

April 16, 2021

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Commission

| | | |
|---|---|-----------------------|
| In the Matter of |) | |
| |) | |
| Entergy Nuclear Operations, Inc., |) | |
| Entergy Nuclear Palisades, LLC, |) | Docket Nos. 50-255-LT |
| Holtec International, and |) | 50-155-LT |
| Holtec Decommissioning International, LLC |) | 72-007-LT |
| |) | 72-043-LT |
| (Palisades Nuclear Plant and |) | |
| Big Rock Point Site) |) | |

Applicants' Motion to Strike Late Responses

Pursuant to 10 CFR §§ 2.323 and 2.1325, Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC (collectively, "Applicants") submit this motion to strike the responses of Beyond Nuclear et al.¹ and Mr. Mark Muhich² to Applicants' Motion to Strike Portions of Beyond Nuclear et al.'s Reply and Second Declaration of Robert Alvarez.³

Applicants' motion was filed and served on April 5, 2021. Pursuant to 10 CFR §§ 2.1325(b) and 2.306(a), responses were due no later than April 12, 2021. Beyond Nuclear et al. filed and served their response on April 14, 2021, and Mr. Muhich filed and served his response on April 15, 2021. Neither requested an extension prior to the filing deadline or retroactively

¹ Reply of Beyond Nuclear, Michigan Safe Energy Future and Don't Waste Michigan in Opposition to Applicants' 'Motion to Strike Portions of Beyond Nuclear et al.'s Reply and Second Declaration of Robert Alvarez' (April 14, 2021) (ADAMS Accession No. ML21104A427).

² M. Muhich Submission Opposing Holtec Motion to Strike (April 15, 2021) (ADAMS Accession No. ML21105A377).

³ Applicants' Motion to Strike Portions of Beyond Nuclear et al.'s Reply and Second Declaration of Robert Alvarez (April 5, 2021) (ADAMS Accession No. ML21095A342).

requested leave to file after the deadline, and neither has supplied any explanation, much less good cause, for their lateness.

The Commission expects adherence to its rules of procedure and recognizes that applicants are entitled to prompt resolution of disputes concerning their applications.⁴ Thus, extensions from the normal filing deadlines are granted only when warranted by unavoidable and extreme circumstances.⁵ This is especially true when the parties are proceeding under the Commission's Subpart M procedures.⁶ The petitioners here have not requested an extension, even retroactively, and have not provided any justification for acceptance of their filings after the deadline. Accordingly, both responses should be stricken from the record.

Pursuant to 10 CFR § 2.323(b), Applicants' counsel certifies that Applicants made a sincere effort to contact the other parties in this proceeding to resolve the issues raised in this Motion and that Applicants' efforts to resolve the issues have been unsuccessful.

⁴ Policy Statement, Update, Statement of Policy on Conduct of Adjudicatory Proceedings, 63 Fed. Reg. 41,872, 41,873 (Aug. 5, 1998).

⁵ *Id.* at 41,874. *See also* *Baltimore Gas & Elec. Co.* (Calvert Cliffs Nuclear Power Plant, Units 1 & 2), CLI-98-25, 48 NRC 325, 342 (1998), *petition for review denied sub nom., Nat'l Whistleblower Ctr. v. NRC*, 208 F.3d 256, 264 (D.C. Cir. 2000); *Tennessee Valley Authority* (Bellefonte Nuclear Plant, Units 1 & 2), CLI-10-26, 72 NRC 474, 476 (2010).

⁶ *See* Final Rule, Streamlined Hearing Process for NRC Approval of License Transfers, 63 Fed. Reg. 66,721, 66,722 (Dec. 3, 1998) (explaining the Commission's reasons for adopting the "efficient process" enshrined in the Subpart M procedures).

Respectfully submitted,

/signed electronically by Alan Lovett /

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Applicants' Motion to Strike Late Responses has been served through the E-Filing system on the participants in the above-captioned proceeding this 16th day of April 2021.

/signed electronically by Alan Lovett/

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