

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)

ENTERGY OPERATIONS, INC.)

(River Bend Station, Unit 1))

) Docket No. 50-458-LR

) November 17, 2017

MOTION TO STRIKE PORTIONS OF SIERRA CLUB REPLY TO ANSWERS

I. INTRODUCTION

Pursuant to 10 C.F.R. § 2.323(a), Entergy Operations, Inc. (“Entergy”) files this motion to strike the majority of Sierra Club’s November 13, 2017 “Reply to Answers Opposing Sierra Club’s Petition to Intervene” (“Reply”).¹ Sierra Club’s Reply attempts to cure a multitude of contention admissibility deficiencies by making new arguments that could have been and should have been raised in its original October 12, 2017 “Petition to Intervene and Request for Adjudicatory Hearing” (“Petition”).² In doing so, it runs afoul of longstanding Commission precedent that prohibits such filings from expanding the scope of arguments set forth in an original hearing request.³

In particular, both Entergy and the Nuclear Regulatory Commission (“NRC”) Staff demonstrated in their Answers to the Petition that proposed Contentions 2 and 3 must be rejected for numerous reasons, including Sierra Club’s failure to identify and challenge information in the License Renewal Application (“LRA”) pertaining to the very issues and purported deficiencies

¹ Sierra Club’s Reply to Answers Opposing Sierra Club’s Petition to Intervene (Nov. 13, 2017) (“Reply”).

² Petition to Intervene and Request for Adjudicatory Hearing by Sierra Club (Oct. 12, 2017) (“Petition”).

³ See, e.g., *DTE Elec. Co.* (Fermi Nuclear Power Plant, Unit 2), CLI-15-18, 82 NRC 135, 146 (2015); *Nuclear Mgmt. Co., LLC* (Palisades Nuclear Plant), CLI-06-17, 63 NRC 727, 732 (2006).

raised by Sierra Club; *e.g.*, consideration of certain energy alternatives and consideration of alkali-silica reaction (“ASR”) degradation.⁴ Rather than respond to the Answers and explain why its hearing request and proposed contentions satisfy the Commission’s admissibility requirements, Sierra Club instead attempts to cure the identified defects by presenting entirely new arguments in the Reply. In this second filing, Sierra Club now attempts to challenge for the first time the Environmental Report’s (“ER”) consideration of renewable energy and energy efficiency (for proposed Contention 2) and other portions of the LRA that address ASR degradation (for proposed Contention 3). Sierra Club’s Reply for proposed Contention 1 also challenges for the first time the use of the phrase “baseload power” in the ER’s statement of purpose and need; an argument that also should have been raised in the Petition and does not focus on issues raised in the Answers.

Although these new arguments, like their predecessors, also are facially deficient and do not render the proposed contentions admissible, they are nonetheless impermissible attempts to broaden the scope of the original proposed contentions. Viewed another way, these are late arguments and Sierra Club has not demonstrated good cause for this delayed filing under 10 C.F.R. § 2.309(c). Accordingly, these arguments must be stricken from the Reply. The Attachment to this Motion provides a red-line strikethrough version of the Reply to illustrate the specific information that must be stricken.

⁴ See Entergy’s Answer Opposing Sierra Club’s Petition to Intervene and Request for Adjudicatory Hearing at 13-15, 24-26 (Nov. 6, 2017) (“Entergy Answer”); NRC Staff’s Response to Petition to Intervene and Request for Hearing Filed by the Sierra Club at 22, 25-28, 31-33 (“Staff Answer”).

II. BACKGROUND

On May 25, 2017, Entergy filed its LRA with the NRC to extend River Bend's operating license for an additional 20-year term.⁵ As part of the LRA, Entergy submitted an ER that considers the potential environmental impacts of license renewal.⁶ On October 12, 2017, Sierra Club filed its Petition seeking to intervene in this license renewal proceeding, requesting a hearing, and proposing three contentions.⁷ On November 6, 2017, Entergy and the NRC Staff filed Answers opposing the Petition for failure to submit an admissible contention.⁸ Sierra Club filed its Reply on November 13, 2017. Notwithstanding the availability of all underlying information at the time of the Petition, the Reply challenged for the first time reference to baseload power in the purpose and need statement (proposed Contention 1), specific information in the ER on energy alternatives (proposed Contention 2), and specific information in the LRA on ASR degradation (proposed Contention 3).

III. LEGAL STANDARDS

Under the Commission's rules, "a petitioner may respond to the legal or logical arguments presented in the answers to its hearing request."⁹ However, "a petitioner may not use its reply to raise new issues for the first time."¹⁰ As the Commission has explained, "[i]t is well established in NRC proceedings that a reply cannot expand the scope of the arguments set forth

⁵ See Letter from W. Maguire, Entergy, to NRC, License Renewal Application (May 25, 2017) (ML17153A285).

⁶ See LRA, App. E (ML17174A531) ("ER").

⁷ See *generally* Petition.

⁸ See Entergy Answer at 1-2; Staff Answer at 1.

⁹ *Fermi*, CLI-15-18, 82 NRC at 146 (citations omitted).

¹⁰ *Id.* (citations omitted).

in the original hearing request. Replies must focus narrowly on the legal or factual arguments first present in the original petition or raised in the answers to it.”¹¹

The Commission demands adherence to this requirement “so that the other litigants are not taken by surprise and are accorded an appropriate opportunity to respond to new arguments or new information,”¹² and to “avoid unnecessary delays and increase the efficiency of NRC adjudication.”¹³ Those answering are “entitled to be told at the outset, with clarity and precision, what arguments are being advanced.”¹⁴ To advance a new argument, a petitioner must, among other things, “explain why it could not have raised the argument or introduced the factual support earlier.”¹⁵ Thus, and most important to this Motion, petitioners are precluded from using a reply to “reinvigorate thinly supported” pleadings or cure a deficient contention.¹⁶ The appropriate remedy is to strike, or fail to consider, new bases and arguments offered in a reply.¹⁷

IV. PORTIONS OF THE REPLY MUST BE STRICKEN

A. The Board Must Strike the Impermissible New Argument for Proposed Contention 1 Regarding Baseload Power

Sierra Club’s proposed Contention 1 generally claimed that the ER “does not properly and adequately state a purpose and need for the relicensing of River Bend Station.”¹⁸ Although Sierra Club challenged the purpose and need statement as too narrow and inappropriately relying on other decisionmakers, *nowhere* in its first proposed contention did it mention “baseload

¹¹ *Palisades*, CLI-06-17, 63 NRC at 732.

¹² *Fermi*, CLI-15-18, 82 NRC at 146 (citations omitted).

¹³ *La. Energy Servs., LP* (National Enrichment Facility), CLI-04-35, 60 NRC 619, 622-23 (2004).

¹⁴ *Kan. Gas & Elec. Co. & Kan. City Power & Light Co.* (Wolf Creek Generating Station, Unit 1), ALAB-279, 1 NRC 559, 576 (1975).

¹⁵ *Fermi*, CLI-15-18, 82 NRC at 147 (citations omitted).

¹⁶ *LES*, CLI-04-35, 60 NRC at 622-23.

¹⁷ *See, e.g., PPL Susquehanna, LLC* (Susquehanna Steam Electric Station, Units 1 and 2), LBP-07-04, 65 NRC 281, 301-302 (2007); *Palisades*, CLI-06-17, 63 NRC at 732.

¹⁸ Petition at 6.

power.”¹⁹ The Answers of Entergy and the NRC Staff identified a number of reasons why proposed Contention 1 is inadmissible, but similarly did not rely upon “baseload power” in opposing proposed Contention 1.²⁰ Indeed, the only references to “baseload” in the Answers to proposed Contention 1 were in quotations of the statement of purpose and need in the ER and NRC guidance.²¹

Now, for the first time in its Reply, Sierra Club raises a new argument to support admission of proposed Contention 1 by challenging the use of “baseload power” in the ER statement of purpose and need.²² Namely, Sierra Club argues that the reference to baseload power precludes “all other alternatives,” and renewable energy and energy efficiency “supply all the power that is needed when it is needed.”²³ This new argument is nowhere evident in the Petition.

This attempt to expand the scope of proposed Contention 1 in the Reply is prohibited. The Commission has unambiguously established that “[r]eplies must focus narrowly on the legal or factual arguments first presented in the original petition or raised in the answers to it.”²⁴ To the extent baseload power was discussed in the Petition or Answers, it was in the context of Contention 2.²⁵ Sierra Club’s attempt to conflate proposed Contentions 1 and 2 must be rejected

¹⁹ See *id.* at 6-8.

²⁰ See Entergy Answer at 6-12; Staff Answer at 17-21.

²¹ See Entergy Answer at 7 n.34, 9; Staff Answer at 20 n.70.

²² See Reply at 3-4. ER Section 1.0 states: “The purpose and need for the proposed action (i.e., issuance of a renewed nuclear plant operating license) is to provide an option that allows for baseload power generation capability beyond the term of the current nuclear power plant operating license to meet future system generating needs.”

²³ Reply at 3.

²⁴ *Palisades*, CLI-06-17, 63 NRC at 732; see also *Fermi*, CLI-15-18, 82 NRC at 146-47.

²⁵ Indeed, Sierra Club refers to proposed Contention 2 as support for the baseload arguments. See Reply at 3 (“As explained in detail in Sierra Club’s Petition to Intervene regarding Contention 2”) and 4 (“That is exactly what Sierra Club has explained in support of Contention 2”).

and these impermissible new arguments must be stricken from the Reply to the Answers to the first proposed contention.

B. The Board Also Must Strike the Impermissible New Arguments Offered in Response to the Answers to Proposed Contention 2

Sierra Club’s proposed Contention 2 claimed that “the ER improperly failed to include renewable energy and energy efficiency as a consequence of the River Bend license not being renewed.”²⁶ Although the proposed contention reproduced extensive quotations and referenced multiple citations in an effort to compare nuclear power to other energy sources, not once did it reference or discuss the significant amount of information in the River Bend ER that addresses the very topics raised by Sierra Club regarding the analysis of the no action alternative.²⁷ Entergy’s and the NRC Staff’s Answers went to great lengths to identify this extensive information in the ER on this very topic, yet ignored by Sierra Club in the Petition, and they explained that Sierra Club’s failure to address that information rendered the proposed contention inadmissible for failing to satisfy 10 C.F.R. § 2.309(f)(1)(vi).²⁸

Rather than respond to these contention admissibility arguments, Sierra Club again attempts in its Reply to cure the failure by raising brand new arguments challenging the content of the ER pointed out in the Answers. Thus, Sierra Club now charges for the first time that ER Sections 2.6.2 and 7.1 do not give serious consideration to wind, solar, and energy efficiency²⁹; ER Section 7.1 should have evaluated renewable energy, energy efficiency, and a robust transmission grid in combination for River Bend³⁰; the ER discussion of storage technology was

²⁶ Petition at 8.

²⁷ *See id.* at 8-30.

²⁸ *See* Entergy Answer at 13-15 (discussing ER Section 2.6 and Chapters 7 and 8); Staff Answer at 22, 25-28.

²⁹ *See* Reply at 4-5.

³⁰ *See id.* at 5-6.

incorrect³¹; and the ER discussion of these alternatives does not satisfy the National Environmental Policy Act requirements in 40 C.F.R. § 1502.14.³² Sierra Club also challenges the ER discussion of these alternative energy sources by claiming for the first time that they are “commercially viable, or will become so in the relatively near term.”³³ Sierra Club did not raise *any* of these challenges to the content of the ER in its original filing proposing Contention 2, even though it could have done so, and the challenges are not responsive to admissibility arguments presented by Entergy and the NRC Staff in their Answers.

In summary, Sierra Club’s new arguments unmistakably attempt to cure the deficiencies in its second proposed contention, thereby expanding the scope of arguments in the original Petition, and do not focus narrowly on issues raised in the Answers.³⁴ Sierra Club cannot use its Reply to attempt to “reinvigorate” its Petition to cure the identified defects.³⁵ The Board should therefore strike those arguments³⁶ because Entergy and the NRC Staff were not “told at the outset, with clarity and precision,”³⁷ that Sierra Club was advancing these challenges to the ER, and have not been “accorded an appropriate opportunity to respond”³⁸ to these claims.

C. The Board Must Strike the Impermissible New Arguments for Proposed Contention 3 Challenging the LRA

As originally filed, Sierra Club’s proposed Contention 3 claimed that “[t]he LRA does not undertake an adequate aging management review of the concrete on the containment

³¹ See *id.* at 6.

³² See *id.* at 7.

³³ See *id.* at 6.

³⁴ See *Fermi*, CLI-15-18, 82 NRC at 146-47; *Palisades*, CLI-06-17, 63 NRC at 732.

³⁵ See *LES*, CLI-04-35, 60 NRC at 622-23.

³⁶ As shown in the Attachment, this includes the entirety of the reply for proposed Contention 2, except for the statement of the contention, the paragraph starting “Entergy’s and NRC Staff’s attempts . . .” on Reply page 5, and the quotation of 40 C.F.R. § 1502.14.

³⁷ *Wolf Creek*, ALAB-279, 1 NRC at 576.

³⁸ *Fermi*, CLI-15-18, 82 NRC at 146.

vessel.”³⁹ More specifically, Sierra Club raised a contention of omission claiming that the LRA “does not include any discussion of ASR-induced concrete degradation.”⁴⁰ Consistent with the supposed claim of omission, Sierra Club did not refer to any portion of the LRA in proposed Contention 3.

In response to this proposed contention, both Entergy and the NRC Staff explained that the LRA does, in fact, contain specific discussions related to ASR-induced degradation—referencing LRA Sections 3.5.2.2.1.8, 3.5.2.2.2.1, and 3.5.2.2.2.3, as well as Appendices A and B, where the ASR operating experience and plans for aging management are addressed.⁴¹ The Entergy and NRC Staff Answers explained that Sierra Club’s failure to address that information in the LRA rendered the proposed contention inadmissible for failing to satisfy 10 C.F.R. § 2.309(f)(1)(vi).⁴²

In its Reply, Sierra Club appears to concede—as it must—that the LRA does indeed address ASR degradation.⁴³ But rather than acknowledge that it erroneously overlooked the LRA information, Sierra Club instead, yet again, attempts to cure the error and amend the contention by generating entirely new arguments in the Reply. In particular, Sierra Club now claims that the LRA sections are “extremely brief” and do not address information specified in Information Notice 2011-20 regarding “several technical standards that have been updated and should not be relied upon to determine concrete reactivity.”⁴⁴ Sierra Club did not raise these challenges against the LRA in the original proposed contention. And these challenges are not

³⁹ Petition at 30.

⁴⁰ *Id.* at 31.

⁴¹ *See* Entergy Answer at 25 & nn.106-07, 26 & nn.112-13; Staff Answer at 31-33.

⁴² *See* Entergy Answer at 24-26; Staff Answer at 31-33.

⁴³ *See* Reply at 7 (repeating the Entergy and NRC Staff LRA references and stating “Even if that is true . . .”).

⁴⁴ *Id.* at 7-8.

responsive to the Answers, because neither Entergy nor the NRC Staff relied upon the technical standards for concrete reactivity to oppose the proposed contention.

In summary, similar to the new arguments for proposed Contention 2, Sierra Club's new arguments for proposed Contention 3 also impermissibly attempt to expand the scope of arguments in the original Petition and do not focus narrowly on issues raised in the Answers.⁴⁵ Sierra Club cannot use its Reply to attempt to "reinvigorate" its Petition.⁴⁶ The Board should therefore strike those arguments⁴⁷ because Entergy and the NRC Staff were not "told at the outset, with clarity and precision,"⁴⁸ that Sierra Club was advancing these challenges to the LRA, and have not been "accorded an appropriate opportunity to respond"⁴⁹ to these claims.

V. CONCLUSION

For the reasons discussed above, Entergy requests that the Board strike the portions of the Reply containing Sierra Club's new arguments related to proposed Contentions 1, 2, and 3. Those sections of the Reply are identified in the attached red-line strikethrough version of the Reply. Should the Board determine that any of the foregoing information should not be stricken, then Entergy and the NRC Staff should be given the opportunity to respond to the arguments.

⁴⁵ See *Fermi*, CLI-15-18, 82 NRC at 146-47; *Palisades*, CLI-06-17, 63 NRC at 732.

⁴⁶ See *LES*, CLI-04-35, 60 NRC at 622-23.

⁴⁷ As shown in the Attachment, this includes the entirety of the reply for proposed Contention 3, except for the statement of the contention and the first sentence describing Entergy's and the NRC Staff's assertions on Reply page 7.

⁴⁸ *Wolf Creek*, ALAB-279, 1 NRC at 576.

⁴⁹ *Fermi*, CLI-15-18, 82 NRC at 147.

Respectfully submitted,

Executed in Accord with 10 C.F.R. § 2.304(d)

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Dated in Washington, DC
this 17th day of November 2017

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)

ENTERGY OPERATIONS, INC.)

(River Bend Station, Unit 1))

) Docket No. 50-458-LR

) November 17, 2017

CONSULTATION

Counsel for Entergy certifies under 10 C.F.R. § 2.323(b) that the movant has made a sincere effort to contact the other participants in this proceeding and resolve the issues raised in this Motion. The Nuclear Regulatory Commission Staff supports the Motion and intends to file an answer to the Motion; Sierra Club opposes the Motion.

Respectfully submitted,

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NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	
ENTERGY OPERATIONS, INC.)	Docket No. 50-458-LR
)	
(River Bend Station, Unit 1))	November 17, 2017
)	

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that, on this date, a copy of the foregoing “Motion to Strike Portions of Sierra Club Reply to Answers” was served upon the Electronic Information Exchange (the NRC’s E-Filing System) in the above-captioned docket.

Signed (electronically) by Stephen J. Burdick
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BEFORE THE UNITED STATES
NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF)
) Docket No. 50-458-LR
ENTERGY OPERATIONS, INC.)
) November 13, 2017
(River Bend Station, Unit 1))

**SIERRA CLUB'S REPLY TO ANSWERS OPPOSING SIERRA CLUB'S
PETITION TO INTERVENE**

INTRODUCTION

Sierra Club filed a petition to intervene in the license renewal proceeding regarding the River Bend Station. Entergy Operations, Inc. and the NRC Staff have filed Answers opposing Sierra Club's intervention.

Neither Entergy nor the NRC Staff have objected to Sierra Club's standing to intervene. Their only argument is that Sierra Club's contentions are not admissible. For the reasons set forth below, Sierra Club's contentions are admissible.

CONTENTION NO. 1 IS ADMISSIBLE

Contention 1 states:

The environmental report submitted by Entergy Operations does not properly and adequately state a purpose and need for the relicensing of River Bend Station.

As explained in Sierra Club's Petition to Intervene, the brief two-paragraph statement of purpose and need in Section 1.0 of the ER simply quotes from an NRC guidance

document. Regulatory Guide 4.2, Supplement 1, Revision 1, Preparation of Environmental Reports for Nuclear Power Plant License Renewal Applications (NRC 2013a, page 10). That document states that "the purpose and need for the proposed action (i.e., the issuance of a renewed nuclear plant operating license) is to provide an option that allows for baseload power generation capability beyond the term of the current nuclear power plant operating license to meet future system generating needs." In other words, based on that statement of purpose and need, the issuance of the renewed license is a foregone conclusion.

Furthermore, the statement of purpose and need in the NRC guidance document is a generic statement with no reference or applicability to the specific circumstances of a particular reactor. The only inference of applicability to a specific reactor is reliance on other state and federal agencies. In fact, the purpose and need described by the NRC Staff in its Answer (p. 18-19) is "preserving continued operation of a nuclear power plant." The only way to interpret that statement is that the purpose and need preordains license renewal as the only alternative that meets the purpose and need.

Therefore, the NRC's purpose and need statement is so narrow that only one alternative would satisfy it (renewing

the license). Indeed, the NRC guidance specifically says the purpose and need is "the issuance of a renewed nuclear plant operating license . . . to allow[] for baseload power generation capability beyond the term of the current nuclear power plant operating license"

The purpose and need statement cannot be so narrow as to preclude review of reasonable or relevant alternatives. New York v. U.S.D.O.T., 715 F.2d 732 (2d Cir. 1983); Simmons v. U.S. Army Corps of Eng'rs., 120 F.3d 669 (7th Cir. 1997); Friends of Southeast's Future v. Morrison, 153 F.3d 1059 (9th Cir. 1998). ~~By tying the alleged need for baseload power to the renewal of the license, all other alternatives are effectively precluded.~~

~~Nor does the reference to baseload power save the purpose and need from being too narrow. As explained in detail in Sierra Club's Petition to Intervene regarding Contention 2, renewable energy and energy efficiency can supply all the power that is needed when it is needed. The term "baseload" must not be used to limit the discussion to just a stationary central power plant.~~

~~Furthermore, Sierra Club's position that renewable energy and energy efficiency qualify as baseload power is not inconsistent with the accepted definition of baseload. Entergy cites the definition of baseload set forth by the~~

~~U.S. Court of Appeals for the Seventh Circuit as "energy intended to continuously produce electricity at or near full capacity, with high availability." That is exactly what Sierra Club has explained in support of Contention 2 that renewable energy and energy efficiency will do.~~

Entergy and the NRC Staff claim that Sierra Club is challenging NRC regulations and that such challenge is outside the scope of this proceeding. But a rule, regulation or policy of an agency cannot be contrary to NEPA. Since the purpose and need requirement has been held to prohibit a purpose and need that is so narrow as to preclude review of reasonable or relevant alternatives, the NRC's interpretation of purpose and need cannot be immune from question. In any NEPA case a party can always challenge the purpose and need.

CONTENTION NO. 2 IS ADMISSIBLE

Contention 2 states:

In examining the no action alternative, the ER improperly failed to include renewable energy and energy efficiency as a consequence of the River Bend license not being renewed.

~~Although the ER, at Sections 7.1.2.2.1 and 7.1.2.2.2, purport to discuss wind and solar energy as alternatives to renewing the River Bend license, Section 2.6.2 of the ER states that Entergy did not consider these alternatives as~~

~~reasonable. Therefore, they were not given serious consideration. Nor was energy efficiency given serious consideration in Section 7.1.2.2.3 of the ER.~~

~~The real problem is that renewable energy and energy efficiency were not evaluated in combination as a replacement for River Bend. Section 7.1.2.2.1 of the ER discusses the potential of wind by itself. Likewise, Section 7.1.2.2.2 discusses the potential of solar by itself. And Section 7.1.2.2.3 discusses demand side management (including energy efficiency) by itself. Sierra Club's contention makes clear that its position is that all forms of renewable energy and energy efficiency in combination, together with an adequate transmission grid, must be evaluated as a replacement for River Bend.~~

Entergy's and NRC Staff's attempt to ridicule Sierra Club's discussion of alternatives to relicensing River Bend as being the same as comments regarding the licensing of Turkey Point 6 and 7 notwithstanding, Sierra Club has presented clear and extensive facts to support its contention that the ER's discussion of alternatives was inadequate. Sierra Club went into great detail, including extensive quotes from the authorities relied on, to ensure that it was providing sufficient information to support its contention.

~~As noted with respect to Contention 1, the authorities presented by Sierra Club explain that renewable energy and energy efficiency, together with a robust transmission grid, can supply baseload power. And this can be done without any storage. Lack of storage technology was the reason advanced by Entergy in the ER as to why renewable energy was not a reasonable alternative. Furthermore, the authorities relied on by Sierra Club establish that renewable energy and energy efficiency are currently commercially viable, or will become so in the relatively near term.~~

~~The problem with Entergy's treatment of renewable energy and energy efficiency in the ER is that each element, wind, solar and demand side management are treated independently in isolation of the other elements. Entergy then concludes that each element by itself will not replace the power from River Bend. Sierra Club's contention, however, makes clear that if all of the elements, wind, solar, energy efficiency, and a robust transmission grid, are combined, River Bend can be replaced. This integration of renewable energy and energy efficiency should have been considered as reasonable for further analysis and not discounted as not being a reasonable replacement for River Bend.~~

NEPA, through 40 C.F.R. § 1502.14, requires agencies to:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

~~As shown by Sierra Club's discussion on Contention 2, renewable energy and energy efficiency, taken together, are a reasonable alternative. The very brief discussion in the ER concerning these alternatives is not the rigorous evaluation required by 40 C.F.R. § 1502.14.~~

CONTENTION NO. 3 IS ADMISSIBLE

Contention 3 states:

The LRA does not undertake an adequate aging management review of the concrete on the containment vessel.

Entergy and the NRC Staff assert that alkali-silica reaction (ASR) was addressed in Sections 3.5.2.2.1.8, 3.5.2.2.2.1, and 3.5.2.2.2.3 of the LRA. ~~Even if that is true, the discussion in those sections of the LRA is extremely brief and simply refers to Entergy's Structures Monitoring Program. This does not address the specific concerns expressed in the information notice, IN 2011-20, referred to in Sierra Club's Petition to Intervene.~~

~~Furthermore, the information notice referenced several technical standards that have been updated and should not be relied upon to determine concrete reactivity. The notice says:~~

~~As noted above, ASTM has several standards for testing aggregates during construction to verify that only non-reactive aggregates are present, thereby preventing future ASR-induced degradation. However, ASTM issued updated standards ASTM C1260 and ASTM C1293 and provided guidance in the appendices of ASTM C289 and ASTM C1293 that cautions that the tests described in ASTM C227 and ASTM C289 may not accurately predict aggregate reactivity when dealing with late- or slow-expanding aggregates containing strained quartz or microcrystalline quartz. Therefore, licensees that tested using ASTM C227 and ASTM C289 could have concrete that is susceptible to ASR-induced degradation.~~

~~The discussion in the River Bend LRA makes no reference to any of these standards or any indication that the concerns set forth in the information notice are being addressed at River Bend.~~

CONCLUSION

Sierra Club's contentions should be admitted for adjudication by the ASLB.

/s/ *Wallace L. Taylor*

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ATTORNEY FOR SIERRA CLUB

CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 2.305 (revised), I hereby certify that copies of the foregoing Reply to Answers Opposing Sierra Club's Petition to Intervene dated November 13, 2017, have been served upon the Electronic Information Exchange, the NRC's E-Filing System, in the above captioned proceeding, on this 13th day of November, 2017.

/s/ *Wallace L. Taylor*

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