

April 20, 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)	)	

**ERRATA TO APPLICANTS' ANSWER OPPOSING  
BEYOND NUCLEAR ET AL.'S PETITION TO  
INTERVENE AND HEARING REQUEST**

Entergy Nuclear Operations, Inc. ("ENOI"), Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC, ("HDI") (collectively, "Applicants") hereby submit the following errata to Applicants' Answer Opposing Beyond Nuclear et al.'s Petition to Intervene and Hearing Request, filed March 22, 2021 (ML21081A313). Attachment 1 includes a corrected copy of pages 8 and 9, reflecting the below changes:

- (1) Page 8, final paragraph, second line: add "for Palisades" after "ENOI ISFSI Decommissioning Funding Plan"
- (2) Page 8, final line: delete "neither"; replace "nor the ENOI ISFSI Decommissioning Funding Plan must be" with "is not";
- (3) Page 8, footnote 28: replace "ML18351A491" with "ML18351A478";
- (4) Page 9, first line: replace "or constitutes" with "nor does it constitute"; and
- (5) Page 9, footnote 35: Delete the first "§" and "and 72.30(c)".

Respectfully submitted,

*/signed electronically by Alan Lovett /*

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Big Rock Point Site)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Errata to Applicants' Answer Opposing Beyond Nuclear et al.'s Petition to Intervene and Hearing Request has been served through the E-Filing system on the participants in the above-captioned proceeding this 20th day of April 2021.

/signed electronically by Alan Lovett/

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## **ATTACHMENT 1**

Corrected Pages to Applicants' Answer Opposing Beyond Nuclear et al.'s  
Petition to Intervene and Hearing Request

deficiencies with prior environmental reviews are outside the scope of this proceeding, fail to raise a material dispute with the Application, and constitute an impermissible challenge to NRC's categorical exclusion.<sup>27</sup>

2. Petitioners' Claims Related to the PSDAR and ENOI ISFSI Decommissioning Funding Plan Are Out of Scope

Rather than addressing the federal action in this proceeding, Contention 1 challenges HDI's PSDAR, as well as the ISFSI Decommissioning Funding Plan submitted by ENOI in 2018.<sup>28</sup> For example, Petitioners claim that HDI's PSDAR and/or ENOI's ISFSI Decommissioning Funding Plan do not sufficiently address the environmental effects of off-site waste transport,<sup>29</sup> GTCC disposal,<sup>30</sup> repackaging SNF into transportation casks,<sup>31</sup> long-term storage of SNF on the ISFSI pads,<sup>32</sup> and dry storage of high-burnup fuel.<sup>33</sup> But neither HDI's PSDAR nor ENOI's ISFSI Decommissioning Funding Plan is subject to challenge in this proceeding.

As an initial matter, the financial qualifications of HDI and Holtec Palisades are not based on the ENOI ISFSI Decommissioning Funding Plan for Palisades. HDI's Site-Specific Decommissioning Cost Estimate ("DCE") includes its own cost estimate for decommissioning the Palisades ISFSI.<sup>34</sup> In any event, the PSDAR is not approved by NRC nor does it constitute a major

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<sup>27</sup> NRC regulations are not subject to challenge unless a properly supported waiver petition has been approved. 10 CFR § 2.335. Petitioners have not submitted a waiver request in this proceeding.

<sup>28</sup> See ENOI Letter No. CNRO 2018-0050, ISFSI Decommissioning Funding Plans (10 CFR 72.30) (Dec. 17, 2018) (ADAMS Accession No. ML18351A478) ("ENOI ISFSI Decommissioning Fund Plan").

<sup>29</sup> Petition at 22-24.

<sup>30</sup> *Id.* at 32.

<sup>31</sup> *Id.* at 35-39.

<sup>32</sup> *Id.* at 36-37.

<sup>33</sup> *Id.* at 39-41.

<sup>34</sup> HDI, Post Shutdown Decommissioning Activities Report including Site-Specific Decommissioning Cost Estimate, Enclosure 2, Palisades Nuclear Plant Site Specific Decommissioning Cost Estimate, at 22-23, 51 (Dec. 23, 2020) (ADAMS Accession No. ML20358A232) ("DCE").

federal action.<sup>35</sup> As the Commission succinctly put it in its recent order rejecting similar claims in the Indian Point license transfer proceeding, “the PSDAR . . . does not amend the NRC license and is not a major federal action subject to NEPA review.”<sup>36</sup> The PSDAR is instead meant to provide a “general overview for the public and the NRC of the licensee’s proposed decommissioning activities.”<sup>37</sup> In fact, when the NRC promulgated its decommissioning regulations, “it specifically considered and rejected the idea that review of the PSDAR should be defined as a major federal action under NEPA because environmental analysis of activities to be performed under the PSDAR will necessarily have been performed in accordance with prior site-specific or generic analysis.”<sup>38</sup> The fact that HDI submitted the PSDAR at the same time it is seeking approval of the Application does not change this fact.<sup>39</sup> Petitioners’ claims related to the PSDAR and ENOI ISFSI Decommissioning Funding Plan are thus beyond the scope of this proceeding and constitute an impermissible challenge to NRC rules.

While it is not necessary to dispose of Petitioners’ out-of-scope arguments, it bears noting that the alleged environmental impacts associated with off-site waste disposal, facility decommissioning, and SNF management have all been previously reviewed in the Decommissioning GEIS, Continued Storage GEIS, or the License Renewal SEIS for Palisades.<sup>40</sup>

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<sup>35</sup> See 10 CFR § 50.82(a)(4).

<sup>36</sup> *Entergy Nuclear Operations, Inc.* (Indian Point Nuclear Generating Station, Units 1, 2, and 3 and ISFSI), CLI-21-01, 92 NRC \_\_ (2021) (slip op. at 64) (footnote omitted).

<sup>37</sup> *Id.* (quoting Decommissioning of Nuclear Power Reactors; Final Rule, 61 Fed. Reg. 39,278, 39,281 (July 29, 1996) (“Decommissioning Rule”)).

<sup>38</sup> *Vermont Yankee*, CLI-16-17, 84 NRC at 126 (citing Decommissioning Rule, 61 Fed. Reg. at 39,279, 39,283, 39,286).

<sup>39</sup> *Entergy Nuclear Operations, Inc.* (Pilgrim Nuclear Power Station), CLI-19-11, 90 NRC 258, 282 (2019) (explaining that “Staff [does] not conduct a review of the environmental impacts of the planned decommissioning activities” when conducting review of a license transfer application).

<sup>40</sup> See generally NUREG-0586, Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities: Supplement 1, Regarding the Decommissioning of Nuclear Power Reactors (Nov. 2002) (ADAMS