

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

Jeremy A. Mercer, Chair
Dr. Gary S. Arnold
Dr. Arielle J. Miller

In the Matter of:

HOLTEC PALISADES, LLC,

(Palisades Nuclear Plant)

Docket No. 50-255-LA-5

ASLBP No. 25-990-02-LA-BD01

December 11, 2025

MEMORANDUM AND ORDER

**(Sanctioning Petitioner Blind; Granting, in Part,
Joint Petitioners' Motion to Withdraw All Petitions; and Terminating Proceeding)**

As Wyatt Earp is reported to have said, "Fast is fine, but accuracy is everything."¹ That aphorism is particularly relevant to this Atomic Safety and Licensing Board's ("Board") consideration of joint petitioners' uncontested motion seeking, among other relief, to withdraw all their filings and terminate this proceeding. While we grant that motion in part,² we do so only after issuing an admonition sanction to Petitioner Alan Blind ("Mr. Blind") for violating the Nuclear Regulatory Commission's ("NRC's" or "Commission's") longstanding requirement of participants ensuring accuracy in their adjudicatory submissions.

I. Background

On behalf of himself initially, and later himself and 12 other petitioners, Mr. Blind filed numerous documents in response to Holtec Palisades, LLC's ("Holtec's") license amendment request ("LAR") for the Palisades Nuclear Plant ("Palisades") to extend the full-compliance date

¹ Wyatt Earp Quotes, https://www.brainyquote.com/quotes/wyatt_earp_132804 (last accessed Dec. 10, 2025).

² See page 19.

for the fire protection program at Palisades.³ In short, Holtec requested to change the completion date for already approved activities necessary to fully comply with National Fire Protection Association Standard (“NFPA”) 805 from the *fourth* full operating cycle after NRC approval of the transition to NFPA 805 to the *fifth* full operating cycle after NRC approval.

The NRC published notice of Holtec’s LAR in a July 18, 2025 Federal Register Notice, setting September 16, 2025, as the deadline for interested persons to submit petitions to intervene.⁴ Twelve days later, Mr. Blind, on behalf of himself alone, filed a 185-page hearing request and petition (“Petition”)⁵ and a motion for procedural relief (“Procedural Motion”).⁶ Four days later, Mr. Blind filed another petition (“Second Petition”), adding a second contention, also on behalf of himself alone.⁷ The next day, Mr. Blind filed a supplement to his Procedural Motion.⁸ And the very next day, Mr. Blind filed a motion to withdraw his Procedural Motion (“Procedural Motion Withdrawal”).⁹ Notably, Mr. Blind is not an attorney and proceeded *pro se*.

On July 31, 2025, the Commission’s Secretary referred the Petition and Procedural Motion to the Atomic Safety and Licensing Board Panel’s Chief Administrative Judge for appropriate action.¹⁰ On August 5, 2025, the Associate Chief Administrative Judge (Legal),

³ See Letter from Jean A. Fleming, Holtec International, to NRC Document Control Desk (June 24, 2025) (ADAMS Accession No. ML25175A275) (“LAR”).

⁴ See 90 Fed. Reg. 34,019 (July 18, 2025).

⁵ See Request for Hearing and Petition to Intervene (July 30, 2025).

⁶ See 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 (July 30, 2025).

⁷ See Supplemental One, to July 30, 2025 Petition Submittal, to Add Contention Two and Basis for Same (Aug. 3, 2025).

⁸ See Supplement to Petitioner’s Motion for Procedural Relief Pursuant to 10 CFR § 2.323 (Aug. 4, 2025).

⁹ See Petitioner’s Motion to Withdraw Prior Procedural Motions [*sic*] Filed Under 10 CFR § 2.323 (Aug. 5, 2025).

¹⁰ See Memorandum from Carrie M. Safford, Secretary, Office of the Secretary, to E. Roy Hawkins, Chief Administrative Judge, Atomic Safety and Licensing Board Panel (July 31, 2025).

acting for the Chief Administrative Judge, established this Board to rule on standing and contention admissibility matters and to preside at any hearing.¹¹

This Board then issued its Initial Prehearing Order that, among other things, set a deadline for Answers and Replies and reminded all participants of their obligations to be accurate in their adjudicatory submissions.¹² By the Federal Register Notice's September 16, 2025, deadline for submitting contentions, Mr. Blind filed a 428-page Consolidated Petition that withdrew his Petition and Second Petition and, in their place, proffered four contentions on behalf of himself and 12 other individual petitioners (collectively, "Joint Petitioners").¹³

¹¹ See Establishment of Atomic Safety and Licensing Board (Aug. 5, 2025) (unpublished).

¹² See Licensing Board Memorandum and Order (Initial Prehearing Order) (Aug. 5, 2025) (unpublished) ("Initial Prehearing Order"). After our establishment, we also issued an Order disposing of Mr. Blind's Procedural Motion and his Procedural Motion Withdrawal. See Licensing Board Order (Order Granting Withdrawal Motion and Denying Procedural Motion as Moot) (Aug. 5, 2025) (unpublished).

¹³ See Request for Hearing and Petition to Intervene (Sept. 7, 2025) ("Consolidated Petition" or "Cons. Pet."). The Joint Petitioners are Alan Blind, Jody Flynn, Tom Flynn, Bruce Davis, Karen Davis, Christian Moevs, Mary Hoffman, Chuck Hoffman, Diane Ebert, David Simonelli, Terese McCarthy Alsterda, William Connor, and Telene Edington. See Cons. Pet. at 2. We note that the Declarations for "Mary Hoffman" and "Chuck Hoffman," which are not signed in ink but with a /S/ typed signature, spell their last names as "Hoffman" but the email address each provided use a spelling of "Huffman." In a prior Palisades intervention proceeding, noted below, those individuals signed their declarations with a last name spelled "Huffman."

In withdrawing Mr. Blind's first two petitions, Joint Petitioners appear to have misinterpreted our Initial Prehearing Order, which they quote in their Consolidated Petition, as directing them to withdraw the Petition and Second Petition and file all contentions as one document. Instead, we simply directed that "**any additional contentions or supplemental information**" be filed "**in one filing on or shortly before the September 16, 2025, timely contention expiration date.**" Initial Prehearing Order at 2 (emphasis in original). That Order neither suggested nor required Joint Petitioners to withdraw any of Mr. Blind's prior filings.

And regarding Mr. Blind's ability, as a non-lawyer, to act on behalf of Joint Petitioners as their representative, following the course of conduct approved by a prior licensing board, each of the Joint Petitioners other than Mr. Blind included in their signed declarations attached to the Consolidated Petition a statement that they joined the Consolidated Petition as a co-petitioner and designated Mr. Blind to serve as their representative and point of contact. See Cons. Pet. at 375–426; Licensing Board Memorandum and Order (Addressing Joint Petitioners' Representation and Requesting Information on Availability for Oral Argument), *Holtec Decommissioning Int'l, LLC and Holtec Palisades, LLC* (Palisades Nuclear Plant), No. 50-255-LA-3 at 4–5 (Dec. 17, 2024) (unpublished); see also 10 C.F.R. § 2.319(c).

Due to the lapse in federal government appropriations, this proceeding was suspended from October 1 through November 12, 2025.¹⁴ Accordingly, the Staff’s and Holtec’s answer deadline (October 14, 2025, per our Initial Prehearing Order) was extended and had not yet been triggered by the time of the next two filings detailed below.

Counsel for the Staff filed a November 20, 2025 Notification of Issuance, advising the participants and the Board that the Staff had “issued Amendment No. 282 to Renewed Facility Operating License No. DPR-20 for the Palisades Nuclear Plant,” the amendment requested in the LAR pending in this proceeding.¹⁵ In its Notification, the Staff referenced its “no significant hazards considerations determination” as well as its safety evaluation and provided an ADAMS number for where those could be found.¹⁶ Later that same day, on behalf of all Joint Petitioners, Mr. Blind filed a Motion to Withdraw All Petitions, which sought, among other things, to “terminate this proceeding and close the docket.”¹⁷ We then issued an Order staying all deadlines pending issuance of this Order.¹⁸

Before we address the Motion to Withdraw All Petitions, we address an issue of significance regarding the responsibilities of all who make submissions in NRC adjudicatory proceedings, especially in light of what appears to be reliance on faulty generative artificial intelligence (“Gen. AI” or “Generative AI”), an issue of first impression in our proceedings.¹⁹

¹⁴ See Commission Notice (Notice (Regarding Agency Shutdown)) (Oct. 1, 2025) (unpublished); Commission Notice (Notice of Resumption of Adjudications) (Nov. 13, 2025) (unpublished).

¹⁵ See Notification of Issuance (Nov. 20, 2025).

¹⁶ *Id.*

¹⁷ See Joint Petitioners’ Motion to Withdraw All Petitions (Nov. 20, 2025) (“Motion to Withdraw All Petitions”).

¹⁸ See Licensing Board Order (Order Staying All Deadlines Pending Decision on Motion to Withdraw All Petitions) (Nov. 24, 2025) (unpublished).

¹⁹ See *Noland v. Land of the Free, L.P.*, 336 Cal. Rptr. 3d 897, 901 (Cal. Ct. App. 2025) (“What sets this appeal apart—and the reason we elected to publish this opinion—is that nearly all of the legal quotations in plaintiff’s opening brief, and many of the quotations in plaintiff’s reply brief, are fabricated. ... Although the generation of fake legal authority by AI sources has

Specifically, we write to sanction Mr. Blind for the voluminous errors in the several petitions he signed and filed and stress for him and all participants in this and future proceedings that the rules governing the NRC’s adjudicatory proceedings require all those who sign and file documents therein to ensure the accuracy of their submissions.²⁰

II. Participants’ Obligations to Ensure Submissions Are Accurate

The Commission’s adjudicatory rules or procedures long have required and continue to require anyone who submits an adjudicatory filing to ensure that the contents therein are accurate and any arguments or assertions are supported by appropriate and accurate citations, both legally and factually.²¹ In fact, the Commission has “direct[ed] its hearing boards and presiding officers to employ certain measures ... to ensure the efficient conduct of proceedings” and has “emphasize[d] its expectation that the boards will enforce adherence to the hearing procedures set forth in the Commission’s Rules of Practice in 10 CFR Part 2, as interpreted by the Commission.”²² Failure of a participant to comply with those obligations may result in the

been widely commented on by federal and out-of-state courts and reported by many media sources, no California court has addressed this issue. We therefore publish this as a warning.”).

²⁰ See *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 493 (D. Wyo. 2025) (“The instant case is simply the latest reminder to not blindly rely on AI platforms’ citations regardless of profession. While technology continues to evolve, one thing remains the same—checking and verifying the source.”)

²¹ See 10 C.F.R. § 2.304(d) (by signing a submission, the signer represents that “he or she has read it and knows the contents, that to the best of his or her knowledge, information, and belief, the statements made in it are true”); *id.* § 2.323(d) (persons filing with the Board must “ensure that their arguments and assertions are supported by appropriate and accurate references to legal authority and factual basis, including, as appropriate, citations to the record. Failure to do so may result in appropriate sanctions,”); see also *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC 18, 22 (1998) (“Parties are also obligated in their filings before the board and the Commission to ensure that their arguments and assertions are supported by appropriate and accurate references to legal authority and factual basis, including, as appropriate, citation to the record. Failure to do so may result in material being stricken from the record or, in extreme circumstances, in a party being dismissed.”).

²² *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC at 18–19.

imposition of sanctions.²³ Here, Mr. Blind’s 185-page Petition, his 17-page Second Petition, and his 428-page Consolidated Petition are replete with citations or quotations—both legal and factual—that do not live up to the above-referenced requirements and that warrant the imposition of sanctions.²⁴

In this proceeding, we specifically and repeatedly called out the participants’ obligations for accuracy in their submissions. In our Initial Prehearing Order, we cautioned that participants should “not stretch arguments beyond what they and the legal/factual support can bear.”²⁵ We also included an entire section in that Order on the use of Gen. AI, explaining that even if a participant used that tool to assist in the preparation of a submission, “the Board will consider the signature on any submission to be a certification that the signer has made an independent determination that the submission is ‘supported by appropriate and accurate references to legal authority and factual basis.’”²⁶ We then expressly reminded the participants that we retained the authority to issue sanctions if necessary, including if someone included non-existent legal authority in a submission.²⁷ And in our September 17, 2025 Order setting a page limit for Joint Petitioners’ Reply, we again specifically reminded “Joint Petitioners of their obligation to ensure

²³ See *Statement of Policy on Conduct of Licensing Proceedings*, CLI-81-8, 13 NRC 452, 453 (1981) (“When a participant fails to meet its obligations, a board should consider the imposition of sanctions against the offending party.”); 10 C.F.R. § 2.323(d) (“Failure to do so may result in appropriate sanctions, . . .”).

As Mr. Blind recognized, those rules and procedures apply to lawyers and non-lawyers alike. See Cons. Pet. at 157; 10 C.F.R. § 2.304(d) (applying to any “person signing a pleading or other similar document submitted by a participant”).

²⁴ Mr. Blind ultimately withdrew his Petition and Second Petition in the Consolidated Petition, nearly five weeks after he filed them. But as the Board is under time constraints imposed by the Commission’s regulations to issue its decision on the admissibility of the Petition and Second Petition, we began our review of Mr. Blind’s filings (and encountered the summarized shortcomings, and more) shortly after the Board’s establishment so that we were prepared to move forward expeditiously and not delay resolution of the pending proceeding.

²⁵ Initial Prehearing Order at 4 (citing 10 C.F.R. § 2.323(d)).

²⁶ *Id.* (quoting 10 C.F.R. § 2.323(d) and citing 10 C.F.R. § 2.304(d) and *Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC at 22).

²⁷ See *id.* at 4–5.

that any Reply submission be ‘supported by appropriate and accurate references to legal authority and factual basis.’”²⁸

There is evidence in his submissions that Mr. Blind relied upon Gen. AI to draft them or assist in the drafting. On page 164 of the Petition and page 328 of the Consolidated Petition, the following text appears: “Let me know if you’d like this section formatted for insertion directly into your petition, or to include visual tables or timeline charts summarizing this compliance history.” Generative AI tools, such as ChatGPT, use similar phrasing at the end of a response to a prompt.²⁹ Further, under the “Key Arguments Presented in the Petition” section of the Consolidated Petition, Mr. Blind asserted a thirteenth item in bold but then also included the following text immediately after that item: “Not Applicable to This Case.” Cons. Pet. at 70. This evidence³⁰ also supports the reasonable assumption that some or all of the erroneous citations within the submissions were the result of “hallucinations” by a Gen. AI tool. In 1979, IBM presented a caution that has come to be seen as prophetic in the age of Generative AI: “A computer can never be held accountable, therefore a computer must never make a management decision.”³¹ To extend that quote to this situation, Generative AI cannot be held accountable; therefore, Generative AI must never be the author.

It matters not to this Board, though, how the errors made their way into the filings. Whether it was due to carelessness in drafting by Mr. Blind, reliance by Mr. Blind on Gen. AI that

²⁸ Licensing Board Order (Order (Page Limit for Joint Petitioners’ Reply) at 1 (Sept. 17, 2025) (unpublished) (citations omitted).

²⁹ See, e.g., Wayne State College of Fine, Performing and Communicative Arts Guidance on Student Misconduct Based on Generative AI Use (April 2025) at 6 (“**Look for the AI’s chat language:** Occasionally, a student may copy and paste the entire response from the AI, including its end of output text (e.g., ‘Let me know if you would like me to make any changes to this’, etc.).”) (emphasis in original).

³⁰ Additionally, lest it be forgotten, Mr. Blind was able to prepare and file his 185-page petition only 12 days after the Federal Register Notice was published.

³¹ Doug Bonderud, *AI Decision-making: Where Do Businesses Draw the Line?*, <https://www.ibm.com/think/insights/ai-decision-making-where-do-businesses-draw-the-line> (quoting IBM Training Manual, 1979) (last accessed Dec. 10, 2025).

“hallucinated” certain quotations, or some combination of both; Mr. Blind, as the signer of the filed documents, retained the responsibility to ensure that the citations he provided were accurate.³² And we take this opportunity to stress to Mr. Blind and all other participants in the future: *whether you use Gen. AI to prepare or assist in preparing any document submitted in an NRC adjudicatory proceeding, it is your responsibility to check all sources and references in those documents because, by signing the document, you are certifying to the accuracy of those factual and legal citations.*³³ Courts and other tribunals routinely admonish or sanction those who file briefs containing just some of the types of errors we identify in this decision.³⁴ With this decision, we add our voice to the chorus

We summarize below a few of the more egregious errors from Mr. Blind’s filings but include a more extensive (but not exhaustive) list in the appendix to this decision. And while we note the lengths to which we went to attempt to find the purported quotes in the cited

³² See 10 C.F.R. § 2.304(d); see also Initial Prehearing Order at 4–5.

³³ See *Noland*, 336 Cal. Rptr. 3d at 913 (“[B]efore filing any court document, an attorney must ‘carefully check every case citation, fact, and argument to make sure that they are correct and proper. Attorneys cannot delegate that role to AI, computers, robots, or any other form of technology.’”).

³⁴ See, e.g., *Sanders v. United States*, 176 Fed. Cl. 163, 168–70 (2025) (warning *pro se* plaintiff, who filed a brief replete with fake case citations, that future filings with fake, AI-generated legal authority may lead to sanctions because, among other things, failing to confirm the existence and validity of cited authority is an abuse of the adversary system, a violation of relevant rules, a waste of resources, and unacceptable); *Huffman Constr. LLC*, ASBCA Nos. 62591, 62783, slip op. at 2, 15 (Oct. 23, 2025) (striking reply brief that contained AI-generated false or misleading citations to the record, hearing transcript, and case law); *Coomer v. Lindell*, Civil Action No. 22-cv-01129-NYW-SBP, 2025 WL 1865282, at *1, *8 (D. Colo. July 7, 2025) (assessing a total sanction of \$6,000 for a brief that contained “misquotes of cited cases; misrepresentation of principles of law associated with cited cases, including discussions of legal principles that simply do not appear within such decisions; misstatements regarding whether case law originated from a binding authority ..., misattributions of case law to this District; and most egregiously, citation of cases that do not exist.”); *Noland*, 336 Cal. Rptr. 3d at 901, 915 (imposing \$10,000 sanction on attorney who filed two briefs permeated with inaccuracies); *Wadsworth*, 348 F.R.D. at 497–99 (monetarily sanctioning three attorneys and withdrawing the *pro hac vice* admission of one of those attorneys for submitting a motion that contained fake cases).

documents, we will not be so accommodating in the future; and we do not believe any future board or the Commission would be required or likely to do so either.³⁵

For example, Mr. Blind relied extensively and significantly on NUREG-0737, citing the 258-page document many times for various quotes.³⁶ One such quote (attributed sometimes to Section II.D.1 and other times to Section II.B.1) appeared numerous times in his submissions: “All PWR licensees and applicants shall provide a vent path from the reactor vessel head and from the pressurizer steam space to permit removal of noncondensable [*sic*] gases that may inhibit natural circulation. These paths shall have adequate flow capacity and be capable of

³⁵ As the examples show, often when the Board was unable to find a quotation at the specific section or page denominated by Mr. Blind, because of his *pro se* status and the lack of guiding NRC adjudicatory decisions dealing with Gen. AI, instead of simply rejecting the assertion as not supported by the provided citation, at first the Board extended him the benefit of the doubt and looked for the quoted material elsewhere in the document using the CTRL-F function in Adobe—a task not required of us. See 10 C.F.R. § 2.309(f)(1)(v) (requiring petitioner to include “references to the specific sources and documents on which the requestor/petitioner intends to rely to support its position on the issue”); 10 C.F.R. § 2.323(d) (persons filing with the Board must “ensure that their arguments and assertions are supported by appropriate and accurate references to legal authority and factual basis”); *NextEra Energy Seabrook, LLC* (Seabrook Station, Unit 1), CLI-12-5, 75 NRC 301, 332 (2012) (“Friends/NEC provide page citations to only three pages in the Sandia Study, none of which specifically refer to radionuclide particle sizes, the WASH-1400 reactor accident study, or the MACCS2 code. The Sandia Study is a lengthy report focused on plutonium dispersal events, and neither we nor the Board should be expected to sift through it in search of asserted factual support that Friends/NEC has not specified.”) (footnote omitted); *cf. Nat. Res. Def. Council v. NRC*, 879 F.3d 1202, 1209 (D.C. Cir. 2018) (“But a court is not required to plumb the record for ‘novel arguments a [litigant] could have made but did not,’ *United States v. Laureys*, 653 F.3d 27, 32 (D.C. Cir. 2011); *cf. United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991) (‘Judges are not like pigs, hunting for truffles buried in briefs’), and we see no reason agency officials engaged in adjudication should be any more obligated than judges to do counsels’ work for them.”). Our patience waned as we found ourselves getting more mired in the ever-deepening muck of mis-citations not even halfway through the 185-page initial Petition.

³⁶ On page 48 of his 185-page Petition and page 215 of the Consolidated Petition, Mr. Blind provided us with a citation for this document that included an ADAMS number: ML051400209. That is the same document available on the NRC’s website. See NUREG-0737, Clarification of TMI Action Plan Requirements (Nov. 1980) (ADAMS Accession No. ML051400209), Document Collections NUREG link: <https://www.nrc.gov/reading-rm/doc-collections/nuregs/index.html>.

being remotely operated from the control room.”³⁷ Despite the prevalence of this quotation in his submissions and the apparent import of it to the contentions proffered, the quote does not exist in NUREG-0737, at Section II.D.1, Section II.B.1, or elsewhere. In fact, the phrases “pressurizer steam,” “steam space,” and “flow capacity” do not appear in the document. Similarly, the term “noncondensable” does not exist in the document.³⁸ The term “vent path” occurs only two times in the document but neither instance in the quote Mr. Blind provided. The term “remotely operated” occurs one time in the document (at Section II.B.1, “Position”) but not in the quote Mr. Blind provided.

Mr. Blind also cited “Item II.B.1” for the following quote: “The presence of noncondensable gases in the primary system can inhibit natural circulation flow. Therefore, vent valves should be operable to ensure removal of such gases during cool down and shutdown.”³⁹ The quote does not exist in the document at “Item II.B.1” or otherwise. The term “noncondensable” does not exist in the document.⁴⁰ The phrases “inhibit natural” and “cool down” are not found in the document. The term “vent valves” occurs two times in the document but neither in the quote Mr. Blind provided.

³⁷ See Petition at 3, 64, 77, 85, 103, 127; Petition, attach. A at 10; Cons. Pet. at 106 (citing NUREG-0737 generally for the quote), 201, 215 (citing II.B.1), 222 (citing II.B.1), 231 (citing II.B.1), 248–49 (citing II.B.1), 274–75 (citing II.B.1).

Mr. Blind’s use of quotation marks is significant as it denotes a passage that is being reproduced exactly as set forth in the document being cited. See *Masson v. New Yorker Mag., Inc.*, 501 U.S. 496, 511 (1991) (“In general, quotation marks around a passage indicate to the reader that the passage reproduces the speaker’s words verbatim. They inform the reader that he or she is reading the statement of the speaker, not a paraphrase or other indirect interpretation by an author. By providing this information, quotations add authority to the statement and credibility to the author’s work.”).

³⁸ The term “noncondensable” or “noncondensibles” occurs nine times in the document but none in the quote Mr. Blind provided.

³⁹ See, e.g., Petition at 37; Cons. Pet. at 172, 231–32, 275. Mr. Blind also repeatedly referred generally to “Item II.B.1” throughout the Petition and Consolidated Petition but without quoting it in all instances.

⁴⁰ The term “noncondensable” or “noncondensibles” occurs nine times in the document but none in the quote Mr. Blind provided.

Mr. Blind cited “Item II.D.1” for the following quote: “be capable of being remotely operated from the control room.”⁴¹ The quote does not exist in the document, at “Item II.D.1” or otherwise. And Mr. Blind cited “Further Clarification (Section 3.3.1)”: **“During post-accident cooldown and depressurization, reactor cooling may rely on natural circulation with no forced flow,** particularly in scenarios where offsite power is lost and only limited system capability remains available.”⁴² Without a document reference, we were left to assume Mr. Blind was referring to NUREG-0737, the document cited immediately before the citation to this Section. But there is no Section 3.3.1 in NUREG-0737. And the foregoing quotation does not exist in NUREG-0737 as demonstrated by the fact that “post-accident,” “forced flow,” “power is lost,” and “system capability” do not exist in the document.⁴³

Repeatedly, Mr. Blind relied on NUREG-0578,⁴⁴ citing a document that is not NUREG-0578.⁴⁵ Regardless of the citation error, Mr. Blind’s reliance on that document is misplaced at best as that document has been superseded.⁴⁶

⁴¹ Petition at 64.

⁴² Cons. Pet. at 231 (emphasis in original).

⁴³ Relatedly, Mr. Blind cited “Section 3.3.1” and “Section 3.3.2” on pages 85–86 of his Petition for specific quotations but did not say of what document. See *also* Petition at 127 (citing “Section 3.3.2”). The document cited immediately before those citations is NUREG-0737, which does not contain either Section 3.3.1 or Section 3.3.2. Thus, we were unable to check the quotations provided by Mr. Blind for accuracy or relevance.

⁴⁴ See, e.g., Petition at 22, 36–37, 43, 57, 69, 76, 84, 93, 95, 97, 103, 115, 133, 138, 177, 179; Petition, attach. A at 10, 17; Cons. Pet. at 52, 110–112, 172, 221, 230–31.

⁴⁵ On page 115 of the 428-page Consolidated Petition, after reviewing the 185-Petition and the 17-page Second Petition, we finally found a purported citation from Mr. Blind for NUREG-0578: ML12216A307. But that ADAMS number is for a document entitled: “Boraflex, RACKLIFE, and BADGER: Description and Uncertainties,” completed in June of 2012 and published in September of 2012; it is not NUREG-0578.

⁴⁶ *Consumers Power Co.* (Big Rock Point Plant), LBP-84-32, 20 NRC 601, 678 (1984) (indicating NUREG-0737 superseded NUREG-0578). Similarly, Mr. Blind cited IMC 2500 on page 80 of his Petition. But, as the NRC’s website makes clear, IMC 2500 (which never was a binding regulation) was “essentially replaced” by IMC 2515 and, therefore, was “deleted.” See Change Notice 98-013, <https://www.nrc.gov/reading-rm/doc-collections/insp-manual/changenotices/1998/98-013.html> (June 13, 2024).

Mr. Blind's tendency to cite non-existent language in factual documents extended to his citation of legal authority as well. Mr. Blind cited the Commission's decision in *Duke Energy Corp.* (Catawba Nuclear Station, Units 1 & 2), CLI-04-21, 60 NRC 21, 27 (2004) on pages 25–26 of his Petition for the following quote: "While pro se petitioners are expected to comply with our rules of procedure, we construe their filings liberally, and avoid dismissing a petition for failure to meet technical requirements where the petitioner has otherwise demonstrated a genuine dispute with the application." The quote does not exist in the case. Moreover, none of the terms/phrases "pro se," "avoid," "technical requirements," or "otherwise demonstrated" appear anywhere in the case.

Mr. Blind then cited the Commission's decision in *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-01-24, 54 NRC 349, 358 (2001) on page 26 of his Petition for the following quote: "The Commission is not inclined to deny a hearing request simply because a petitioner has not framed its contention as precisely as the rules might require, particularly when the petitioner is a pro se litigant." The quote does not exist in the case. In fact, the phrases/terms "pro se" and "precisely" do not appear anywhere in the case. Later, Mr. Blind again cited the *Millstone Nuclear Power Station* decision, this time for the following quote: "If a licensee wishes to change the analytical methods described in its FSAR, it must obtain NRC approval through the license amendment process."⁴⁷ The quote does not exist in the case. In fact, none of the terms "analytical," "methods," "FSAR," or "wishes" appear anywhere in the case.

Mr. Blind cited another licensing board's decision in *Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), LBP-98-7, 47 NRC 142, 179 (1998) on page 51 of his Petition for the following quote: "The fact that past regulatory decisions may have been based on incomplete or outdated assumptions does not bind the NRC in future proceedings."

⁴⁷ Petition at 79.

The quote does not exist in the case. In fact, none of the phrases “regulatory decisions,” “incomplete or outdated,” or “future proceedings” appear anywhere in the case.

Mr. Blind’s citation of regulations fared little better. He cited 10 C.F.R. 50, App. R., Section III.L.3 on page 65 of his Petition for the following quote: “The capability to achieve and maintain hot standby conditions ... shall be provided from either the control room or one or more alternative locations ... located in fire areas that are physically separate from the fire area of concern.” (ellipses in original). The quote does not exist in the cited Section. He also cited 10 C.F.R. §§ 50.2 and 54.3(a) on page 76 of his Petition for a 5-bullet quotation about what constitutes a plant’s Current Licensing Basis (or CLB), but the quotation is not found in either regulation.

Mr. Blind also included numerous ADAMS Accession Number citations that simply do not exist. For example, he cited ADAMS Accession No. ML23147A154 for a document entitled “Fire Protection Engineering Report, May 2023.”⁴⁸ That document number is not found in ADAMS. Mr. Blind also cited ADAMS Accession No. ML25211A242, purportedly his Second Petition.⁴⁹ That document number is not found in ADAMS. Mr. Blind cited ADAMS Accession No. ML23147A154 for the purported NFPA-805 Transition and Safe Shutdown Path Documentation.⁵⁰ That document number is not found in ADAMS.

Unfortunately, the above-summarized errors, combined with those identified in the appendix to this decision, are not a complete listing of the errors in Mr. Blind’s petitions.⁵¹ Suffice it to say, Mr. Blind’s filings are replete with erroneous citations and/or unsupported assertions, which served only to frustrate our review, undermine any confidence in his

⁴⁸ See Cons. Pet. at 287.

⁴⁹ See *id.* at 51.

⁵⁰ See *id.* at 287.

⁵¹ Given the volume of pages submitted by Mr. Blind and the relevance of their content to an issue of first impression for NRC adjudicatory submissions, we opted to err on the side of over-inclusivity in the appendix to this decision.

submissions,⁵² flout the Commission’s adjudicatory filing rules, and exhibit non-compliance with the Commission’s contention admissibility standards, which require “references to the specific sources and documents on which the requestor/petitioner intends to rely to support its position on this issue.”⁵³ In short, the Board spent myriad hours checking citations that ultimately did not say what Mr. Blind claimed they said. We only can imagine that counsel for the Staff and Holtec undertook similar time-consuming efforts.⁵⁴

Given the sheer number of such occurrences, and the plainly obvious inaccuracies, it is clear to this Board that Mr. Blind failed to comply with his obligations as a signer of an adjudicatory document submitted to this Board. And as the signer of the documents with the errors we have called out, accountability for these errors falls on Mr. Blind’s shoulders. Accordingly, we find Mr. Alan Blind failed to adhere to the standards established by 10 C.F.R. § 2.304(d).

In selecting a sanction, licensing boards are required to consider five criteria: (1) the relative importance of the unmet obligation, (2) the potential for harm to other participants and/or the orderly conduct of the proceeding resulting from the unmet obligation, (3) whether the unmet obligation is an isolated incident or part of a pattern by the participant, (4) the importance of the safety or environmental concerns raised by the participant, and (5) all other circumstances.⁵⁵

⁵² See *Huffman Constr. LLC*, ASBCA Nos. 62591, 62783, slip op. at 13 (Oct. 23, 2025) (the significant number of errors in the reply brief “sows doubt in the citations and legal arguments set forth in Huffman’s post-hearing brief. Briefs that cannot be relied on do not serve the best interests of the clients or the Board.”).

⁵³ 10 C.F.R. § 2.309(f)(1)(v).

⁵⁴ See *Huffman Constr. LLC*, ASBCA Nos. 62591, 62783, slip op. at 2, 13, 15 (Oct. 23, 2025) (striking reply brief that contained false or misleading AI-generated citations to the record, hearing transcript, and case law because, among other things, the review of the brief by the opposing party (the government) and tribunal “wasted the government’s time [and] judicial resources.”).

⁵⁵ See *Commonwealth Edison Co.* (Byron Nuclear Power Station, Units 1 and 2), ALAB-678, 15, NRC 1400, 1416 (1982) (quoting *Statement of Policy on Conduct of Licensing Proceedings*, CLI-81-8, 13 NRC at 454).

The licensing board then should try to tailor a sanction to mitigate the harm caused and encourage future compliance.⁵⁶

Here, the unmet obligation is important as it goes to the heart of the ability of tribunals to rely on adjudicatory submissions. The unmet obligation also has significant potential to harm the other parties and the orderly conduct of a proceeding as demonstrated here by the extensive amount of limited resources that were devoted to attempting to verify those accuracy errors. But this appears to be the first instance of such conduct by Mr. Blind. And while Joint Petitioners raised what may be argued to be significant issues, they also voluntarily have moved to withdraw all of their contentions. Thus, we have determined that a conservative admonition sanction is the most appropriate one to mete out to Mr. Blind.⁵⁷ Accordingly, Mr. Blind hereby is admonished that any further adjudicatory submissions he makes at the NRC, in any proceeding, must conform to the Commission's adjudicatory rules. Those rules include the requirement that he ensures the contents of any adjudicatory filing are accurate and any arguments or assertions are supported by appropriate and accurate citations, both legally and factually.⁵⁸ The failure to do so may result in the imposition of any number of additional sanctions, ranging from another admonition to dismissal from a proceeding.⁵⁹

⁵⁶ *Id.*

⁵⁷ The Board has the authority to assess sanctions on its own motion. *See, e.g., Northeast Nuclear Energy Co.* (Millstone Nuclear Power Station, Unit 2), LBP-92-26, 36 NRC 191, 194–195 (1992) (“The Board has decided on its own motion to strike CCMN’s late-filed petitions for the following independently sufficient reasons ... 3. Striking the petitions is an appropriate sanction to educate CCMN to the need to comply with NRC Rules of Practice and Board directives and to improve future compliance. In this respect, the Board advises CCMN that similar or more severe sanctions may be imposed in the future in the event CCMN fails to meet its obligations as a participant in this proceeding. Such sanctions would be tailored to mitigate any harm caused by noncompliance and could range in severity up to dismissing CCMN as a party to the proceeding.”).

⁵⁸ *See* 10 C.F.R. § 2.304(d); *id.* § 2.323(d); *see also Statement of Policy on Conduct of Adjudicatory Proceedings*, CLI-98-12, 48 NRC at 22.

⁵⁹ *See* 10 C.F.R. § 2.323(d); *Statement of Policy on Conduct of Licensing Proceedings*, CLI-81-8, 13 NRC at 454; *see also Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-06-4, 63 NRC 32, 38–39 (2006) (directing Commission’s Secretary to

For the broader audience, we hope that the lengthy review of the errors in this proceeding (see above and appendix) serve the warning purpose for which it was intended—prompting those who make submissions in Commission adjudicatory proceedings to ensure those submissions conform to the Commission’s adjudicatory rules and, among other things, are supported by accurate legal and factual citations, even if (or especially if) Gen. AI is used in their preparation.⁶⁰ “This warning does not mean that [Mr. Blind or any other participant] is unwelcome at future NRC proceedings, but only that [he/they] must participate according to our rules.”⁶¹

III. Motion to Withdraw All Petitions

In their Motion to Withdraw, Joint Petitioners specifically request that this Board grant the motion, terminate the proceeding, share with the Staff a commentary by Mr. Blind regarding the Palisades plant, and close the docket.⁶² The Motion to Withdraw specifically notes that the “withdrawal is voluntary.”⁶³

Joint Petitioners base their Motion to Withdraw upon their view that

[b]ecause the Staff has approved the amendment, **there is no longer any licensing action before this Board to adjudicate.** Any further pursuit of Joint Petitioners’ filings would be **outside the authority of the Atomic Safety and Licensing Board**, which

summarily reject future deficient filings by person who repeatedly disregarded Commission practices and procedures).

⁶⁰ See *Noland*, 336 Cal. Rptr. 3d at 901 (Although the generation of fake legal authority by AI sources has been widely commented on by federal and out-of-state courts and reported by many media sources, no California court has addressed this issue. We therefore publish this as a warning.”); see also *supra* note 34.

⁶¹ *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-04-36, 60 NRC 631, 644 (2004).

To paraphrase an admonition from the California Court of Appeals, “[s]imply stated, no [submission] or any other paper filed in any [NRC adjudicatory proceeding] should contain *any* citations—whether provided by generative AI or any other source—that the [participant] responsible for submitting the [submission] has not personally read and verified.” *Noland*, 336 Cal. Rptr. 3d at 901 (emphasis in original).

⁶² See Motion to Withdraw All Petitions at 3.

⁶³ *Id.* at 2.

does not have jurisdiction to review, modify, or overturn the Staff's Safety Evaluation or the issued license amendment.⁶⁴

But Joint Petitioners also note that counsel for the Staff, as part of the required consultation process for motions per 10 C.F.R. § 2.323(b) and this Board's Initial Prehearing Order, expressly advised them that the basis for the motion was erroneous.

The NRC Staff does not oppose your motion to withdraw, but we disagree that "Because the Staff has approved the amendment, there is no longer any licensing action before this Board to adjudicate." and that any further filings "would be outside the authority of the Atomic Safety and Licensing Board, which does not have jurisdiction to review, modify, or overturn the Staff's Safety Evaluation or the issued license amendment." Pursuant to 10 CFR 50.91(a)(4), as the NRC Staff made a final no significant hazards consideration determination, the amendment is effective on issuance even though adverse public comments have been received and even though a request for a hearing has been filed. Additionally, because the Staff made a final no significant hazards consideration determination the Commission need hold the required hearing only after the amendment is issued.⁶⁵

The Staff is correct. Despite the Staff's issuance of the requested license amendment, a licensing action remains before this Board to adjudicate, and this Board continues to have authority over this proceeding.⁶⁶ The Commission addressed this issue directly in a 2009 decision, overruling a licensing board's conclusion (and Joint Petitioners' position here) that the issuance of a license amendment terminated a proceeding on a requested license amendment.

As an initial matter, we find that the Board erred in holding that the Staff's issuance of the license amendment terminated the proceeding and precluded the Board's reopening of the proceeding to rule on the August 27 Motion. ... [T]he rules of practice governing this license amendment proceeding expressly contemplate prompt Staff action on an application, notwithstanding the pendency of any adjudicatory proceeding, subject to certain identified exceptions, that do not apply here. *The bottom line is that adjudicatory proceedings on license amendments continue*

⁶⁴ *Id.* at 1–2 (emphasis in original).

⁶⁵ *Id.* at 2–3.

⁶⁶ *Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Unit 3), CLI-09-5, 69 NRC 115, 121–22 (2009).

*until they are over, even if the amendment is issued in the interim.*⁶⁷

The Commission went further, noting that its conclusion was supported by longstanding Commission regulations, both those regarding adjudications (such as 10 C.F.R. § 2.1202(a)) and those in Part 50.

Further, 10 C.F.R. § 2.1210(c)(3) expressly provides for the circumstance in which a licensing action is taken prior to completion of a hearing. The presiding officer's initial decision must include the action the Staff shall take upon transmission of the decision, if the initial decision is inconsistent with Staff action on the application. Although a hearing was not granted in this case, we expect the Staff to likewise act on an application notwithstanding the pendency of hearing requests—be they timely or late-filed.

In addition, our regulations in 10 C.F.R. Part 50 have long contemplated issuance of a license amendment notwithstanding the pendency of an adjudicatory hearing, provided that the Staff makes certain required findings. See 10 C.F.R. § 50.91(a)(4) (permitting the Staff to issue an amendment to a reactor operating license notwithstanding the pendency of an adjudicatory hearing if it determines that the licensing action involves “no significant hazards consideration”); Atomic Energy Act of 1954, as amended, § 189a(2)(A), 42 U.S.C. § 2239a(2)(A). The Staff issued a final no significant hazards consideration determination contemporaneously with issuance of the license amendment on August 12. *NRC’s issuance of a license amendment, after finding no significant hazards consideration, does not terminate an adjudicatory proceeding, but simply gives effect to the amendment prior to completion of the proceeding, and subject to the result of the proceeding.*⁶⁸

⁶⁷ *Id.* (emphasis added).

⁶⁸ *Id.* at 122 n.29 (emphasis added). See also 10 C.F.R. § 2.318(b) (allowing certain NRC Staff to issue orders related to subject matter of pending proceeding, which may be modified by presiding officer); 10 C.F.R. § 2.340(a)(2)(i) (expressly allowing amendment to issue if no significant hazards determination made, even if proceeding on amendment is pending, but amendment must be modified later, if necessary, in accord with presiding officer's initial decision).

In its Consultation response to Mr. Blind, the Staff's counsel cited the same Part 50 regulation relied upon by the Commission in the *Millstone* decision.

That being said, we also recognize Joint Petitioners' desire and ability to withdraw all of their petitions and terminate this proceeding, even after they have been put on notice that the legal reason for their motion is faulty.⁶⁹ Notably, neither the Staff nor Holtec oppose Joint Petitioners' Motion to Withdraw. Thus, the Motion to Withdraw is uncontested.

We find the Joint Petitioners to have made the Motion to Withdraw knowingly and voluntarily. Thus, we will grant the Motion to Withdraw, in part. As noted above, in their Motion to Withdraw, Joint Petitioners also include as part of the relief being sought that the Board “[s]hare [Mr. Blind’s] ‘*Appeal for Reason – Why This Matters After 50 Years*’ with NRC Staff.”⁷⁰ The Commission has not conferred on its licensing boards the authority to “share” any information with the NRC Staff akin to what Joint Petitioners request; nor have Joint Petitioners cited any such authority permitting that relief. That aspect of the relief sought by Joint Petitioners is DENIED.⁷¹ But we GRANT the Motion to Withdraw’s request to withdraw all petitions filed by Mr. Blind and those filed by Joint Petitioners and, as no other hearing petitions remain pending before us, we terminate this proceeding.

⁶⁹ See, e.g., *Entergy Nuclear Vermont Yankee, LLC* (Vermont Yankee Nuclear Power Station), CLI-19-4, 89 NRC 241, 242–43 (2019) (“As a general matter, when a petitioner withdraws its petition in a contested proceeding and there are no petitions remaining, we terminate the proceeding. Because the only two petitioners here have withdrawn their petitions and requests for hearing, we dismiss the petitions and requests for hearing without prejudice and terminate the proceeding.”); *Idaho State University*, LBP-10-3, 71 NRC 213, 214–15 (2010) (granting unopposed motion to withdraw and terminating proceeding); *Exelon Generation Co., LLC* (Braidwood Station, Units 1 & 2, et. al.), LBP-02-24, 56 NRC 465, 466 (2002) (granting motion to withdraw and terminating proceeding); *Mississippi Power and Light Co.* (Grand Gulf Nuclear Station, Units 1 & 2), LBP-73-41, 6 AEC 1057 (1973) (granting unopposed motion to withdraw).

⁷⁰ Motion to Withdraw All Petitions at 3.

⁷¹ Alternatively, we deny that aspect of the Motion to Withdraw as moot. Joint Petitioners attached Mr. Blind’s “*Appeal for Reason*” to the motion, which they filed on the Commission’s public docket, and which was served on counsel for the Staff. As a result of its public filing, the document is available to all NRC Staff. Accordingly, there is no need for this Board to “share” the document with the Staff.

Should any appeal rights exist regarding the termination of this proceeding,⁷² any appeal to the Commission from this Memorandum and Order must be filed in accordance with the provisions of 10 C.F.R. § 2.311, including the requirement that any such appeal be filed within 25 days of the service of this Order.

IT IS SO ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Jeremy A. Mercer, Chair
Administrative Judge

/RA/

Dr. Gary S. Arnold
Administrative Judge

/RA/

Dr. Arielle J. Miller
Administrative Judge

Rockville, Maryland
December 11, 2025

⁷² In their Motion to Withdraw, Joint Petitioners purported to reserve their right to seek Commission review in this proceeding. See Motion to Withdraw All Petitions at 2. The caselaw indicates that no such appeal rights attach to a voluntarily dismissal. See *Georgia Power Co.* (Vogtle Elec. Generating Plant, Units 1 & 2), ALAB-851, 24 NRC 529, 530–31 (1986); *but see* 10 C.F.R. § 2.314(c)(3) (regarding appeal rights of those sanctioned). Should this issue arise, though, it would be for the Commission in the first instance to determine whether Joint Petitioners have any such rights.

APPENDIX TO LBP-25-08

Pursuant to the discussion in our decision, *see supra* p. 8, in this appendix, the Licensing Board details additional examples of Mr. Blind's failure to comply with his obligations to ensure the accuracy of his NRC adjudicatory submissions.

Mr. Blind cited "Section titled 'NRC Approval of Holtec's Licensing Basis and CLB Reinstatement Post-50.82 Certification, July 24, 2025'" in ML25157A127, a 334-page document constituting Amendment No. 276 to Palisades Nuclear Plant's Renewed Facility Operating License.⁷³ The cited Section title does not exist. In fact, none of the phrases "Holtec's Licensing," "CLB Reinstatement," "Reinstatement Post," or "Post 50.82" appear anywhere in the document.

Mr. Blind cited "NUREG-0800 (Standard Review Plan), Chapter 5.4 and 15.0" for three discrete, but not quoted, bullet points.⁷⁴ Yet Mr. Blind provided no specific page or subsection reference for the bullet points. NUREG-0800 has a 13-page Chapter 5.4 but also has subsections 5.4.1.1 through 5.4.13, each of which is a separate PDF on the NRC's website.⁷⁵ As for Chapter 15.0, the NRC's website lists Chapter 15.0 in both Rev. 3 and Draft Rev. 4 form.⁷⁶ Additionally, subsections 15.0.1 through 15.0.3 are listed, each its own separate PDF on the NRC's website.⁷⁷ Without knowing specifically in which PDF the three bullet points

⁷³ See Petition at 7.

⁷⁴ See *id.* at 80.

⁷⁵ See Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition — Reactor Coolant System and Connected Systems (NUREG-0800, Chapter 5), <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/ch5/index.html> (Mar. 24, 2021).

⁷⁶ See Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition — Transient and Accident Analysis (NUREG-0800, Chapter 15), <https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/ch15/index.html> (Oct. 3, 2023).

⁷⁷ See *id.*

supposedly find their support, the Board did not check all sources that might possibly support the subject bullet points.⁷⁸

Over a span of eight pages, Mr. Blind cited various Sections of “NRC Inspection Manual Part 9900, ‘Technical Guidance: Assessing Operability Determinations and Resolution of Degraded and Non-Conforming Conditions.’”⁷⁹ But Mr. Blind did not provide an actual citation to an ADAMS number or the location for IMC 9900, and no IMC 9900 is available on the NRC website’s “Inspection Manual Chapters” page. We did locate a document at ADAMS Accession No. ML052060365 entitled “NRC Inspection Manual Part 9900: Technical Guidance. Operability Determinations & Functionality Assessments for Resolution of Degraded or Nonconforming Conditions Adverse to Quality or Safety.” Mr. Blind cited “Section 2.0, p. 2” for a lengthy quote. We could not find that quote in the document. Mr. Blind cited “Section 3.6.2, pp. 4-5” and “Section 3.6.3, p. 5” for lengthy quotes. No such sections exist in the document. Mr. Blind cited “Section 3.6.3 (p. 5)” for a lengthy quote. Neither Section 3.6.3 nor the quote exist in the document.

Mr. Blind cited ADAMS Accession No. ML23031A292 as the Palisades FSAR, Rev. 35.⁸⁰ That ADAMS number, though, is to a Calendar Year 22 Security Baseline Completion Memo regarding inspections at several nuclear plants, not including Palisades. We located Revision 35 to Chapter 5 of the Palisades FSAR, at ADAMS Accession No. ML21125A291 (a 260-page document). But that document does not contain Section 5.4.13, the Section Mr. Blind cited.

⁷⁸ See *Seabrook Station, Unit 1*, 75 NRC at 332 (“Friends/NEC provide page citations to only three pages in the Sandia Study, none of which specifically refer to radionuclide particle sizes, the WASH-1400 reactor accident study, or the MACCS2 code. The Sandia Study is a lengthy report focused on plutonium dispersal events, and neither we nor the Board should be expected to sift through it in search of asserted factual support that Friends/NEC has not specified.”) (footnote omitted). Similarly, Mr. Blind cited a 61-page document (ML020800287, Fire Protection Safety Evaluation Report) for a general proposition, without page reference or even a purported quote. See Cons. Pet. at 24.

⁷⁹ See Petition at 87–91, 93, 95–96; see also Cons. Pet. at 233–39.

⁸⁰ See Petition at 138.

Moreover, Section 5.4 of that document is entitled “Water Level Design,” unrelated to Mr. Blind’s contention.

Mr. Blind cited NEI 96-07, Rev. 1, Section 4.3.8.1 for the following quotation: “Switching from a deterministic to a probabilistic evaluation model is considered a change in method.”⁸¹ Using the ADAMS Accession number for this 85-page document provided by Mr. Blind at page 158 of his Petition, we were unable to find the quotation. In fact, the term “deterministic” is not found in the document.

Mr. Blind cited generally two Commission decisions for the proposition that “the ASLB has authority to require licensees to obtain NRC approval for changes in method of evaluation or safety commitment before implementing them.”⁸² We could not find where that proposition ostensibly was supported in either decision. Two pages later, Mr. Blind again cited one of those decisions, this time for the following quotation: “A licensee who wishes to change a methodology approved in its FSAR must submit a license amendment request pursuant to 10 C.F.R. § 50.90.”⁸³ The quotation does not exist in the cited decision. In fact, the terms/phrases “methodology,” “FSAR,” and “must submit” do not exist in the decision. On that same page, Mr. Blind cited the other decision, for the following quotation: “A contention that asserts a licensee may not change a methodology approved in the FSAR without prior NRC approval raises a genuine dispute appropriate for litigation.”⁸⁴ The quotation does not exist in the cited decision. In fact, the terms/phrases “methodology,” “FSAR,” “prior NRC,” and “NRC approval” do not exist in the decision.

⁸¹ *Id.* at 149; *see also id.* at 158 (same citation and quotation).

⁸² *Id.* at 154 (citing “*Dominion Nuclear Connecticut, Inc. (Millstone)*, CLI-01-24; and *Pacific Gas and Electric Co. (Diablo Canyon)*, CLI-11-11.”).

⁸³ *Id.* at 156.

⁸⁴ *Id.*

Mr. Blind cited ADAMS Accession No. ML21048A448 for a quotation from Regulatory Guide 1.205, Rev. 2, p. 8: “The plant change process does not alter the requirement that changes to the licensing basis must be made in accordance with the requirements of 10 CFR 50.59, 50.90, or 50.54, as applicable.”⁸⁵ The quotation does not exist in the 30-page document. In fact, a search for the phrases “plant change process,” “alter the requirements,” and “licensing basis must” finds no use of those phrases.

Mr. Blind cited *NextEra Energy Seabrook LLC* (Seabrook Station, Unit 1), LBP-11-2, 73 NRC 28, 65 (2011), on page 158 of his Petition for the following quote: “We find that Petitioners have raised a genuine dispute with the Application... as to whether the [PRA] methodology was properly implemented, and whether the proposed change constitutes a change to the licensing basis that requires a license amendment.” The quote does not exist in the case; nor does it exist in the Commission’s decision affirming in part and reversing in part the licensing board’s decision.⁸⁶ In fact, none of the phrases “we find,” “proposed change,” “change to the licensing,” or “license amendment” appear anywhere in the case.

Mr. Blind cited ADAMS Accession No. ML19342C905, purportedly Regulatory Guide 1.174, Rev. 3, for the following quotation: “Once a license condition is imposed, it becomes part of the licensing basis and is legally binding on the licensee. Any modification... requires prior NRC approval through a license amendment under 10 CFR 50.90 or an exemption under 10 CFR 50.12.”⁸⁷ The ADAMS number provided by Mr. Blind is to a non-public document unrelated

⁸⁵ *Id.* at 157.

⁸⁶ See *NextEra Energy Seabrook LLC* (Seabrook Station, Unit 1), CLI-12-5, 75 NRC 301 (2012).

⁸⁷ See Petition, attach. A at 8; Second Petition at 9.

to Palisades.⁸⁸ We located the 53-page Reg. Guide 1.174, Rev. 3 on the NRC’s website⁸⁹ but could not find the quote from Mr. Blind in that document. In fact, none of the phrases “once a license,” “license condition,” “any modification,” or “prior NRC approval” appear in the document.

Mr. Blind cited ADAMS Accession No. ML25231A149 for the “Official Transcript” of an ACRS proceeding from August 21, 2025.⁹⁰ But the provided ADAMS number is to a PowerPoint presentation, not a transcript. Thus, we were unable to confirm the three quotations Mr. Blind provided. Significantly, Mr. Blind expressly relies on these quotations as support for Joint Petitioners’ contentions. Later in the Consolidated Petition, Mr. Blind cited additional quotations purportedly from the same document.⁹¹ The PowerPoint does not contain any of the quotations. Thus, we likewise were unable to verify the accuracy of those quotations.

Despite proffering four contentions in the Consolidated Petition, the first item under the heading “Key Arguments Presented in the Petition” stated that “[a]ll *three* Contentions are based on” certain requirements.⁹² We were left to wonder whether Joint Petitioners were confused as to how many contentions they were asserting or if we were to guess as to which three of the four contentions were based on those requirements. Similarly, in the “Introduction and Petition Summary” (which begins on page 97 of the 428-page Consolidated Petition), Mr. Blind began by stating that “[t]his section provides the regulatory and factual background underlying **all three**

⁸⁸ Likewise, Mr. Blind cited two more documents by ADAMS Accession number, each of which turned out to be a non-public document unrelated to Palisades: He cited ADAMS Accession No. ML24093A179 purportedly for Holtec’s June 24, 2025 LAR to extend completion of NFPA 805 Table S2 modifications and ADAMS Accession No. ML24093A185 purportedly for the NRC’s acceptance of Holtec’s June 24, 2025 LAR regarding S2-15 deferral. See Cons. Pet. at 50.

⁸⁹ See Regulatory Guide 1.174, Rev. 3, An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis (Jan. 2018) (ADAMS Accession No. ML17317A256).

⁹⁰ See Cons. Pet. at 62.

⁹¹ See *id.* at 91, 155, 156, 196.

⁹² *Id.* at 66 (emphasis added).

contentions advanced in this petition.” (emphasis in original).⁹³ And Mr. Blind provided only three contention summaries in that section of the Consolidated Petition.⁹⁴ But then, without explanation, on page 104, discussing the scope of the Consolidated Petition, Mr. Blind posited a fourth contention.⁹⁵

Mr. Blind cited NEI 97-04 for several quotations regarding the definition and explanation of “licensing basis” and “design basis.”⁹⁶ Using the ADAMS Accession Number (ML003679532) Mr. Blind provided for NEI 97-04 on the prior page of the Consolidated Petition, we were unable to find either of the two quotations or Sections he cited.

Mr. Blind cited ADAMS Accession No. ML18305B322 for the 2019 Entergy LAR related to NFPA-805 Modifications Clarification and Cancellation.⁹⁷ That ADAMS number is not to the 2019 license amendment request itself but simply is “Attachment 1 to 2018-040.”

Mr. Blind cited ADAMS Accession No. ML16344A088 for a “2016 LAR (Deferral of NFPA-805 Mods).”⁹⁸ Mr. Blind further referred to this document as “[t]his docketed submittal”⁹⁹ Yet the document at that ADAMS number is not a docketed license amendment request; it simply is a December 7, 2016 Entergy PowerPoint regarding a license amendment request.

⁹³ See also *id.* at 207 (“The regulatory foundation for all three Contentions in this Petition is ...”).

⁹⁴ See *id.* at 100–102.

⁹⁵ Relatedly, on pages 25–31 and 145–150 of the Consolidated Petition, Mr. Blind provided a summary of each of four contentions. Then on page 209 of the same document, he identified only three contentions and, more importantly, contentions two and three there are not the same as contentions two and three on the earlier pages.

⁹⁶ Cons. Pet. at 76.

⁹⁷ See *id.* at 81.

⁹⁸ *Id.* at 82; see also *id.* at 326 (referring to document as a license amendment request).

⁹⁹ *Id.* at 82.

Mr. Blind cited various pages of the Staff's Answer to a petition to intervene in another Palisades proceeding.¹⁰⁰ None of those citations were accurate. The first citation is to page 20 of the Answer¹⁰¹ but the quoted material is on page 19 of the Answer and one of the regulation citations is inaccurate (Mr. Blind wrote "10 C.F.R. § 50.82(a)(3)" but the actual text is "10 C.F.R. § 50.51(b)"). The second citation is to page 22 of the Answer for a quote that purports to cite two regulations that remain binding on Palisades.¹⁰² The quoted material is on page 20 of the Answer and one of the regulation citations is inaccurate (Mr. Blind wrote "10 C.F.R. § 50.71" but the actual text is "10 C.F.R. § 50.59"). The third citation is to page 24 of the Answer for yet another quote regarding applicability of various license provisions.¹⁰³ Yet the quoted material appears on page 20 and Mr. Blind omitted limiting language at the end of the quoted material. The fourth citation is to pages 22–23 of the Answer for a quote that starts with "Even".¹⁰⁴ The quotation, which contains a minor error, is on page 3 of the Answer. Finally, the fifth citation is to page 21 of the Answer for a quotation as to what Commission precedent holds.¹⁰⁵ The quotation appears on page 19 of the Answer.

On page 113 of the Consolidated Petition, in a section discussing NUREG-0737, Item II.B.1, Mr. Blind wrote the following, restated herein verbatim:

The requirement recognized that:

"steam and non-condensable gases can accumulate at high points in the reactor coolant system... and can impede natural circulation cooling" (p. 2-15).

It directed that each licensee:

"...conduct testing to qualify reactor coolant system relief and safety valves under expected operating conditions for design basis transients and accidents... [and] qualify the plant specific

¹⁰⁰ See *id.* at 85–87 (citing ADAMS Accession No. ML24309A276).

¹⁰¹ See *id.* at 85.

¹⁰² See *id.* at 86.

¹⁰³ See *id.* at 86.

¹⁰⁴ See *id.* at 87.

¹⁰⁵ See *id.* at 88.

safety and relief valve piping and supports by comparing to test data and/or performing appropriate analysis” (Section 1.2, pp. 1-3) NUREG 0737 ML18054A755.

The first quotation cannot be found in NUREG-0737. There is not a page denominated 2-15 in that document; the pages denominated “2-” end at 2-11. The page denominated 3-15 is crossed out. And the pages dealing with Item II.B.1 are denominated 3-55 to 3-59. Moreover, the phrases “can accumulate at high points,” “high points,” and “can impede” are not found in the document. The second quotation cannot be found, in its entirety, in NUREG-0737. First, there is no Section 1.2 in NUREG-0737. Nor is there a denominated page 1, page 2, or page 3 in the document. Second, the phrases “qualify the plant,” “plant specific safety,” “valve piping and supports,” and “comparing to test data” are not found in the document.

On page 114 of the Consolidated Petition, Mr. Blind bolded and underlined a purported quote as to the objective of NUREG-0737, Item II.B.1. Yet he failed to provide a citation to a document or page number for the quote. A search for the phrase “rapidly remove” (in the quote from Mr. Blind) in NUREG-0737 returned zero results.

Mr. Blind cited two documents, purportedly NUREG-0578 and NUREG-0737, for a statement as to why Item II.B.1 was required: it ensures that “each reactor coolant system vent path ‘shall have adequate flow capacity and be capable of being remotely operated from the control room.’”¹⁰⁶ As noted in footnote 45 above, the citation for what purports to NUREG-0578 is to an unrelated document. And the citation to what purports to be NUREG-0737 is not to that document but to a document entitled “TECHNICAL EVALUATION REPORT TMI ACTION--NUREG-0737 (II.D.1) RELIEF AND SAFETY VALVE TESTING PALISADES DOCKET NO. 50-255.” As its title indicates, that document does not relate to Item II.B.1 from NUREG-0737 (as Mr. Blind contends) but to Item II.D.1. Regardless, we attempted to find the quoted material in the document, including looking for the page (I-17) and at the section (1.1) in the citation

¹⁰⁶ *Id.* at 115.

provided by Mr. Blind, to no avail. There is no page “I-17” in the document, nor does page “17” contain the quote. And while there is a one-paragraph Section 1.1 in the document (on page “1”), it does not contain the subject quote. Further, the phrases/terms “shall have,” “capable of,” “remotely,” and “control room” are not found in the document.

Mr. Blind quoted what he purported to be the “Key Principles” of the Commission’s Reg. Guide 1.174 on page 131 of his Consolidated Petition. The quote is not found in the document. Instead, what Mr. Blind presented as a quote from a Commission document appears to be his paraphrase of four of the five key principles set out on page 8 of Rev. Guide 1.174, Rev. 3.¹⁰⁷

Mr. Blind provided another purported quote from Reg. Guide 1.174, this time to explain the interplay between PRA and deterministic analyses: “PRA is used to complement the deterministic analyses that are required in the current licensing basis (CLB).”¹⁰⁸ We could not find that quote in Reg. Guide 1.174. In fact, the following terms/phrases do not exist in the document: “complement,” “deterministic analyses,” and “required in the.”

Mr. Blind cited several purported quotes from NEI 96-07.¹⁰⁹ The first quotation is: “a method of evaluation is not limited to a specific calculation or tool, but includes the ‘analytical approach, assumptions, mathematical models, and acceptance criteria’”¹¹⁰ The quotation does not exist in Section 4.3.2 or otherwise and the phrase “analytical approach” does not exist

¹⁰⁷ *Cf. Masson*, 501 U.S. at 511 (“In general, quotation marks around a passage indicate to the reader that the passage reproduces the speaker’s words verbatim. They inform the reader that he or she is reading the statement of the speaker, not a paraphrase or other indirect interpretation by an author. By providing this information, quotations add authority to the statement and credibility to the author’s work.”).

¹⁰⁸ Cons. Pet. at 131.

¹⁰⁹ Mr. Blind did not provide a citation to where NEI 96-07 could be found, but we located a copy by way of a reference in the NRC’s Reg. Guide 1.187, which Mr. Blind relied upon as authority that the NRC adopted NEI 96-07. See Cons. Pet. at 134. In Revision 3 of Reg. Guide 1.187, located on the NRC’s website (ADAMS Accession No. ML21109A002), Reference 4 provides ADAMS Accession No. ML003771157 for NEI 96-07. We used the 85-page NEI 96-07 document at that ADAMS number for our review.

¹¹⁰ Cons. Pet. at 132 (citing NEI 96-07, § 4.3.2).

in the document. The second quotation is: “NEI 96-07 emphasizes that: ‘A change to a method of evaluation is considered a departure from a method described in the UFSAR if it results in different results or conclusions, or if it changes an input assumption that is integral to the method.’”¹¹¹ The quotation does not exist in Section 4.3.2 or otherwise in the document, and the following phrases do not exist in the document: “UFSAR if it,” “results in different results,” and “input assumption.” The third quotation is: “The evaluation should consider the range of design and operating conditions for which the method was originally approved and applied in the facility’s safety analyses.”¹¹² The quotation does not exist in Section 4.3.3 or otherwise in the document, and the phrases “evaluation should consider,” “design and operating,” and “originally approved” do not exist in the document.

Mr. Blind purported to quote a requirement from Appendix R, Sec. III.L.3: “The capability to achieve and maintain hot standby conditions ... shall be provided from either the control room or one or more alternate locations ... located in fire areas that are physically separate from the fire area of concern.”¹¹³ The quotation does not exist in Appendix R. In fact, the phrases/terms “physically separate,” “alternate,” and “concern” are not found in Appendix R.

Mr. Blind cited ADAMS Accession No. ML020800287 for a purported 1978 “enforcement order” related to fire protection at Palisades.¹¹⁴ Instead, that document is the NRC’s 1978 issuance of Amendment No. 42 to Provisional Operating License No. DPR-20 for the Palisades Plant.

Mr. Blind cited ADAMS Accession No. ML003705300 for a purported fine of \$50,000 for “Severity Level III violations” at the Palisades plant in 1996.¹¹⁵ While the document cited is a

¹¹¹ *Id.* at 133 (citing NEI 96-07, § 4.3.2).

¹¹² *Id.* at 134 (citing NEI 96-07, § 4.3.3).

¹¹³ *Id.* at 215–216 (ellipses in original).

¹¹⁴ *See id.* at 325.

¹¹⁵ *See id.* at 325–36.

one-and-a-half-page press release from 1996 for a proposed fine of \$50,000, there is no attribution of a severity level in the document. And the only item with a “III” designation is the reference to NRC Region III.

Mr. Blind cited ADAMS Accession No. ML16344A086 for an NRC summary of a 2016 call with Entergy wherein Entergy purportedly justified certain fire protection system changes “due to ‘low safety significance’ and shutdown planning.”¹¹⁶ The cited document is, in fact, an NRC summary of a 2016 call with Entergy regarding the Palisades plant. But the phrase “low safety significance” quoted by Mr. Blind is not in the cited document. Nor does the cited document refer to shutdown planning.

¹¹⁶ *Id.* at 327.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
HOLTEC PALISADES, LLC)	Docket No. 50-255-LA-5
)	
)	
(Palisades Nuclear Plant))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Sanctioning Petitioner Blind, Granting, in Part, Joint Petitioners' Motion to Withdraw All Petitions; and Terminating Proceeding) (LBP-25-08)** have been served upon the following persons by Electronic Information Exchange.

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Palisades Nuclear Plant, Docket No. 50-255-LA-5

MEMORANDUM AND ORDER (Sanctioning Petitioner Blind, Granting, in Part, Joint Petitioners' Motion to Withdraw All Petitions; and Terminating Proceeding) (LBP-25-08)

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 11th day of December 2025.