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Holtec Decommissioning International, LLC and Holtec Palisades, LLC; Palisades Nuclear Plant; Draft Environmental Assessment and Draft Finding of No Significant Impact (retitled from Notice of Intent to Conduct Scoping Process and Prepare an Environmental Assessment Holtec Decommissioning International, LLC and Holtec Palisades, LLC; Palisades Nuclear Plant, Unit 1)

Comment On: NRC-2024-0076-0111

Holtec Decommissioning International, LLC and Holtec Palisades, LLC; Palisades Nuclear Plant; Draft Environmental Assessment and Draft Finding of No Significant Impact

Document: NRC-2024-0076-DRAFT-0112

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Submitter Information

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General Comment

See attached file(s)

Attachments

Palisades Comments

The NRC Performed a Robust Review – Essentially the Review for the EIS it Mostly Performed

The EA resembles an EIS in most respects. The NRC performed public scoping (not required for an EA), the NRC is publishing its draft EA for public comment (greatly appreciated, not required for an EA). This is, in essence, an EIS in all but name. Which begs the question, why the NRC is not performing an EIS.

The NEPA amendments in the FRA provide that Environmental Assessments shall be no more than 100 pages. While I do not contest that the subject document is in technical compliance with this requirement (accounting for appropriate exclusions, appendices, etc.), the document is nevertheless 242 pages long. This is understandable given the complexity and ... significance of restarting a previously decommissioning nuclear power plant.

No Precedent for Authorizing Nuclear Power Operations Under an EA

Given the novelty of restarting such a facility (both from a regulatory and safety/environmental perspective), the NRC's decision not to perform an EIS is even more odd. For a recently operating facility, the environmental impacts of returning it to operation are less than the construction and operation of a new nuclear power plant on an undeveloped site (for which the NRC requires an EIS). But such a restart also has *more* significant impacts than license renewal, where a facility is already operating and the evaluation concerns only continued operational impacts. And that review would require an EIS.

So all of the *additional* evaluation and work (some of which is significant and apparently unresolved, like steam generator tube degradation), plus an authorization to operate, does not require an EIS according to the NRC. But if that same facility, now operating, sought license renewal before its 2031 license expired, that review, which entails less environmental impacts in essentially all meaningful respects, would require an EIS? To do so here in such a novel circumstance seems especially arbitrary. This is further supported by the EIS-type review the NRC actually performed. All the NRC needed to do was call it what it is (an EIS) and follow the EIS process.

Context

The potential need for increasing electricity demand is not trivial, and I understand the desire of the NRC to make fast licensing decisions. But the decision not to prepare an EIS in this case is inconsistent both with longstanding NRC practice and common sense. It also appears at least in tension with § 51.20(b)(2), given that the NRC is, in essence, authorizing nuclear power plant operations through this action. I am unaware of a single instance where the NRC authorized nuclear power operations absent an EIS ... until now.

In summary, the NRC appears to have performed a thorough environmental evaluation. It should have revised that process slightly to put it where it belonged, under the EIS rubric. And in not doing so, the NRC not only has failed to follow NEPA, but has deprived the public and the agency decisionmakers of the full consideration required for the consequential decision before it.

Thank you for your consideration.