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| In the Matter of:                           | ) |                         |
| ENERGY NUCLEAR OPERATIONS, INC.,            | ) | Docket Nos. 50-255-LT-2 |
| ENERGY NUCLEAR PALISADES, LLC,              | ) | 50-155-LT-2             |
| HOLTEC INTERNATIONAL, and                   | ) | 72-007-LT               |
| HOLTEC DECOMMISSIONING                      | ) | 72-043-LT-2             |
| INTERNATIONAL, LLC                          | ) |                         |
|                                             | ) |                         |
| (Palisades Nuclear Plant and Big Rock Point | ) | October 8, 2025         |
| Site)                                       | ) |                         |
|                                             | ) |                         |

Pursuant to the Commission’s order CLI-25-02 issued in the above-captioned proceeding,<sup>1</sup> Entergy Nuclear Operations, Inc. (“ENOI”), Holtec Palisades, LLC (“Holtec Palisades,” successor in interest to Entergy Nuclear Palisades, LLC), Holtec International (“Holtec”), Holtec Decommissioning International (“HDI”) (ENOI, Holtec Palisades, Holtec, and HDI, collectively, the “Applicants”), and the Michigan Attorney General provide this joint status report regarding the effect of the Palisades Nuclear Plant (“Palisades”) restart on the above-captioned proceeding.

Pursuant to 10 CFR 2.323, Applicants move that the Commission dismiss the Attorney General's pending contention as moot. The Attorney General does not join in Applicants' motion at this time, as reflected below.

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## **I. Current Status of the Palisades Restart**

This adjudicatory proceeding involves the 2022 transfer of ownership and operational authority of Palisades from affiliates of Entergy Corp. to affiliates of Holtec, specifically to Holtec Palisades as licensed owner and HDI as licensed operator. The Applicants filed the relevant license transfer application in December 2020. The application was based on the expectation that the Holtec parties would acquire Palisades for decommissioning following its planned shutdown in 2022. The Michigan Attorney General filed a petition to intervene challenging the Holtec parties' financial qualifications to decommission the plant. In December 2021, NRC staff approved the transfer in accordance with 10 CFR 2.1316 while the Attorney General's petition remained pending before the Commission. In June 2022, following the plant's shutdown and ENOI's filing of the certifications of permanent shutdown and defueling under 10 CFR 50.82, the Applicants closed the sale and transferred control of the Palisades license. In July 2022, the Commission granted the Attorney General's petition to intervene and ordered an administrative law judge to conduct a post-effectiveness hearing on portions of the Attorney General's financial contention.<sup>2</sup> The Presiding Officer held a hearing in February 2023 and certified the record to the Commission shortly thereafter.<sup>3</sup>

Following these proceedings, Holtec Palisades and HDI have undertaken a well-documented effort to restart Palisades in light of considerable changes in energy policy and markets, including legislation by the State of Michigan supporting the plant's restart. That effort culminated in several NRC approvals issued on July 24, 2025, including (1) an exemption that

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<sup>2</sup> *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant and Big Rock Point Site), CLI-22-8, 96 NRC 1 (2022).

<sup>3</sup> *Entergy Nuclear Operations, Inc.* (Palisades Nuclear Plant and Big Rock Point Site), LBP-23-5, 97 NRC 116 (2023).

authorized Holtec to rescind the certifications of permanent shutdown and defueling,<sup>4</sup> (2) license amendments reinstating portions of the power operations licensing basis in place prior to shutdown,<sup>5</sup> and (3) approval for HDI to transfer licensee authority to a separate Holtec subsidiary, Palisades Energy, LLC (“Palisades Energy”), which approval included NRC’s evaluation of Palisades Energy’s technical qualifications and Holtec Palisades’s financial qualifications to conduct and fund power operations under the license.<sup>6</sup>

Given the trajectory of the Palisades restart, the Commission issued CLI-25-02 in April 2025, noting that the restart would significantly alter the regulatory and financial baseline in a manner that potentially moots the Attorney General’s financial contention based on the original 2020 license transfer application that assumed near-term decommissioning.<sup>7</sup> The Commission, accordingly, directed the parties to file a status report by October 8, 2025 providing an update on the restart process and the parties’ views on the need for further proceedings on the Attorney General’s original claims.

As noted above, on July 24, 2025, the NRC staff issued a series of orders enabling the transition from decommissioning status back to power operations. The license transfer from HDI to Palisades Energy took effect that same date. On August 25, 2025, Palisades Energy provided a

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<sup>4</sup> Palisades Nuclear Plant – Exemption from the Requirements of 10 CFR 50.82(a)(2) Concerning the Prohibition to Operate and Place Fuel in the Reactor Vessel (EPID L-2023-LLE-0025) (July 24, 2025) (ML25163A182) (“50.82 Exemption”).

<sup>5</sup> Palisades Nuclear Plant - Issuance of Amendment No. 276 RE: Amendment Request to Revise Renewed Facility Operating License and Permanently Defueled Specifications to Support Resumption of Power Operations (EPID L-2023-LLA-0174) (July 24, 2025) (ML25157A127); Palisades Nuclear Plant - Issuance of Amendment No. 277 RE: Amendment Request to Revise Selected Permanently Defueled Technical Specifications Administrative Controls to Support Resumption of Power Operations (EPID L-2024-LLA-0013) (July 24, 2025) (ML25157A107); Palisades Nuclear Plant - Issuance of Amendment No. 278 RE: Revise the Site Emergency Plan to Support Resumption of Power Operations (EPID-L-2024-LLA-0060) (July 24, 2025) (ML25150A281).

<sup>6</sup> Palisades Nuclear Plant - Order Approving Direct Transfer of Renewed Facility Operating License and Independent Spent Fuel Storage Installation General License and Issuance of Conforming Amendment No. 275 (EPID L-2023-LLM-0005) (July 24, 2025) (ML25167A245) (“Palisades Energy Transfer Order”).

<sup>7</sup> CLI-25-02, 101 NRC at \_\_\_, slip op. at 2–3.

notice to the NRC that it was rescinding the 10 CFR 50.82 certifications, which formally transitioned Palisades from decommissioning status back to an operating reactor.<sup>8</sup> On September 29, 2025, Holtec Palisades and Palisades Energy received delivery of new fuel at the site, and the plant is scheduled to recommence full power operations later this year, subject to ongoing recommissioning and regulatory activities to ensure compliance with the reinstated Technical Specifications as the plant resumes operating modes.<sup>9</sup>

## **II. Applicants' Motion to Dismiss as Moot**

As of the date above, Palisades is no longer in decommissioning and is, thus, no longer subject to the financial regulations that govern a reactor in decommissioning. The exemption that authorized Palisades to use decommissioning trust funds to fund spent fuel management costs has been rescinded.<sup>10</sup> And the current Holtec licensees have demonstrated the adequacy of their decommissioning financial assurance for an operating reactor.<sup>11</sup> Given the status of the Palisades restart, including the transition from decommissioning back to operating reactor status on August 25, 2025, the issues litigated in this proceeding no longer represent a live controversy. Accordingly, Applicants request that the Commission dismiss the Attorney General's pending contention as moot and terminate this proceeding.

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<sup>8</sup> Letter from J. Fleming, Holtec Palisades, to NRC, Rescission of Certifications of Permanent Cessation of Operations and Permanent Removal of Fuel from the Reactor Vessel (Aug. 25, 2025) (ML25237A317).

<sup>9</sup> See *generally* Letter from J. Fleming, Holtec Palisades, to NRC, Palisades Nuclear Plant – Notification of Readiness for Transition to Power Operations Licensing Basis (July 1, 2025) (ML25182A066); Memorandum from Palisades Restart Panel to Office of Nuclear Reactor Regulation Director and Region III Administrator, Transition to Operational Status and to the Reactor Oversight Process for Palisades Nuclear Plant (July 18, 2025) (ML25147A274).

<sup>10</sup> 50.82 Exemption at 9; Palisades Energy Transfer Order, Encl. 3, at 15–18.

<sup>11</sup> Letter from J. Fleming, Holtec Palisades, to NRC, Superseding Notice of Documentary Evidence of Commitments in Application for Order Consenting to Transfer of Control of Licensed Authority to Palisades Energy, LLC, Encl. 2, Evidence of Decommissioning Funding Assurance (July 16, 2025) (ML25197A526).

### **III. The Attorney General's Position**

The Attorney General does not contest the facts as laid out in Section I above. The Attorney General requests that the Commission defer dismissal of her contention until restart and the resumption of full-power operations of Palisades. At that point, the Attorney General will support dismissal of her pending contention as moot and termination of this proceeding. Accordingly, at this time, the Attorney General does not join in Applicants' motion in Section II above.

Respectfully submitted,

/Executed in accord with § 2.304(d)/  
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### **Solely with respect to Sections I and III**

/Executed in accord with § 2.304(d)/  
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Pursuant to 10 CFR § 2.323(b), counsel for Applicants certify that they have made a sincere effort to resolve the matters set forth in Section II (Applicants’ Motion to Dismiss as Moot) of this pleading. Specifically, counsel for all parties participated in a conference call on August 18, 2025, and exchanged multiple emails, including several drafts of this joint pleading, on August 22 and October 2, 6, 7, and 8. Counsel for Holtec and counsel for the Attorney General spoke via phone on October 7, 2025. Despite these good faith efforts to reach agreement, the Attorney General does not join in Applicants’ motion to dismiss at this time, as reflected in Section III of this pleading.

Counsel for Holtec International and Holtec  
Decommissioning International, LLC

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE THE COMMISSION**

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**CERTIFICATE OF SERVICE**

Pursuant to 10 CFR § 2.305, I certify that on this date the foregoing Joint Status Report and Applicants' Motion to Dismiss was served upon the Electronic Information Exchange (the NRC's E-Filing System) in the above captioned matter.

Signed electronically by

/s/ Alan D. Lovett

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