

**August 4, 2025**

**UNITED STATES OF AMERICA**  
**NUCLEAR REGULATORY COMMISSION**  
**ATOMIC SAFETY AND LICENSING BOARD**

**In the Matter of**

**HOLTEC PALISADES, LLC**

(Palisades Nuclear Plant)

**Docket No. 50-255-LA-5**

**SUPPLEMENT TO PETITIONER'S MOTION FOR PROCEDURAL  
RELIEF PURSUANT TO 10 CFR § 2.323**

**(Clarification and Revision of Requested Action Regarding Fuel  
Loading)**

Submitted by:

**Alan Blind, pro se petitioner**

August 4, 2025

## **Introduction**

Pursuant to 10 CFR § 2.323, I respectfully submit this supplement to my July 30, 2025 motion titled *Petitioner's Motion for Procedural Relief Pursuant to 10 CFR § 2.323*. This supplemental filing clarifies and revises the relief requested based on subsequent professional discussions with Holtec's legal counsel and additional consideration of NRC license conditions and operational definitions.

The intent of the original motion remains unchanged: to request that the Atomic Safety and Licensing Board (ASLB) take procedural notice of Holtec Palisades, LLC's declared intent to initiate fuel loading on or after August 25, 2025, and to issue an advisory notice requesting that the NRC Staff withhold authorization for such fuel loading until the Board has ruled on my pending 10 CFR § 2.309 petition for hearing and the NRC Staff has completed its review of my related 10 CFR § 2.206 petition.

## **Revised Requested Action**

The original motion requested that the NRC Staff be advised not to authorize Holtec to "receive or load fuel" on or after August 25, 2025. I

now revise this request to more precisely reflect the operational threshold of concern:

**Holtec should not be permitted to enter Mode 6 and load nuclear fuel into the Palisades reactor vessel on or after August 25, 2025, unless and until the ASLB has ruled on my 10 CFR § 2.309 petition for hearing and the NRC Staff has completed its review of my related 10 CFR § 2.206 petition including any ASLB actions related to same.**

This revision acknowledges that the physical receipt of nuclear fuel at the site may occur in a “no mode” condition—an informal industry term with no regulatory consequence—and is not the regulatory action at issue.

Rather, my concern centers on **entry into operational Mode 6** and fuel loading into the reactor vessel, which triggers enforceability of key licensing and safety requirements.

### **Basis for Clarification**

Fuel loading into the reactor vessel at Palisades marks entry into NRC-defined **Mode 6**, an operational mode that involves core alterations and

direct management of reactivity. Mode 6 carries enforceable Limiting Conditions for Operation (LCOs) and is tied to multiple regulatory and license-based commitments. Most notably, Holtec remains subject to proposed license condition **2.C.(3)(c)(2)**, which reads:

*“The licensee shall implement the modifications to its facility, as described in Table S-2, ‘Plant Modifications Committed,’ of Entergy Nuclear Operations, Inc. (ENO) letter PNP 2019-028 dated May 28, 2019, to complete the transition to full compliance with 10 CFR 50.48(c) before the end of the refueling outage following the fourth full operating cycle after NRC approval. The licensee shall maintain appropriate compensatory measures in place until completion of these modifications.”*

Holtec, through its counsel, has asserted that compliance with this license condition is required only by the end of the upcoming refueling outage—defined as “Startup”—and is therefore **not** a prerequisite to entering Mode 6. I strongly disagree. Based on NRC precedent, license conditions and technical specifications must be satisfied **upon entry** into the applicable mode—not upon exit. This dispute concerning mode 6 entry conditions is not relevant to this motion.

## Status of the Mode 6 Compliance Dispute

The dispute I described regarding whether License Condition 2.C.(3)(c)(2) must be satisfied prior to entry into Mode 6 is **not currently before this Licensing Board**. That issue is the subject of a separate 10 CFR § 2.206 petition pending before the NRC Staff. I raise it here solely to provide the Board with background context and to formally document that I have taken separate regulatory action and consultations with opposing attorneys, to bring this issue to the NRC's attention.

As I see it, Holtec has two options for proceeding with Mode 6 entry and fuel loading:

1. Complete the required Table S-2 fire protection modifications—including S2-15—before loading fuel, thereby complying with the current license condition; or
2. Await final NRC Staff approval of its pending License Amendment Request (LAR), which seeks to defer the completion deadline for these modifications and associated license condition.

The matter before the Board in this motion is narrower and procedural: to **preserve the status quo** if Holtec pursues **Option 2**. Specifically, the motion seeks to ensure that Holtec does not proceed to load fuel—and thereby enter Mode 6—before the ASLB has ruled on the admissibility of my 2.309 contentions, the NRC Staff has completed its 2.206 safety review and Holtec’s LAR for extending the license condition has been approved by NRC staff.

### **Procedural Justification**

This request does not ask the Board to prejudge the merits of Holtec’s LAR or interpret the license condition required to enter Mode 6. It does not interfere with the NRC Staff’s technical review. Rather, it seeks limited procedural relief under **10 CFR § 2.319(I)**, which authorizes the Board to:

*“take any other action consistent with the Act, this chapter, and the regulations and policies of the Commission as may be necessary to prevent undue delay in the conduct of the proceeding.”*

The NRC Staff’s July 24, 2025 notification to the Commission (ML25205A193) states that Holtec “*would not be authorized to receive or load fuel earlier than August 25, 2025.*” While likely intended to reflect a

projected readiness milestone, this phrasing introduces ambiguity as to whether Holtec may proceed with fuel loading on or shortly after that date —**even though the license amendment remains under review.**

What I identify as regulatory ambiguity is now being reported as fact in public media narratives. For example:

- *The Detroit News* reported:  
*“Palisades' owner Holtec can now load fuel at the Covert Township plant, **the NRC said.**”*
- *News Channel 3 (Kalamazoo, MI)* reported:  
*“Holtec [will] begin loading fuel into its Palisades reactor immediately upon authorized completion of specific reviews, scheduled inspections, and licensing procedures.”*

These reports, based on NRC and Holtec public statements, give the impression that fuel loading will begin on or after August 25—even though:

- The NRC has **not completed** its review of Holtec’s June 24, 2025 LAR to revise License Condition 2.C.(3)(c)(2), and

- The NRC's own estimate (ML25181A808) states that the staff expects to complete its LAR review **by October 24, 2025**, based on a 40-hour effort and internal process improvement targets.

Furthermore, the **Federal Register Notice** issued on July 19, 2025 sets a deadline of **September 18, 2025** for submission of public hearing requests related to the LAR—confirming that the adjudicatory process remains open and active.

The Board is not being asked to prejudge the outcome of any licensing action but rather to advise the NRC Staff that adjudication is ongoing regarding matters directly related to the license condition Holtec seeks to revise—matters that could be prematurely and irreversibly bypassed by Holtec's stated intent to load fuel, presumably **before** NRC Staff completes its safety review.

Accordingly, the revised request is that **Holtec should not be permitted to enter Mode 6 and load nuclear fuel into the Palisades reactor vessel on or after August 25, 2025, unless and until the ASLB has ruled on my 10 CFR § 2.309 petition for hearing and the NRC Staff has completed its review of my related 10 CFR § 2.206 petition.**

**Conclusion and Request for Non-Opposition**

This supplement clarifies that the motion is procedural, limited in scope, and intended to preserve the integrity of ongoing NRC processes. It does not ask the Board to take any final action on the LAR or on the license condition itself. Instead, it requests that the Board advise NRC Staff to maintain the status quo and withhold authorization of fuel loading until both the 2.309 and 2.206 matters are resolved.

I respectfully request that the Board accept this supplemental clarification and consider the revised requested action. I also ask that NRC Staff and Holtec state whether they oppose this request.

Respectfully submitted,

**Alan Blind, Pro Se Petitioner**

**DECLARATION OF ALAN BLIND****Pursuant to 10 CFR § 2.304(d)**

I, Alan Blind, declare as follows:

1. I am the author of the document entitled:  
“Supplement to Petitioner’s Motion for Procedural Relief Pursuant to 10 CFR § 2.323 (Clarification and Revision of Requested Action Regarding Fuel Loading)”, dated August 4, 2025, submitted in the matter of Holtec Palisades, LLC (Palisades Nuclear Plant), Docket No. 50-255-LA-5.
2. I certify that the statements made and the facts set forth in that filing are true and correct to the best of my knowledge, information, and belief.
3. I further certify that I engaged in verbal and email discussions with Holtec’s legal counsel regarding the subject matter of this motion. These discussions were held in good faith, in pursuit of resolving disputes and streamlining the adjudication process for this motion. My representations of Holtec’s stated position in the filing reflect my best effort to accurately and fairly characterize those communications.
4. I understand that this declaration is submitted in accordance with the requirements of 10 CFR § 2.304(d) and that false statements in this declaration may be subject to civil and criminal penalties.

**Printed Name:** Alan Blind

**Signature:** Alan Blind

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

**Date:** 8/4/2025

**Address:** 1000 W. Shawnee Rd, Barab, WI

**Phone Number:** 269-303-6396