

July 30, 2025

**UNITED STATES OF AMERICA**

**NUCLEAR REGULATORY COMMISSION**

**Before the Atomic Safety and Licensing Board**

**Petitioner's Motion for Procedural Relief Pursuant to 10 CFR § 2.323**

**Request for Board Action to Preserve Adjudicatory Jurisdiction and  
Prevent Premature Fuel Loading**

**In the Matter of:**

Holtec Palisades, LLC / Palisades Energy, LLC

Palisades Nuclear Plant – License Amendment Request to Defer

Completion of NFPA-805 Fire Protection Modifications (LAR

ML25175A275)

**Docket No. 50-255 LA-5 | License No. DPR-20**

**Submitted by:**

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## **I. INTRODUCTION AND REQUESTED RELIEF**

Pursuant to 10 CFR § 2.323(a), I respectfully submit this motion for procedural relief requesting that the Atomic Safety and Licensing Board (ASLB) take formal notice of Holtec Palisades, LLC's declared intent to begin nuclear fuel loading operations at the Palisades Nuclear Plant on or after August 25, 2025, and issue an appropriate procedural order or advisory notice to the NRC Staff requesting that no action be taken to authorize or allow such fuel loading until both:

1. The Board has ruled on the pending Petition to Intervene (filed under 10 CFR § 2.309 on July 30, 2025); and
2. The NRC Staff has completed its review and disposition of Petitioner's related 10 CFR § 2.206 petition submitted on July 29, 2025.

While this Board has no authority to adjudicate or direct the NRC Staff's handling of a 10 CFR § 2.206 petition and approval of fuel loading, it does

possess the procedural authority to **advise the Staff to withhold authorization of any action**—such as fuel loading—that would frustrate the adjudicatory process or prejudge contested licensing matters still under review.

The requested relief is both narrow and appropriate: it seeks only to maintain the status quo while the formal proceedings initiated by the Petitioner—under both §§ 2.309 and 2.206—are lawfully resolved.

The pending 10 CFR § 2.206 petition before the NRC Staff and the 10 CFR § 2.309 hearing petition, now before the Atomic Safety and Licensing Board, are related but proceed under distinct regulatory frameworks. Each addresses Holtec's compliance with enforceable fire protection requirements in the Palisades Facility Operating License, specifically License Condition 2.C.(3)(c)2 and the associated commitments under 10 CFR § 50.48(c) and NFPA-805.

## **II. BACKGROUND**

On July 24, 2025, the NRC issued Amendment No. 276 to Renewed Facility Operating License DPR-20 (ML25157A127), which includes the following enforceable license condition:

“The licensee shall implement the modifications to its facility, as described in Table S-2... to complete the transition to full compliance with 10 CFR 50.48(c)...”

— *License Condition 2.C.(3)(c)2, ML25157A127, p. 6*

Holtec’s pending License Amendment Request (ML25175A275), submitted on June 24, 2025, seeks to defer completion of several of these modifications, including Table S2-15. That amendment has not yet been approved.

Nevertheless, in its July 1, 2025 “Notification of Readiness” letter (ML25182A066), Holtec declared:

*“The proposed implementation date for transitioning PNP to the POLB is August 25, 2025.”*

— *ML25182A066, p. 1*

NRC Staff subsequently affirmed Holtec’s planned schedule in a July 24, 2025 memorandum to the Commission:

*“...the plant cannot return to an operational status and would not be authorized to receive or load fuel earlier than August 25, 2025. This is in line with the licensee’s July 1, 2025, Notification of Readiness...”*

— *ML25205A193, p. 1*

Petitioner is concerned that the NRC Staff's reliance on Holtec's July 1 readiness letter—despite the licensee's ongoing noncompliance with License Condition 2.C.(3)(c)2—signals an intention to approve fuel loading prematurely, and without formal resolution of either the 2.206 or 2.309 filings.

### III. BASIS FOR REQUESTED RELIEF

As detailed in Petitioner's July 30, 2025 10 CFR § 2.206 petition (ML25147A274) in front of the NRC Staff, Holtec's proposed action would violate both the license and applicable NRC regulations. Specifically:

- **License Condition 2.C.(3)(c)2** mandates completion of all Table S-2 fire protection modifications as a condition of operation.

- **10 CFR § 50.54** states:

*“The licensee shall at all times conduct operations in compliance with the terms and conditions of the license.”*

*“Each licensee shall take reasonable steps to minimize the occurrence and consequences of fires.” — 10 CFR § 50.54(w)(1)*

Holtec has not completed the required license condition modifications and has not received approval for its pending License Amendment Request, same as now in front of the NSLB and my 2.309 petition. Yet, it seeks to initiate fuel loading under a self-declared “**No Mode**” status—a term not found in NRC regulations, Palisades' license, or its Technical Specifications.

Fuel loading is authorized **only in Technical Specification Mode 6 (Refueling)**, and entry into Mode 6 requires full compliance with all applicable Limiting Conditions for Operations (LCO) and all license conditions.

Allowing Holtec to proceed with fuel loading before the Board has ruled on the 2.309 petition and before NRC Staff has completed its 2.206 review would:

- **Undermine the adjudicatory process** by effectively granting Holtec the contested license relief before the legal challenge is resolved;
- **Violate binding license conditions and 10 CFR § 50.54**, which require compliance with all license terms prior to operational activities;

- **Rely on an undefined operational status (“No Mode”)** that has no legal or regulatory basis, in order to circumvent required Mode 6 conditions for fuel loading;
- **Set a harmful procedural precedent**, allowing licensees to implement contested actions before approval, bypassing public participation and Board oversight.

Precedents such as *Private Fuel Storage, L.L.C.* and *Entergy Nuclear Vermont Yankee, LLC* support the Board’s authority to issue procedural advisories or orders to preserve the status quo pending resolution of contested licensing actions.

#### **IV. RELIEF REQUESTED**

Petitioner respectfully requests that the Licensing Board issue a **procedural order or advisory notice to the NRC Staff** stating that:

1. Holtec should not be permitted to receive or load nuclear fuel into the Palisades reactor vessel on or after August 25, 2025; and
2. NRC Staff should not authorize or approve such action based on Holtec’s July 1, 2025 readiness notification, unless and **until**:

- The pending 10 CFR § 2.309 petition has been ruled upon by this Licensing Board; and
- The NRC Staff has completed its review and disposition of Petitioner's 10 CFR § 2.206 petition.

**This request does not seek a ruling on the merits of either proceeding.** Rather, it asks the Board to preserve the integrity of its jurisdiction and ensure that contested licensing actions are not implemented prematurely, in violation of license conditions and NRC regulations.

#### **V. CONSULTATION STATEMENT UNDER 10 CFR § 2.323(b)**

Petitioner affirms that consultation with the known NRC staff party was initiated in advance of this motion. On July 29, 2025, Petitioner submitted a draft motion to Ms. Anita Ghosh Naber, Counsel for the NRC Staff. On July 29, 2025, Ms. Ghosh Naber responded:

*“The NRC Staff has received your request for consultation on your proposed motion for procedural relief. The Staff opposes your*



*proposed motion and reserves the right to respond to your motion, when filed.”*

No Licensing Board has been established, and the service list has not yet been issued. The Petition for Hearing under 10 CFR § 2.309 has not been docketed. Additional petitioners may yet join the proceeding prior to the September 16, 2025 deadline.

Accordingly, the consultation requirement is deemed satisfied under 10 CFR § 2.323(b).

## **VI. CONCLUSION**

Holtec’s plan to load fuel on or after August 25, 2025—without completing its required fire protection modifications and without approval of its License Amendment Request—violates both the Palisades license and 10 CFR § 50.54. Its use of a fabricated “No Mode” status to justify bypassing Mode 6 entry conditions has no basis in NRC regulation or practice.

While the Licensing Board cannot decide the outcome of the 2.206 petition, it **can and should act to preserve the integrity of this adjudication** and request that the NRC Staff refrain from authorizing fuel

loading until both petitions—under §§ 2.309 and 2.206—are lawfully resolved.

**Respectfully submitted,**

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### **Declaration of Alan Blind**

#### **In Support of Motion for Procedural Relief Regarding Premature Fuel Loading at the Palisades Nuclear Plant**

#### **(10 CFR § 2.323 Motion – Docket No. 50-255 LA-5)**

I, Alan Blind, declare under penalty of perjury that the statements contained in the accompanying motion, titled *“Petitioner’s Motion for Procedural Relief Pursuant to 10 CFR § 2.323 – Request for Board Action to Preserve Adjudicatory Jurisdiction and Prevent Premature Fuel Loading”*, are true and correct to the best of my knowledge and belief.

I am a **pro se petitioner** who submitted a formal **10 CFR § 2.309 Petition for Hearing and Leave to Intervene** on July 30, 2025, opposing Holtec Palisades, LLC’s License Amendment Request to defer completion of NFPA-805 fire protection modifications (ML25175A275). That petition is pending before the Atomic Safety and Licensing Board.

On July 29, 2025, I also submitted a **10 CFR § 2.206 enforcement petition** to the NRC Executive Director for Operations, alleging that Holtec’s plan to load fuel prior to completing fire protection upgrades

required by License Condition 2.C.(3)(c)2—and without NRC approval of the proposed deferral—would constitute a violation of the Palisades license and NRC regulations under 10 CFR § 50.54.

This declaration affirms that I authored the motion for procedural relief in good faith and based it on publicly available NRC documents, Holtec's licensing submittals, and my own experience with NRC regulatory requirements. I submit this motion in order to preserve the integrity of the pending adjudicatory proceeding and to ensure that NRC Staff does not prematurely authorize fuel loading in a manner that would frustrate the Board's jurisdiction or the public's right to participate.

I have more than 40 years of experience in the nuclear power industry, including direct regulatory, engineering, and licensing responsibilities at multiple NRC-licensed facilities. My background includes roles as Vice President of Nuclear Operations at Indian Point, Engineering Director at Palisades, and Shift Technical Advisor (STA) and SRO-certified engineer at the DC Cook Nuclear Plant. I led the Palisades transition to NFPA-805 under Entergy and managed licensing correspondence with NRC staff, including the 2008 enforcement discretion request referenced in this motion.

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

Executed in accordance with 10 CFR § 2.304(d).

**Printed Name:** Alan Blind

**Signature:** Alan Blind

Executed in accordance with 10 CFR § 2.304(d)

**Date:** July 30, 2025

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