms. Ferry provided their home addresses and stated, in part, that they reside in Covert, MI, about 0.75 straight-line miles

⁵¹ *Beaver Valley*, CLI-20-5, 91 NRC at 220 (citing *Entergy Nuclear Operations, Inc.*, CLI-08-19, 68 NRC at 258; *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 323 (1999)).

⁵² The Staff notes that these five Petitioners were found to have representational standing to intervene in the LA-3 license amendment proceeding, *Palisades*, LBP-25-04, 101 NRC at ____ (Mar. 31, 2025) (slip op. at 20-23).

⁵³ Petition at 3; Declaration of Beyond Nuclear at 3.

from Palisades and that they recreate within a few hundred yards of Palisades. They further stated that they oppose the reopening of Palisades and the granting of the steam generator tube sleeving license amendment due to various health and safety concerns, that they have designated Beyond Nuclear to represent their interests in this proceeding, and that their interests will not be adequately protected without Beyond Nuclear's representation of their interests herein ⁵⁴

2. Michigan Safe Energy Future

Michigan Safe Energy Future (MSEF) states, in part, that it is a grassroots association of people in western and southwestern Michigan that has advocated for the shutdown of Palisades and the replacement of nuclear and natural gas power generation with safe and renewable non-nuclear energy technologies. MSEF states that it has "a dozen members" and does not have a fixed office address. It further states that it has agreed to represent two of its members, James and Ann Scott, in this proceeding, and that they have designated MSEF to intervene on their behalf herein.

Mr. Scott and Ms. Scott filed separate Declarations in support of MSEF's intervention on their behalf in this proceeding. In their Declarations, they provided their home addresses and stated, in part, that they reside in Covert, MI, about 1.25 straight-line miles from the Palisades Nuclear Plant and that they recreate within a few hundred yards of Palisades. They further stated that they oppose the reopening of Palisades and the granting of the steam generator tube sleeving license amendment due to various health and safety concerns, and that they have designated MSEF to represent their interests in this proceeding, and that their interests will not be adequately protected without MSEF's representation of their interests herein.⁵⁵

⁵⁴ See Petition at 3-4; Declaration of W. Dillon Reed (June 16, 2025), at 2; Declaration of Caroline Ferry (June 16, 2025) at 2.

⁵⁵ Petition at 4-5; Declaration of James Scott (June 16, 2025), at 1-2; Declaration of Ann Scott (June 15, 2025), at 1-2.

3. Don't Waste Michigan

Don't Waste Michigan (DWM) states that it is a 40-year-old grassroots association located in Monroe, Michigan, with over 40 members in southern, western and central Michigan. DWM states, *inter alia*, that it seeks to shut down aging, dangerous nuclear power plants in the Great Lakes Basin; to halt the construction of new nuclear power plants; to educate the public about the dangers of nuclear power and nuclear waste; and to block the landfilling of nuclear waste. DWM further states that it opposes the restart of Palisades, that it has agreed to represent two of its members, Alice Hirt and Joseph Kirk, in this proceeding.

In turn, Alice Hirt and Joseph Kirk filed Declarations⁵⁶ stating that they have designated DWM to intervene in this proceeding, to protect their interests in physical health and safety, the health and safety of their family members, their real property, and the physical environment proximate to Palisades. Ms. Hirt provided her home address in Holland, Michigan, located 36.5 straight-line miles from Palisades, and stated that she recreates in and along Lake Michigan. Likewise, Mr. Kirk provided his home address, located in Palisades Park, MI, about 0.8 straight-line miles from Palisades, and stated that he walks along and recreates in Lake Michigan. Both Ms. Hirt and Mr. Kirk stated that they oppose the reopening of Palisades and the steam generator tube sleeving license amendment due to a variety of health and safety concerns, that they have designated DWM to represent them in this proceeding, and that their interests will not be adequately protected without DWM's representation of their interests herein.⁵⁷

4. Three Mile Island Alert

Three Mile Island Alert (TMIA) states that it is a nonprofit grassroots advocacy organization with approximately 500 members and supporters, that it was founded in central

⁵⁶ DWM filed the Declarations of Ms. Hirt and Mr. Kirk, but those Declarations do not appear to be searchable electronically.

⁵⁷ Petition at 6-7; DWM Declaration at 4; Declaration of Alice Hirt at 2; Declaration of Joseph C. Kirk at 2.

Pennsylvania in 1977, that it opposes commercial nuclear power for safety and economic reasons, and that it opposes a restart of Palisades and the granting of the steam generator tube sleeving license amendment. TMIA further states that it has agreed to represent one of its members, David Staiger, in this proceeding.

In turn, Mr. Staiger filed a Declaration in which he states that he has designated TMIA to intervene in this proceeding to protect his interests in physical health and safety, the health and safety of his family members, his real property, and the physical environment proximate to Palisades. He further provided his home address, located in Kalamazoo, MI, about 39 straight-line miles from Palisades, and stated that he has recreated along the Lake Michigan shore within under 10 miles from Palisades, and intends to continue to do so in the future. Mr. Staiger stated that he opposes the reopening of Palisades and the steam generator tube sleeving license amendment, due to a variety of health and safety concerns, that he has designated TMIA to intervene in this proceeding on his behalf, and that his interests will not be adequately protected without TMIA's representation of his interests herein.⁵⁸

5. Nuclear Energy Information Service

Nuclear Energy Information Service (NEIS) states, in part, that it is a non-profit organization located at 3411 W Diversey Avenue, in Chicago, Illinois, that it is committed to ending nuclear power and advocating for sustainable ecologically sound energy solutions, and that it opposes the proposed steam generator tube sleeving license amendment. NEIS further states that it has over 200 members, one or more of whom live within 50 miles of Palisades, and that it has agreed to represent one of its members, John Brenneman, in this proceeding.

For his part, Mr. Brenneman filed a Declaration in which he provided his home address, located in South Bend, Indiana, about 45 straight-line miles from Palisades. He further stated that he recreates along the Lake Michigan shore within fewer than 10 miles from Palisades and

⁵⁸ Petition at 7-8; Declaration of David Staiger (Jun. 16, 2025) at 1-2.

intends to do so in the future. He further stated that he opposes the reopening of Palisades, that he opposes the granting of the steam generator tube sleeving license amendment due to various health and safety concerns, that he has designated NEIS to represent his interests in this proceeding, and that his interests will not be adequately protected without NEIS's representation of his interests herein.⁵⁹

Based on its review of the Petitioners' Declarations, the Staff is satisfied that they have each established their representational standing to intervene in this proceeding, based on the individual standing of one or more of their members. Each Petitioner has shown that it is a membership organization whose interests are germane to the proposed license amendment, due to its opposition to operation of Palisades and/or its concerns for safe operation of the plant; that it has been designated to intervene herein by one or more of its individual members; that one or more of those persons has individual standing to intervene herein based upon their residences within 50 miles of Palisades and their recreational activities within the vicinity of the plant; that those members have designated their respective organizations to represent their interests in this proceeding, and that their interests will not be adequately protected without the organizations' representation of his interests herein.

Further, while the radiological consequences of the proposed steam generator tube sleeving amendment cannot be conclusively established at this time, the Staff considers that the Petitioners' concerns that the amendment could result in offsite radiological consequences is not unreasonable. Granting the requested license amendment would allow Palisades to operate at full power with sleeves inserted in the steam generator tubes. Although an accident resulting in offsite radiological releases is unlikely, for purposes of determining standing it may be assumed that failure of the steam generator tube sleeves could result in the escape of radiological materials into the environment. Accordingly, considering the nature of the challenged action and

⁵⁹ Petition at 7-8; Declaration of John Brenneman (Jun. 16, 2025) at 1-2.

the significance of the radioactive source involved, the license amendment request would appear to present an “‘obvious’ potential of offsite radiological consequences.”⁶⁰

As the Commission has stated,

[T]he “common thread” in the [NRC] decisions applying the 50-mile presumption “is a recognition of the potential effects at significant distances from the facility of the accidental release of fissionable materials.” The NRC’s regulations also recognize that an accidental release has potential effects within a 50-mile radius of a reactor. The Commission ... has applied its expertise and concluded that persons living within a 50-mile radius of a proposed new reactor face a realistic threat of harm if a release of radioactive material were to occur from the facility.⁶¹

Here, the requested steam generator tube sleeving amendment would allow operation of Palisades at full power, along with circulation of the reactor coolant through the steam generator tubes. While the NRC would only grant the amendment if the Applicant has demonstrated reasonable assurance that it will comply with the NRC’s regulations and that the health and safety of the public will be adequately protected,⁶² the Petitioners’ concern over the potential for offsite consequences in the unlikely event of an accident cannot be dismissed as wholly unreasonable. Accordingly, the Staff considers it appropriate to apply the 50-mile proximity presumption for purposes of determining standing in this proceeding.

In sum, given the Petitioners’ demonstration of their organizational interests and authorizations to represent their individual members herein, and their members’ individual standing to intervene, the Petitioners appear to have established their standing to intervene in this proceeding in accordance with 10 C.F.R. § 2.309(d)(1) and established Commission precedent.

⁶⁰ *Zion*, CLI-99-4, 49 NRC at 191 (quoting *St. Lucie*, CLI-89-21, 30 NRC at 330).

⁶¹ *Calvert Cliffs*, CLI-09-20, 70 NRC at 917 (alterations in original) (quoting *Calvert Cliffs 3 Nuclear Project, LLC* (Combined License Application for Calvert Cliffs Unit 3), LBP-09-4, 69 NRC 170, 182-83 (2009)).

⁶² 10 C.F.R. §§ 50.40, 50.57(a) and 50.92(a).

II. Contention 1 Is Inadmissible.

In their Petition, the Petitioners submitted a single contention (“Contention 1”), challenging the steam generator tube sleeving license amendment request; in their view, installing the sleeves will make the tubes “more likely to crack, than installing plugs.” And the Petitioners argue that given the “defective and damaged” state of the steam generators, the request should be denied and “Holtec should be required to replace the steam generators.”⁶³ But while the Petitioners provide a detailed statement from their expert witness in support of their arguments, most of the issues they raise are either out of scope of or immaterial to the steam generator tube sleeving amendment.⁶⁴ Moreover, the Petitioners fail to cite or address the relevant information contained in the license amendment request to support their claims. Therefore, because the contention (1) raises issues that are not material to the proposed steam generator tube sleeving license amendment; (2) are outside the scope of this proceeding; (3) are unsupported by evidence or expert opinion; and (4) do not demonstrate a genuine dispute of material fact or law with the Applicant, the contention should be rejected for failing to meet 10 C.F.R. § 2.309(f)(iii), (iv), (v), and (vi), and the Petition should be denied.

A. Contention Admissibility Requirements

The NRC’s requirements governing the admissibility of contentions are set forth in 10 C.F.R. § 2.309(f). Specifically, a petitioner must “set forth with particularity” the contentions that the petitioner seeks to raise and, for each contention, in accordance with 10 C.F.R.

§ 2.309(f)(1), the petitioner must:

- (i) Provide a specific statement of the issue of law or fact to be raised or controverted;
- (ii) Provide a brief explanation of the basis for the contention;

⁶³ Contention 1 (Petition at 19).

⁶⁴ Declaration of Arnold Gundersen in Support of Petition to Intervene and Request for Adjudicatory Hearing Opposing Steam Generator Restoration by Michigan Safe Energy Future, Don’t Waste Michigan, Nuclear Energy Information Service, Three Mile Island Alert, and Beyond Nuclear (June 16, 2025) (Gundersen Decl.).

(iii) Demonstrate that the issue raised in the contention is within the scope of the proceeding;

(iv) Demonstrate that the issue raised in the contention is material to the findings the NRC must make to support the action that is involved in the proceeding;⁶⁵

(v) Provide a concise statement of the alleged facts or expert opinions which support the requestor's/petitioner's position on the issue and on which the petitioner intends to rely at hearing, together with references to the specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue; [and]⁶⁶

(vi) ... [P]rovide sufficient information to show that a genuine dispute exists with the applicant/licensee on a material issue of law or fact. This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief[.]⁶⁷

⁶⁵ "A dispute at issue is material if its resolution would make a difference in the outcome of the licensing proceeding." *Holtec International* (Hi-STORE Consolidated Interim Storage Facility), CLI-20-4, 91 NRC 167, 190 (2020) (internal quotations omitted).

⁶⁶ The petitioner is obliged to present the facts and expert opinions necessary to support its contention. See *USEC Inc.* (American Centrifuge Plant), CLI-06-10, 63 NRC 451, 457 (2006) (it is the petitioner's responsibility to satisfy the basic contention admissibility requirements; boards should not have to search through a petition to "uncover" arguments and support for a contention, and "may not simply 'infer' unarticulated bases of contentions"); see also *Arizona Public Service Co.* (Palo Verde Nuclear Generating Station, Units 1, 2 and 3), CLI-91-12, 34 NRC 149, 155 (1991).

⁶⁷ This information must include references to specific portions of the application (including the applicant's environmental report and safety report) that the petitioner disputes and the supporting reasons for each dispute, or, if the petitioner believes that the application fails to contain information on a relevant matter as required by law, the identification of each failure and the supporting reasons for the petitioner's belief. Further, to show that a genuine dispute exists the contention "must include references to specific portions of the application that the petitioner disputes and the supporting reasons for each dispute" and if the petitioner believes that the application fails to contain information on a relevant matter, then "the contention must identify each failure and the supporting reasons for the petitioner's belief." *Exelon Generation Co., LLC*. (Peach Bottom Atomic Power Station, Units 2 and 3), CLI-20-11, 92 NRC 335, 342 (2020).

“Failure to satisfy any of the six pleading requirements renders a contention inadmissible.”⁶⁸

Further, 10 C.F.R. § 2.309(f)(2) requires that “[c]ontentions must be based on documents or other information available at the time the petition is to be filed, such as the application, supporting safety analysis report, environmental report or other supporting document filed by an applicant or licensee, or otherwise available to a petitioner.”

The contention admissibility requirements in 10 C.F.R. § 2.309(f)(1) are intended to “focus litigation on concrete issues and result in a clearer and more focused record for decision.”⁶⁹ The Commission has stated that it “should not have to expend resources to support the hearing process unless there is an issue that is appropriate for, and susceptible to, resolution in an NRC hearing.”⁷⁰

As the Commission has explained, the contention admissibility rules are “strict by design” and are “intended to ensure that adjudicatory proceedings are triggered only by substantive safety or environmental issues, rooted in a reasonably specific factual or legal basis” and “to screen out ill-defined, speculative, or otherwise unsupported claims.”⁷¹ The rules

⁶⁸ *Entergy Nuclear Operations, Inc.* (Indian Point, Unit 2) CLI-16-5, 83 NRC 131, 136 (2016). See also *Duke Energy Corp.* (Oconee Nuclear Station, Units 1, 2, and 3), CLI-99-11, 49 NRC 328, 334-35 (1999) (the heightened contention admissibility rules are designed to preclude contentions “based on little more than speculation”). The requirements are intended, among other things, to ensure that a petitioner reviews the application and supporting documents prior to filing contentions; that contentions are supported by at least some facts or expert opinion known to the petitioner at the time of filing; and that there exists a genuine dispute before a contention is admitted for litigation, to avoid the practice of filing contentions that lack any factual support and seeking to flesh them out later through discovery. *Long Island Lighting Co.* (Shoreham Nuclear Power Station, Unit 1), LBP-91-35, 34 NRC 163, 167-68 (1991)

⁶⁹ Final rule, Changes to Adjudicatory Process, 69 Fed. Reg. 2182, 2202 (Jan. 14, 2004). See *Southern Nuclear Operating Co. Inc.* (Vogtle Electric Generating Plant, Unit 3) LBP-20-8, 92 NRC 23, 46 (2020); *Crow Butte Resources, Inc.* (In Situ Leach Facility, Crawford, NE), LBP-15-15, 81 NRC 598, 601 (2015).

⁷⁰ Changes to Adjudicatory Process, 69 Fed. Reg. at 2202.

⁷¹ *Indian Point*, CLI-16-5, 83 NRC at 136 (citing *Dominion Nuclear Connecticut, Inc.* (Millstone Nuclear Power Station, Units 2 and 3), CLI-01-24, 54 NRC 349, 358 (2001) and *South Carolina Electric & Gas Co.* (Virgil C. Summer Nuclear Station, Units 2 and 3), CLI-10-1, 71 NRC 1, 7 (2010)). The Commission has stated that it “should not have to expend resources to support the hearing process unless there is an issue that is appropriate for, and susceptible to, resolution in an NRC hearing.” Changes to Adjudicatory Process, 69 Fed. Reg. at 2202.

require “a clear statement as to the basis for the contentions and the submission of ... supporting information and references to specific documents and sources that establish the validity of the contention.”⁷²

Further, “a proposed contention must be rejected if it raises issues beyond the scope of the proceeding as established by the Commission's hearing notice.”⁷³ A contention must be rejected if it challenges applicable statutory requirements, regulations, or the basic structure of the Commission's regulatory process.⁷⁴ Contentions that are nothing more than a generalization regarding the petitioner's view of what applicable policies ought to be must also be rejected.⁷⁵ Further, attempts to advocate for requirements stricter than those imposed by regulation constitute collateral attacks on the NRC's rules and are therefore inadmissible.⁷⁶

Although a petitioner does not have to prove its contention at the admissibility stage,⁷⁷ the contention admissibility standards are meant to afford hearings only to those who “proffer at least some minimal factual and legal foundation in support of their contentions.”⁷⁸ The petitioner must provide some support for the contention, either in the form of facts or expert testimony,

⁷² *AmerGen Energy Co.* (Oyster Creek Nuclear Generating Station), CLI-06-24, 64 NRC 111, 118-19 (2006)

⁷³ *Vogtle*, LBP-20-8, 92 NRC at 46 (citing *Public Service Co. of Indiana, Inc.* (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-316, 3 NRC 167, 170-71 (1976)). See also *DTE Electric Co.* (Fermi Nuclear Power Plant, Unit 2) LBP-20-7, 92 NRC 1, 8 (2020).

⁷⁴ As set forth in 10 C.F.R. § 2.335(a), “no rule or regulation of the Commission ... is subject to attack ... in any adjudicatory proceeding,” in the absence of a waiver petition granted by the Commission. Further, any contention that amounts to an attack on applicable statutory requirements or represents a challenge to the basic structure of the Commission's regulatory process must be rejected. *Dominion Nuclear Conn.* (Millstone Nuclear Power Station, Unit 2), CLI-03-14, 58 NRC 207, 218 (2003).

⁷⁵ *Millstone*, CLI-03-14, 58 NRC at 218.

⁷⁶ *NextEra Energy Seabrook, LLC* (Seabrook Station, Unit 1), CLI-12-5, 75 NRC 301, 315 (2012) (citations omitted); see also *Philadelphia Electric Co.* (Peach Bottom Atomic Power Station, Units 2 and 3), ALAB-216, 8 AEC 13, 20-21 (1974) (explaining that a contention that seeks to raise an issue that is not proper for adjudication in the proceeding or that does not apply to the facility in question, or seeks to raise an issue that is not concrete or litigable must also be rejected).

⁷⁷ *Private Fuel Storage L.L.C.* (Independent Spent Fuel Storage Installation), CLI-04-22, 60 NRC 125, 139 (2004).

⁷⁸ *Oconee*, CLI-99-11, 49 NRC at 334.

and failure to do so requires that the contention be rejected.⁷⁹ Any supporting material provided by the petitioner is subject to scrutiny by the presiding officer, who must confirm that the proffered material provides adequate support for the contention.⁸⁰ The Commission has long held that the “basis” requirements are intended to: (1) ensure that the contention raises a matter appropriate for adjudication in a particular proceeding; (2) establish a sufficient foundation for the contention to warrant further inquiry into the assertion; and (3) put other parties sufficiently on notice of the issues to be litigated.⁸¹

Presiding officers are expected “to examine cited materials to verify that they do, in fact, support a contention.”⁸² Also, a document cited by a petitioner “as the basis for a contention is subject to scrutiny both for what it does and does not show.”⁸³ A presiding officer may view a petitioner's supporting information in a light favorable to the petitioner,⁸⁴ but the presiding officer is not to “search through pleadings or other materials to uncover arguments and support never advanced by the petitioners themselves.”⁸⁵ If a petitioner neglects to provide the requisite support for its contentions, then the presiding officer should not make assumptions of fact that

⁷⁹*Palo Verde*, CLI-91-12, 34 NRC at 155; *accord*, *Indian Point*, CLI-16-5, 83 NRC at 136. See “Rules of Practice for Domestic Licensing Proceedings—Procedural Changes in the Hearing Process,” 54 Fed. Reg. at 33,170 (“This requirement does not call upon the intervenor to make its case at this stage of the proceeding, but rather to indicate what facts or expert opinions, be it one fact or opinion or many, of which it is aware at that point in time [that] provide the basis for its contention.”).

⁸⁰ See *Vermont Yankee Nuclear Power Corp.* (Vermont Yankee Nuclear Power Station), ALAB-919, 30 NRC 29, 48 (1989), *vacated in part on other grounds and remanded*, CLI-90-4, 31 NRC 333 (1990); see also *Tennessee Valley Authority* (Bellefonte Nuclear Plant, Units 1 and 2), LBP-10-7, 71 NRC 391, 421 (2010).

⁸¹ *Oconee*, CLI-99-11, 49 NRC at 328; see also *Peach Bottom*, ALAB-216, 8 AEC at 20-21.

⁸² *USEC*, CLI-06-10, 63 NRC at 457.

⁸³ *NextEra Energy Seabrook, LLC* (Seabrook Station, Unit 1), CLI-18-4, 87 NRC 89, 107 & n.131 (2018).

⁸⁴ *AmerGen Energy Co., LLC* (Oyster Creek Nuclear Generating Station), CLI-09-7, 69 NRC 235, 260 (2009).

⁸⁵ *USEC*, CLI-06-10, 63 NRC at 457.

favor the petitioner or search for or supply information that is lacking.⁸⁶ Moreover, providing any material or document as a basis for a contention without explaining its significance is grounds for the presiding officer to reject the contention.⁸⁷ In sum, the information, facts, and expert opinions provided by the petitioner are examined by the presiding officer to determine whether they provide adequate support for the proffered contentions.⁸⁸

B. Proposed Contention 1 is Not Admissible.

In Contention 1, the Petitioners asserted as follows:

CONTENTION 1

The steam generators at Palisades are defective and damaged because the tubes are corroded or otherwise defective and damaged. Holtec proposes to repair the defective and damaged tubes by installing metal sleeves, instead of plugging the tubes or replacing the generators entirely. Installing sleeves will make the tubes more likely to crack, than installing plugs. However, due to Holtec not properly maintaining the steam generators for the past 2-3 years, the only solution to the defective and damaged steam generators is to replace the generators. Therefore, the LAR to allow sleeving should not be granted and Holtec should be required to replace the steam generators.⁸⁹

The Petitioners support their argument that Holtec's license amendment request to permit the sleeving of steam generator tubes does meet NRC safety regulations with a Declaration by their expert, Mr. Arnold Gundersen. Mr. Gundersen provides a history of the steam generators at Palisades, disputes Holtec's public statements regarding its intent to replace the steam generators, challenges Holtec's past management of the steam generators, asserts that the steam generators are now defective, states his opinion that sleeving of the steam generators is not an acceptable repair, and concludes that the steam generators must be replaced. However, most of the issues Mr. Gunderson raises are outside the scope of this license amendment

⁸⁶ See *id.*

⁸⁷ See *Fansteel, Inc.* (Muskogee, Oklahoma Site), CLI-03-13, 58 NRC 195, 205 (2003).

⁸⁸ *USEC*, CLI-06-10, 63 NRC at 457; see *Bellefonte*, LBP-10-7, 71 NRC at 421.

⁸⁹ Petition at 19.

request, and his opinion does not raise issues material to the amendment or show that a genuine dispute exists with the requested license amendment. And, although the Petitioners raise some issues that are within the scope of this amendment, they do not address the relevant information in the license amendment request or the associated Framatome report that is in support of their arguments. The contention is therefore inadmissible.

Fundamentally, Proposed Contention 1 is inadmissible because it raises general arguments about the Palisades steam generators but does not grapple with Holtec's request to revise the technical specifications to address stress corrosion cracking on the steam generator tubes at the tube support plate locations using a sleeve repair process. As stated in the *Federal Register* notice of opportunity for hearing on this license amendment request, the proposed amendment would revise the technical specifications to allow for the use of Framatome Alloy 690 sleeves to repair defective steam generator tubes as an alternative to removing the tubes from service by plugging them.⁹⁰ This proceeding, therefore, concerns whether the proposed license amendment request should be granted so that the steam generator tubes can be repaired in the manner described in the amendment request and the associated Framatome report. In proposed Contention 1, however, the Petitioners and Mr. Gundersen raise a plethora of issues concerning the current condition and integrity of the steam generators and other matters unrelated to Holtec's request to use Framatome Alloy 690 sleeves to repair the defective steam generator tubes in the tube support plate region as an alternative to removing the tubes from service by plugging them.⁹¹ As a result, a substantial majority of proposed Contention 1 is beyond the scope of Holtec's license amendment request, and consequently is not material to the findings the NRC must make on whether to grant the license amendment

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

⁹¹ See Steam Generator Sleaving Amendment Enclosure 5 "Framatome Document Number 51-9388710-001, *Steam Generator Mechanical [Tube Support Plate] Sleeve Qualification Assessment for ¾" Tubes at Palisades Nuclear Power Plant.*" (Non-Proprietary) (Framatome Report).

request, and does not demonstrate a genuine dispute with Holtec on an issue of material fact or law related to the license amendment request.

Finally, where Contention 1 does challenge the license amendment request by challenging the acceptability of the use of Framatome Alloy 690 sleeves to repair defective steam generator tubes in the tube support plate region, the Petitioners provide an expert opinion, but that opinion does not contain information challenging the relevant technical analyses or demonstrating a dispute with Holtec on any aspects of its license amendment request. Those portions of the contention are therefore inadmissible under 10 C.F.R. § 2.309(f)(1)(v)-(vi).

1. Substantial Portions of Contention 1 are Unrelated to the Steam Generator Tube Sleeving License Amendment Request, Are Beyond the Scope of This Proceeding, and Are Therefore Inadmissible.

This proceeding concerns the acceptability of Holtec's request to revise Palisades' technical specifications to allow the use of Alloy 690 tube support plate sleeves to repair defective steam generator tubes, as an alternative to removing the steam generator tubes from service by plugging them. But rather than challenging Holtec's request to make these repairs or the technical information Holtec provided in support of its request, substantial portions of Contention 1 present claims by the Petitioners and their expert, Mr. Gundersen, that raise issues that are beyond the scope of this proceeding. Such claims, generally, (1) address Holtec's prior statements regarding its intent to replace the steam generators as part of the restart process, (2) challenge Holtec's past management of the steam generators, (3) assert that other tubes and the tubesheet are degraded, and (4) conclude that the steam generators must be replaced prior to operations.⁹² These claims are outside the scope of the requested license amendment request and therefore, outside the scope of this proceeding.

⁹² See Gundersen Decl., *passim*.

As noted by this Board in its initial prehearing order, the scope of this proceeding is established by the *Federal Register* notice, which provides an opportunity for members of the public to challenge Holtec's license amendment request to allow the use of Framatome Alloy 690 sleeves to repair defective steam generator tubes in tube support plate regions, as an alternative to removing the tubes from service by plugging.⁹³ In contrast, challenges to a plant's current licensing bases or the safety of its current condition (as distinct from challenges to the requested amendment), may be lodged as requests for enforcement action pursuant to 10 C.F.R. § 2.206.⁹⁴

The license amendment request at issue here describes the sleeving repair method as follows:

A lattice tube support plate (TSP) sleeve is designed to repair tube degradation occurring at TSP intersections of [steam generator] tubes. A mechanical sleeve is a tube segment that is inserted into an existing [steam generator] tube and expanded to create an interference fit between the sleeve and the tube. The proposed sleeve uses hydraulic expansion to create the interference fit.⁹⁵

As Mr. Gundersen notes,⁹⁶ Holtec relies upon a Framatome report,⁹⁷ which is limited to repairs of the steam generator tubes at the tube support plate region, and not at the tubesheet.⁹⁸ The license amendment request notes this restriction to the tube support plate area, consistent with

⁹³ *Holtec Palisades, LLC* (Palisades Nuclear Plant), Memorandum and Order (Initial Prehearing Order) (June 25, 2025) (unpublished) at 1 (citing 90 Fed. Reg. 15,722, 15,723 (Apr. 15, 2025)). It is well established that the scope of a proceeding is established by the Commission's hearing notice, and the scope of the proceeding must be confined to the issues raised by the requested license amendment. *Vogtle*, LBP-20-8, 92 NRC at 46-47 (citing *Marble Hill*, ALAB-316, 3 NRC at 170-71; *Commonwealth Edison Co.* (Dresden Nuclear Power Station, Unit 1), CLI-81-25, 14 NRC 616, 624 (1981)).

⁹⁴ *Vogtle*, LBP-20-8, 92 NRC at 47 (citing *NextEra Energy Seabrook, LLC*, (Seabrook Station, Unit 1), CLI-19-7, 90 NRC 1, 14 (2019)).

⁹⁵ Steam Generator Sleeving Amendment, Section 3.4.1 (emphasis added).

⁹⁶ Gundersen Decl. at 34-37.

⁹⁷ See Framatome Report, *passim*.

⁹⁸ *Id.* at Section 2.1 "The sleeves are acceptable to be installed within any tube support plate except elevations that are geometrically limiting at the Palisades Nuclear Power Plant." See *also* Framatome Report at Section 10.4 "The sleeve is intended to only be installed at the hog leg tube support locations to facility eddy current inspection of the cold leg and U-bend portions of the tube."

the Framatome report.⁹⁹ Therefore, the scope of this proceeding is limited to the requested sleeving repairs of the steam generator tubes at the tube support plate regions, as these are the only locations in which Holtec has asked to use the sleeves as a repair.¹⁰⁰ Nor is this proceeding the proper forum for petitioners to raise issues related to the plant's current licensing basis or other issues that are unrelated to Holtec's request to change its technical specifications to permit the repair of steam generator tubes with sleeving. Nonetheless, the Petitioners and Mr. Gundersen raise numerous out-of-scope issues that must be rejected here; for example, Mr. Gundersen presents numerous claims regarding the tubesheet region of the steam generators, but no sleeves would be inserted in that region.¹⁰¹ Accordingly, the following portions of proposed Contention 1 must be rejected as being outside the permissible scope of this proceeding as the sleeving repair is not designed to address these issues:

- Potential degradation of the steam generators tubesheet, including hideout in the tube-to-tubesheet junction.¹⁰²
- Degradation of the steam generator tubes at the Top-of-Tubesheet area, including at locations other than the hot leg.¹⁰³
- The performance and potential future degradation of unsleeved tubes.¹⁰⁴

⁹⁹ See Steam Generator Sleeving Amendment Section 3.4.1 ("A lattice tube support plate (TSP) sleeve is designed to repair tube degradation occurring at TSP intersections of SG tubes.").

¹⁰⁰ *Id.*; See Palisades Nuclear Plant Steam Generator Tube Inspection Report 2015 Refueling Outage, 1R24, Figures B-1, B-2, and Table B-1 at B-1 to B-2 (ML16092A090) (Mar. 16, 2016) (showing the Palisades steam generator general layout, steam generator tubesheet map, and steam generator Tube Support Structure Nomenclature); see e.g. CE Technology Cross Training R325C – STD 325 Chapter 02.3 Steam Generator, at Figures 2.3-1 and 2.3-2 (Sept. 8, 2011) (ML11251A065) (showing a simplified figure of the steam generator for a Combustion Engineering Pressurized Water Reactor for illustrative purposes only) (The terms "tube support plates" and "Eggcrate Supports" are synonymous and may be used interchangeably).

¹⁰¹ Compare Gundersen Decl. at 19-20, 23-24, 28, 30, 32-40, with Steam Generator Sleeving Amendment at Section 3.4.1, and Framatome Report at Sections 1.0, 2.1, 5.0, and 10.4.

¹⁰² Gundersen Decl. at 19-20, 23-24, 28, 30, 32-40.

¹⁰³ *Id.* at 16-17 and 37.

¹⁰⁴ *Id.* at 30, 31-32, 37; Petition at 23.

- The licensee's plan to potentially return ~600 preventatively plugged tubes to service, to the extent that they do not require tube support sleeves and conform to Palisades' power operating licensing basis TS 5.5.8, if reinstated.¹⁰⁵
- The licensee's future compliance with Palisades' power operating licensing basis TS 5.6.8, if reinstated, which requires reports to be submitted within 180 days after the plant enters Mode 4.¹⁰⁶
- A challenge to the Leak Before Break license amendment request, which was subject to its own hearing opportunity.¹⁰⁷
- Challenges to public statements and representations made by Holtec regarding its plans or motivations regarding the potential replacement of the steam generators.¹⁰⁸
- Requiring the licensee to consider alternatives to sleeving, such as plugging tubes or replacing the steam generators.¹⁰⁹

These issues, while outside the scope of this proceeding, instead could be raised by the Petitioners in a request for enforcement action pursuant to 10 C.F.R. § 2.206 or could have been raised in a timely petition to intervene in response to the notice of hearing opportunity provided for the separate Leak Before Break license amendment.¹¹⁰

Further, inasmuch as these portions of proposed Contention 1 detailed by Mr. Gundersen are outside the scope of the license amendment request and this proceeding, they are not material to the findings the NRC must make in this proceeding, and do not establish a genuine dispute with the Applicant on a material issue of law or fact related to the license amendment request at issue here. Therefore, these portions of Contention 1 should be rejected for failing to

¹⁰⁵ Gundersen Decl. at 10, 11-13, 17 - 19, 30, 39; See Letter from Jean A. Fleming, Holtec International, to NRC Document Control Desk, "License Amendment Request to Revise Renewed Facility Operating License and Permanently Defueled Technical Specifications to Support Resumption of Power Operations" (Dec. 14, 2023) (ML22348A148) (Primary Amendment Request).

¹⁰⁶ Gundersen Decl. at 4, 32; See Primary Amendment Request.

¹⁰⁷ Gundersen Decl. at 32; See Monthly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations 90 Fed. Reg. 15727, 15730 (Apr. 15, 2025) (Leak Before Break Amendment Notice).

¹⁰⁸ Gundersen Decl. at 5-8, 13-16, 34-37, 39.

¹⁰⁹ *Id.* at 28-29.

¹¹⁰ See Leak Before Break Amendment Notice, 90 Fed. Reg. at 15730.

meet the Commission's contention admissibility requirements as set forth in 10 C.F.R.

§ 2.309(f)(1)(iii), (iv), and (vi).

2. Where Contention 1 Raises Certain Issues Within the Scope of the License Amendment Request, Their Expert's Assertions Fail to Address the Relevant Information in the License Amendment Request and Do Not Demonstrate a Genuine Dispute with the Applicant on a Material Issue of Fact or Law.

The Applicant, through the license amendment request, seeks approval to revise the Palisades technical specifications to permit it to repair tubes in the steam generator using Framatome Alloy 690 tube support plate sleeves as an alternative to removing the tubes from service by plugging them.¹¹¹ In portions of Contention 1, the Petitioners dispute the technical adequacy of sleeving as an acceptable repair method.¹¹² However, rather than demonstrate any specific deficiencies in Holtec's requested repair method, the Petitioners and Mr. Gundersen present bare assertions and speculation but do not address the relevant information in the license amendment request and Framatome Report, and therefore do not demonstrate a genuine dispute with the Applicant on a material issue fact or law.¹¹³ Indeed, nowhere do the Petitioners or Mr. Gundersen challenge any of the analyses or technical bases for the license amendment request and the Framatome Report, as demonstrated by their filing of their hearing request and Mr. Gundersen's Declaration on the public docket and their disavowal of any need for a non-public oral argument to address confidential information in considering the admissibility of their contention.¹¹⁴

In his Declaration, Mr. Gundersen makes the following assertions that appear to challenge the license amendment request:

¹¹¹ See Steam Generator Sleeving Amendment Section 1.0.

¹¹² See *generally* Petition at 20-23; Gundersen Decl. at 20-37.

¹¹³ See *Southern Nuclear Operating Co.* (Early Site Permit for Vogtle ESP Site), LBP-07-3, 65 NRC 237, 253 (2007) (citing *Fansteel*, CLI-03-13, 58 NRC at 203).

¹¹⁴ Transcript of Teleconference (July 2, 2025), at 10.

- (1) the alleged precedential nature of the sleeving amendment at Watts Bar Unit 2;
- (2) increased stress on the parent tube caused by the sleeving repair;
- (3) Framatome's analysis of flow induced vibrations, including random turbulence vibration response;
- (4) the interval between inspections of the steam generator tubes; and
- (5) seismic considerations in the license amendment request.

Although these concerns may challenge the acceptability of the license amendment request, the Petitioners' and Mr. Gundersen's references to these matters appear to be based on a misunderstanding of the license amendment request and/or the Framatome Report and fail to show a genuine dispute with the Applicant on a material issue of fact or law.

First, with respect to the Watts Bar Unit 2 steam generator tube sleeve amendment, the Petitioners incorrectly claim that the steam generators at Watts Bar Unit 2 were repaired using the same sleeving technique as is proposed here, that the Watts Bar sleeves failed, and therefore Holtec's reference in Section 5.0 of the license amendment request to the Watts Bar sleeving amendment demonstrates that this license amendment request should be denied.¹¹⁵ These claims fail to support the contention's admissibility. Watts Bar Unit 2 did receive NRC approval to install sleeves in its steam generators in August 2020.¹¹⁶ However, no steam generator tube sleeves were installed in the Watts Bar Unit 2 steam generators during either the

¹¹⁵ See Petition at 21, 23; Gundersen Decl. at 21-25; Steam Generator Sleeving Amendment at Section 5.0.

¹¹⁶ Letter from Michael J. Wentzel, NRC, to James Barstow, Tennessee Valley Authority, "Watts Bar Nuclear Plant, Unit 2 – Issuance of Amendment No. 40 Regarding Technical Specification for Steam Generator Tube Repair Sleeve" (Aug. 10, 2020) (ML20156A018).

Fall 2020 or the Fall 2021 outages.¹¹⁷ Rather, the Watts Bar Unit 2 steam generators were replaced in the following June 2022 refueling outage.¹¹⁸

As noted above, Boards are expected to examine cited materials to verify that they do, in fact, support a contention.¹¹⁹ Watts Bar Unit 2 did not install *any* sleeves into its steam generator, and it was therefore impossible for any sleeve repairs to have failed in the Watts Bar Unit 2 steam generators. As there is no factual basis to the conclusions Mr. Gundersen draws from the Watts Bar Unit 2 sleeving amendment, his reference to the Watts Bar Unit 2 sleeving amendment does not support the admission of Contention 1 and does not show that a genuine dispute exists with the Applicant.

Second, the Petitioners and Mr. Gundersen assert, without acknowledging of the on-point information in the Framatome Report, that the sleeves, if installed, will increase the stress on the steam generator tubes, which will make them more susceptible to future stress corrosion cracking.¹²⁰ Further, Mr. Gundersen asserts that Holtec fails to provide evidence to support its claim that sleeving a certain number of tubes is equivalent to placement of a single plug.¹²¹ However, the potential stress from installing tube support plate sleeves on the steam generator

¹¹⁷ See (1) Letter from Anthony L. Williams IV, Tennessee Valley Authority, to NRC Document Control Desk "Watts Bar Nuclear Plant (WBN) Unit 2- Cycle F214 Steam Generator Tube Inspection Report" (Mar. 28, 2022) (ML22087A039) (Fall 2021 Mid-cycle Outage Inspection Report) ("There were no tubes repaired by sleeving during the Watts Bar F214 SG inspections... No tubes have been repaired by sleeving at WBN2 to date."); (2) Letter from Anthony L. Williams IV, Tennessee Valley Authority, to NRC Document Control Desk "Watts Bar Nuclear Plant (WBN) Unit 2- Cycle 3 Steam Generator Tube Inspection Report" (May 10, 2021) (ML21130A040) (Fall 2020 Outage Inspection Report) ("There were no tubes repaired during the Watts Bar U2R3 refueling outage inspections... No tubes have been repaired at Watts Bar Unit 2 to date.").

¹¹⁸ See Letter from Anthony L. Williams IV, Tennessee Valley Authority, to NRC Document Control Desk "Watts Bar Nuclear Plant (WBN) Unit 2 – Cycle 5 Steam Generator Tube Inspection Report" (May 16, 2024) (ML24137A267).

¹¹⁹ USEC, CLI-06-10, 63 NRC at 457 (citing *Vermont Yankee*, ALAB-919, 30 NRC at 49, *vacated in part on other grounds*, CLI-90-4, 31 NRC 333 (1990)).

¹²⁰ Petition at 20; Gundersen Decl. at 18.

¹²¹ Gundersen Decl. at 29

parent tubes was considered in the Framatome Report.¹²² In addition, the sleeve to plug ratio is discussed in the Framatome Report.¹²³ The Petitioners and Mr. Gundersen do not acknowledge that the Framatome Report considered these issue, nor do they point to any specific errors or inadequacies in this analysis; they therefore fail to demonstrate a genuine dispute with the applicant on a material issue of fact or law.¹²⁴

Third, Mr. Gundersen asserts that it is not appropriate to assume that repairs (and flow induced vibrations) will occur in random locations, as he believes Framatome has done.¹²⁵ However, Mr. Gundersen appears to have misunderstood Framatome's treatment of this issue. In this regard, Section 3.5.1.f of the license amendment request and Section 7.6, "Flow Induced Vibration" of the Framatome Report describe the fluid elastic stability margins and the random turbulence vibration responses (a specific flow-induced vibration response) for sleeves installed inside the parent tubes at the tube support plate locations on the hot leg. Framatome analyzed the random turbulence vibration response to consider the influence of tube support plate sleeves on tube displacement, to determine if these displacements could cause tube-to-tube contact and wear.¹²⁶ Thus, random turbulence vibration response was considered and analyzed in the license amendment request and the Framatome Report – but Framatome did not, as Mr. Gundersen asserts, assume in its analysis that the tube repairs will occur in random

¹²² Framatome Report at Section 6.5 (providing the results from sample SCC testing, various analyses of residual stress, and Palisades steam generator operating experience to address the impact of sleeve installations on the existing Alloy 600 tubing of the Palisades steam generators).

¹²³ Framatome Report at Section 7.4.

¹²⁴ *USEC*, CLI-06-10, 63 NRC at 457; *see Bellefonte*, LBP-10-7, 71 NRC at 421.

¹²⁵ Gundersen Decl. at 32 ("12.12.10 ... Holtec assumes that the *tube repairs will occur in random locations*, stating in its Flow Induced Vibration discussion (FIV) below...12.12.11 ...Holtec provides absolutely no specificity about its assumption that flow induced vibration will occur in random turbulence. Plugging and sleeving *patterns* likely will create turbulence vibration that is *not located randomly*.") (emphasis added).

¹²⁶ Framatome Report at Section 7.6.

locations.¹²⁷ Therefore, Mr. Gundersen's assertion does not show a genuine dispute with the Applicant on a material issue of fact regarding flow induced vibrations.¹²⁸

Fourth, Mr. Gundersen incorrectly asserts that Holtec's license amendment request seeks to extend the steam generator inspection interval from an 18 effective full power month interval (based on the 18-month refueling cycles at Palisades) to 2.0 Effective Full Power Years.¹²⁹ In other words, Mr. Gundersen claims that Holtec intends to defer the steam generator inspections by approximately six months. However, contrary to these assertions, the proposed technical specifications included in the license amendment request show that Holtec does not request a change to the inspection interval for the steam generators in the existing technical specifications, but instead would include the sleeved inservice tubes in the existing steam generator inspection program to be inspected under the existing steam generator inspection interval.¹³⁰ Therefore, Mr. Gundersen's assertion appears to be based on a misreading of the license amendment request and does not show a genuine dispute with the Applicant on a material issue of fact, as the licensee does not propose to modify the existing inspection intervals and is only incorporating inspections of the sleeved tubes into the existing inspection interval requirements set out in the Palisades technical specifications.¹³¹

Finally, Mr. Gundersen asserts that Framatome used the seismic ground acceleration magnitudes for evaluation of the steam generator sleeved tubes and indicates that the amplified

¹²⁷ Gundersen Decl. at 32

¹²⁸ *Seabrook*, CLI-18-4, 87 NRC at 107 & n.131.

¹²⁹ Gundersen Decl. at 36-37 & n. 68.

¹³⁰ See Steam Generator Sleaving Amendment, Enclosure 2 "Technical Specification Page Markups" at Section 5.5.8d.4 "Steam Generator (SG) Program" ("When the **SG** alternate repair criteria of TS 5.5.8c.1 are implemented, inspect 100% of the inservice tubes to the hot-leg tubesheet region with the objective of detecting flaws that may satisfy the **SG alternate applicable tube** repair criteria of TS 5.5.8c.1 every 24 effective full power months, or one refueling outage, whichever is less.") (proposed revisions in **bold**, proposed deletions in ~~strike through~~).

¹³¹ *USEC*, CLI-06-10, 63 NRC at 457

response spectra acceleration can be reasonably expected to be significantly greater than the ground accelerations used in the Palisades operational basis earthquake.¹³² In this regard, Section 3.5.1.e. of the license amendment request and Section 7.5 of the Framatome Report describe the operational basis earthquake specified in UFSAR Section 5.7.1.1, and provide the horizontal acceleration values used in the calculation for the sleeved tube seismic evaluation. Framatome did not state that it used the ground acceleration values in a seismic evaluation of the sleeved tubes. In fact, Section 7.5 of the Framatome Report refers to the finite element model that was used for sleeved tube seismic considerations and indicates that Framatome used a value that was different than the operational basis earthquake ground accelerations. Mr. Gundersen does not address Framatome's description of the seismic inputs used in its analysis, nor does he challenge the actual seismic inputs that were used by Framatome. Therefore, the Petitioners and Mr. Gundersen's assertions regarding seismic considerations are based on a misunderstanding of the Framatome Report and do not show a genuine dispute with the Applicant on a material issue of fact regarding seismic considerations in the license amendment request.

For the reasons discussed above, to the extent that some of the Petitioners' arguments raise issues that are within the scope of this license amendment proceeding, they are inadmissible. Further, while the Petitioners have provided Mr. Gundersen's expert opinion, their expert's assertions do not challenge the relevant information in the license amendment request or the technical report supporting it, and therefore they do not raise a genuine dispute with the Applicant's license amendment request on an issue of material fact, as required by 10 C.F.R. § 2.309 (v) and (vi).

¹³² Gundersen Decl. at 36.

CONCLUSION

The NRC Staff respectfully submits that the Petitioners have established their representational standing to intervene, but their proposed contention is inadmissible in that they raise out of scope, immaterial issues and do not demonstrate a genuine dispute with the Applicant on a material issue of fact or law. Further, while the Petitioners provided an expert opinion in support of their contention, they and their expert do not challenge the relevant information in the license amendment request or the technical information supporting it and do not demonstrate a genuine dispute of material fact on those issues. In accordance with 10C.F.R. § 2.309(f)(1)(iii)-(vi), the Petition should therefore be denied, and this proceeding should be terminated.

Respectfully submitted,

/Signed (electronically) by/

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

HOLTEC PALISADES, LLC

(Palisades Nuclear Plant)

Docket No. 50-255-LA-4

Certificate of Service

Pursuant to 10 C.F.R. § 2.305, I hereby certify that the “NRC STAFF’S ANSWER
OPPOSING THE PETITION TO INTERVENE FILED BY BEYOND NUCLEAR, DON’T WASTE
MICHIGAN, MICHIGAN SAFE ENERGY FUTURE, THREE MILE ISLAND ALERT, AND
NUCLEAR ENERGY INFORMATION SERVICE,” has been filed through the NRC’s E-Filing
System this 11th day of July 2025.

/Signed (electronically) by/

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