

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

ENERGY NUCLEAR OPERATIONS, INC.,  
ENERGY NUCLEAR PALISADES, LLC,  
HOLTEC INTERNATIONAL, AND  
HOLTEC DECOMMISSIONING  
INTERNATIONAL, LLC

(Palisades Nuclear Plant and Big Rock  
Point Site)

Docket Nos. 50-255-LT-2  
50-155-LT-2  
72-007-LT  
72-043-LT-2

**NOTIFICATION OF MI ATTORNEY GENERAL INITIAL DISCLOSURES AND WITNESS  
IDENTIFICATION**

Consistent with 10 C.F.R. § 2.336 and the Atomic Safety and Licensing Board's August 31, 2022 Mandatory Disclosure Order, the Attorney General provides the following:

1. The following persons are likely to have discoverable information that the State may use in this proceeding:
  - a. Mr. Nicholas J. Capik; President and Managing Director, Four Points Group, Inc. c/o Michigan AG.  
  
4451 Brookfield Corp. Dr., Suite 107, Chantilly, VA 20151. Telephone: (703) 631-7402
  - b. Mr. Capik may have knowledge as to the four approved challenges to the Holtec application for license transfer for Palisades, including acceptance of spent nuclear fuel, historical decommissioning costs, the NRC decommissioning formula amount and derivation, use of contingency, and financial assurance for decommissioning.
2. Documents that the Attorney General deems relevant and may use in this proceeding include:
  - a. Declaration of Nicholas J. Capik dated February 24, 2021 (attachment to the State of Michigan Petition)  
(<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML21055A888>)
  - b. Holtec Decommissioning International letter to U.S. NRC dated December 23, 2020, Subject "Post Shutdown Decommissioning Activities Report including Site-Specific Decommissioning Cost Estimate for Palisades Nuclear Plant", ML20358A075  
(<https://www.nrc.gov/docs/ML2035/ML20358A075.pdf>)
  - c. DOW/RW-0146, Annual Capacity Report, June 1987, Office of Civilian Radioactive Waste Management (<http://fourpointsgroupinc.com/Palisades/1987ACR.pdf>)

- d. DOE/RW-0567, Acceptance Priority Ranking & Annual Capacity Report, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, July 2004 ([http://fourpointsgroupinc.com/Palisades/2004apr\\_acr.pdf](http://fourpointsgroupinc.com/Palisades/2004apr_acr.pdf))
- e. U.S Energy Information Administration, Today in Energy, December 8, 2015 (<https://www.eia.gov/todayinenergy/detail.php?id=24052>)
- f. Case No. U-14150, September 20, 2005, MPSC Order; January 3, 2005 Settlement Agreement and attachments (<http://fourpointsgroupinc.com/Palisades/2005-03-15%20Michigan%20Rate%20Settlement.pdf>)
- g. GAO-12-258, United States Government Accountability Office, Report to the Honorable Edward J. Markey, House of Representatives, NRC's Oversight of Nuclear Power Reactors' Decommissioning Funds Could Be Further Strengthened (<https://www.gao.gov/assets/gao-12-258.pdf>)
- h. NUREG/CR-0130 Technology, Safety and Costs of Decommissioning a Reference Pressurized Water Reactor Power Station (including appendices and addendums)
  - 1. ([http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Technology,%20Safety%20and%20Costs%20of%20Decommissioning%20a%20Reference%20Pressurized%20Water%20Reactor%20\(PWR\)%20Power%20Station%20Volume%201%20-%20JUN%201978.pdf](http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Technology,%20Safety%20and%20Costs%20of%20Decommissioning%20a%20Reference%20Pressurized%20Water%20Reactor%20(PWR)%20Power%20Station%20Volume%201%20-%20JUN%201978.pdf))
  - 2. ([http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Technology,%20Safety%20and%20Costs%20of%20Decommissioning%20a%20Reference%20Pressurized%20Water%20Reactor%20\(PWR\)%20Power%20Station%20Volume%202%20\(Appendices\)%20-%20JUN%201978.pdf](http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Technology,%20Safety%20and%20Costs%20of%20Decommissioning%20a%20Reference%20Pressurized%20Water%20Reactor%20(PWR)%20Power%20Station%20Volume%202%20(Appendices)%20-%20JUN%201978.pdf))
  - 3. (<http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Addendum%201%20-%20AUG%201979.pdf>)
  - 4. (<http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Addendum%202%20-%20Effects%20on%20Decommissioning%20of%20Interim%20Inability%20to%20Dispose%20of%20Wastes%20Offsite%20%20JUL%201983.pdf>)
  - 5. (<http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Addendum%203%20-%20Classification%20of%20Decommissioning%20Wastes%20%20SEP%201984.pdf>)
  - 6. (<http://fourpointsgroupinc.com/Palisades/NUREGCR-0130%20-%20Addendum%204%20-%20Technical%20Support%20for%20Decommissioning%20Matters%20Related%20to%20Preparation%20of%20the%20Final%20Decommissioning%20Rule%20%20JUL%201988.pdf>)
- i. Crystal River Nuclear Generating Station Unit 3 Site Specific Decommissioning Cost Estimate (May 2018), Appendix C (ML18178A181) (<https://www.nrc.gov/docs/ML1817/ML18178A181.pdf>)
- j. Decommissioning Cost Analysis for the Monticello Nuclear Generating Plant (Oct. 2014) (ML16005A105) (<https://www.nrc.gov/docs/ML1600/ML16005A105.pdf>)
- k. EPRI Report 1013511, Connecticut Yankee Decommissioning Experience Report, Detailed Experiences 1996-2006 (<http://fourpointsgroupinc.com/Palisades/CY%20EPRI%20Decommissioning%20Experience%20Report.pdf>)
- l. EPRI Report, Maine Yankee Decommissioning Experience Report, Detailed Experiences 1997-2004 (<http://fourpointsgroupinc.com/Palisades/MY%20EPRI%20Decommissioning%20Experience%20Report.pdf>)
- m. NUREG-0586 (including supplements), Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities (Nov. 2002) (ML18057B048 and ML023500395)
  - 1. (<https://www.nrc.gov/docs/ML1805/ML18057B048.pdf>)
  - 2. (<https://www.nrc.gov/docs/ML0235/ML023500395.pdf>)

- n. Safety Evaluation by the Office of Nuclear Regulatory Regulation Application for Indirect Transfer of Facility Operations Licenses Due to Entergy Corporation Restructuring (ML081080352) (<https://www.nrc.gov/docs/ML0810/ML081080352.pdf>)
- o. Entergy letter to U.S. NRC dated March 31, 2011, Status of Decommissioning Funding, ML110940051 (<https://www.nrc.gov/docs/ML1109/ML110940051.pdf>)
- p. Application for Order Consenting to Transfers of Control of Licenses and Approving Conforming License Amendments  
<https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML20358A075>
- q. Report on Status of Decommissioning Funding for Reactors and Independent Spent Fuel Storage Installations: <https://www.nrc.gov/docs/ML2009/ML20091M858.pdf>
- r. Holtec Decommissioning International Report on Status of Decommissioning Funding for Reactors and Independent Spent Fuel Storage Installations: <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML21090A336>
- s. Report on Status of Decommissioning Funding for Reactors and Independent Spent Fuel Storage Installations- Holtec Decommissioning International, LLC (HDI): <https://www.nrc.gov/docs/ML2208/ML22084A059.pdf>
- t. Any documents produced by the Applicants in this proceeding.
- u. Any expert report and its basis will be provided at the date assigned and the disclosures will be updated.

Respectfully submitted,

**/s/ Michael E. Moody (electronically)**

Michael E. Moody  
Assistant Attorney  
General  
MI Attorney General  
P.O. Box 30755  
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Dated October 14, 2022

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NUCLEAR REGULATORY COMMISSION  
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ENERGY NUCLEAR OPERATIONS, INC.,  
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**AFFIDAVIT OF MICHAEL E. MOODY CONCERNING DISCLOSURE REQUIREMENTS**

I, Michael E. Moody, do hereby state as follows:

1. I am employed as an Assistant Attorney General in the Michigan Attorney General's Office. I serve as Division Head Chief for the Special Litigation Division.
2. I hereby certify that all relevant materials required to be disclosed pursuant to 10 C.F.R. § 2.336 as modified by the Atomic Safety and Licensing Board's August 31, 2022 Mandatory Disclosures Order in this proceeding, have been disclosed, and that the disclosures are accurate and complete as of October 14, 2022.
3. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

**/s/ Michael E. Moody (electronically)**

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Assistant Attorney  
General  
MI Attorney General  
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**Certificate of Service**

Pursuant to 10 C.F.R. § 2.305, I hereby certify that copies of the foregoing notification, dated October 14, 2022, have been served upon the Electronic Information Exchange (the NRC's E-Filing System), in the captioned proceeding, this 14th day of October 2022.

**/s/ Michael E. Moody (electronically)**

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