

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD**

Before Administrative Judge:

Paul S. Ryerson
Presiding Officer

In the Matter of)	Docket Nos.	50-255-LT-2
)		50-155-LT-2
ENTERGY NUCLEAR OPERATIONS,)		72-007-LT
INC., ENTERGY NUCLEAR)		72-043-LT-2
PALISADES, LLC, HOLTEC)		
INTERNATIONAL, and HOLTEC)	ASLBP No.	22-974-01-LT-BD01
DECOMMISSIONING)		
INTERNATIONAL, LLC)		
)		
(Palisades Nuclear Plant and Big)		
Rock Point Site))		

Michigan Attorney General’s Discovery Request to Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC for Documents Pursuant to the NRC Atomic Safety Licensing Board Administrative Judge Paul S. Ryerson’s August 31, 2022 Order Regarding Protocols Governing Mandatory Disclosures

NOW COMES Dana Nessel, Attorney General of Michigan, by and through Michael E. Moody, Assistant Attorney General, and hereby requests Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC (collectively the “Applicants”) to respond to the following discovery requests in accordance with NRC Atomic Safety Licensing Board Administrative Judge Paul S. Ryerson’s August 31, 2022 Order Regarding Protocols Governing Mandatory Disclosures in the above-captioned case.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to the interrogatories and requests for production:

a. Name.

Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec, Holtec International, Holtec Decommissioning International, LLC, or Applicants means Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International, and Holtec Decommissioning International, LLC as corporate entities, their employees (including officers and directors), and their agents.

b. Controlling Persons.

In providing a document, please furnish all documents or items in the Applicants' physical possession or custody, as well as the documents under the physical possession, custody or control of any other person acting or purporting to act on behalf of the Applicants or any of the Applicants' employees or representatives, whether as an agent, independent contractor, attorney, consultant, witness, or otherwise.

c. Identify.

"Identify" "Identifying" or "state the identity of" means as follows:

- (1) when used in reference to an individual person, to state (a) his/her full name, (b) present or last known position and business affiliation at the time in question;

(2) when used in reference to a person other than an individual, to state (a) the person's full name (b) type of entity (e.g., corporation, partnership, single proprietorship), and (c) the names of the individual who has knowledge of relevant facts.

(3) when used in reference to a communication means to state (a) its date, (b) the place where it occurred, (c) the type of communication (e.g., telephone conversation, meeting), (d) its substance, (e) the identity of the person who made it, (f) the identity of each person who received it and all other persons who were present.

(4) when used in reference to a document means to state (a) the date, (b) author or addresser, (c) addressee and recipients of all copies, (d) type of document (e.g., letter, memorandum, telegram, chart, photograph, brochure) or some other means of identifying it, (e) its title, if any, and (f) its present location or custodian. If any document was, but no longer is, in the Applicants' possession or subject to the Applicants' control, state what disposition was made of it and the identity of the person the Applicants reasonably believe to be the present custodian.

d. Documents.

(1) The term "document" as used in the Attorney General's requests is used in its broad sense, and includes, without limitation, any kind of printed, recorded, written, graphic, computerized or photographic matter and things similar to any of the foregoing, regardless of their author or origin in

your possession, custody, or control, or known by you to exist or to have existed.

(2) If the documents containing the exact information requested do not exist, but documents do exist which contain portions thereof or which contain substantially similar information, the definition of "document" includes the documents which do exist.

e. Communication.

The term "communication" means any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means, including, but not limited to, telephone conversations, letters, telegrams, and personal conversations.

f. Substance.

The "substance" of a communication or act includes the essence, purport or meaning of the same, as well as the exact words or actions involved.

g. Singular/Plural.

Words expressing the singular number shall be deemed to express the plural number; those expressing the masculine gender shall be deemed to express the feminine and neuter genders; those expressing the past tense shall be deemed to express the present tense; and vice versa.

h. Or/And.

The term "or" and the term "and" shall be construed either conjunctively or disjunctively so as to include all the information described in the request rather than to exclude any of it.

i. Person.

The unqualified term "person" shall mean an individual, corporation, partnership, unincorporated association or other business or governmental entity.

j. E.G.

The term "e.g." indicates illustration by example, not limitation.

k. Sources for Responses.

If the response to a request comes from knowledge of correspondence, a writing, or other material furnished to the individual making the answer, or from a response by another employee or agent of the Applicants, or from an interview with an employee or agent of the Applicants such that the person responding is not able to provide a complete explanation of why a transaction or event occurred or how the data or information was derived, then identify the documents and persons that can provide those answers.

l. "DCE" means Decommissioning Cost Estimate.

m. "GTCC" means Greater Than Class C.

n. "DOE" means U.S. Department of Energy.

o. "SNF" means Spent Nuclear Fuel.

I. Service of Copies.

Responses to the Discovery Requests set forth below should be mailed to:

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Please provide whenever available or possible the requested information in electronic format such as Excel spreadsheet (with all inputs, formulas, macros and graphics intact) or a Word document

Attorney General's First Discovery Request

1. Please provide all documents showing the calculation of the 2040 completion date for DOE SNF acceptance assuming OFF as stated on pages 21 and 22 of the Holtec Decommissioning Cost Estimate (DCE).
2. Please provide all documents supporting the assumption stated on page 25 of the DCE that SNF will be transported off site by truck.
3. Please provide all documents showing the projected staffing similar to that provided in Table 9.1-1 on page 9-19 of NUREG/CR-0130, "Technology, Safety and Costs of Decommissioning a Reference Pressurized Water Reactor Power Station, Volume 1, June 1978.
4. Please provide any evaluations of staffing in comparison to other decommissioning projects or NUREG/CR-0130.
5. Please provide all documents showing the waste quantities by type of waste similar to that provided in Appendix G of NUREG/CR-0130.
6. Please provide any evaluations of waste quantities in comparison to other decommissioning projects or NUREG/CR-0130.

7. Please provide all documents showing the amounts, if any, included in license termination for any demolition of structures such as those discussed in Appendix G of NUREG/CR-0130.
8. Please provide all documents showing the amounts, if any, included in the DCE and categorized as license termination associated with the storage or management of spent nuclear fuel beyond the approximately 19 months assumed on page G-36 of NUREG/CR-0130.
9. Please provide documents showing all costs included in the DCE categorized as license termination for the dormancy period.
10. Please provide documents showing all costs included in the DCE categorized as license termination for disposal of Greater Than Class C (GTCC) waste.
11. Please provide documents showing all costs included in the DCE categorized as license termination for loading of GTCC waste into waste packages.
12. Please provide the “integrated estimated and schedule risk model” discussed on page 37 of the DCE that was used to validate schedule integrity and to establish and define cost and schedule contingency reserves.
13. Please provide all documents identifying the “vast number of project specific discrete risks” noted on page 40 of the DCE.
14. Please provide all evaluations of estimate uncertainty and discrete risk events as discussed on page 41 of the DCE.
15. Please provide all documents identifying the experience gained through decommissioning efforts at Oyster Creek and Pilgrim that were relied on in determining that a 12 percent contingency would reasonably bound the universe of risks as identified on page 41 of the DCE.
16. Please provide all waste contracts that were relied on in determining that a 12 percent contingency would reasonably bound the universe of risks as identified on page 41 of the DCE.
17. Please provide all documents that identify which of the universe of risks Holtec determined were appropriate to be taken into account for contingency as discussed on page 41 of the DCE.

18. Please provide all documents describing any alternate funding mechanisms considered by Holtec as noted on pages 44 and 47 of the DCE.
19. Please provide the actual NDT fund performance for calendar year 2022.
20. Please provide all documents showing any commitment to retain funds recovered from DOE for subsequent use in decommissioning.

Respectfully submitted,

Dana Nessel
Attorney General

Signed (electronically) by

/s/ Michael E. Moody

Michael E. Moody (P51985)
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Dated: September 13, 2022

NUCLEAR REGULATORY COMMISSION
BEFORE THE SECRETARY

In the Matter of

ENTERGY NUCLEAR OPERATIONS, INC.;	Docket Nos.:
ENTERGY NUCLEAR Palisades; HOLTEC	50-155
INTERNATIONAL; and HOLTEC	50-255
DECOMMISSIONING INTERNATIONAL,	72-007
LLC; APPLICATION FOR ORDER	72-043
CONSENTING TO TRANSFERS OF	
CONTROL OF LICENSES AND APPROVING	
CONFORMING LICENSE AMENDMENTS	

(Palisades Nuclear Plant and Big Rock Point)

CERTIFICATION OF SERVICE

Pursuant to 10 C.F.R. § 2.305, I certify that the *Michigan Attorney General's Discovery Request to Entergy Nuclear Operations, Inc., Entergy Nuclear Palisades, LLC, Holtec International and Holtec Decommissioning International, LLC* was served in the above-captioned proceeding via the NRC's Electronic Information Exchange on September 13, 2022.

Signed (electronically) by

/s/ Michael E. Moody

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Dated: September 13, 2022