

STATE OF VERMONT

PUBLIC SERVICE BOARD

Petition of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., for a certificate of public good, pursuant to 30 V.S.A. § 248 and 10 V.S.A. § 6522, authorizing the construction of a second independent spent fuel storage installation storage pad and related improvements, including installation of a new diesel generator with an electrical rating of approximately 200 kW, at the Vermont Yankee Nuclear Power Station in the Town of Vernon, Vermont

Docket No. 8300

RESPONSE OF ENTERGY NUCLEAR VERMONT YANKEE, LLC, AND  
ENTERGY NUCLEAR OPERATIONS, INC., TO THE DEPARTMENT OF PUBLIC  
SERVICE'S SECOND SET OF INFORMATION REQUESTS

This is the response of Entergy Nuclear Vermont Yankee, LLC ("ENVY"), and Entergy Nuclear Operations, Inc. ("ENO"), (ENVY and ENO will be referred to collectively as "Entergy VY") to the Department of Public Service ("DPS") Second Set of Information Requests. Entergy VY is filing one complete copy of its responses with the Board, with two copies served on the DPS (plus an electronic copy in Word format) and one copy served on each other party of record.

GENERAL OBJECTIONS:

1. Entergy VY objects to the "Instructions" contained in the DPS' Second Set of Information Requests to the extent such instructions purport to place greater requirements on Entergy VY or reserve greater rights to the DPS than are permitted by the Vermont Rules of Civil Procedure, as made applicable to Board proceedings by Board Rule 2.214(A).
2. Entergy VY objects to any request for information or production of documents that is or are subject to the attorney-client privilege, constitute work product, are protected under state or federal law or are proprietary or confidential, constitute draft and/or non-final documents and/or communications containing or concerning same. Consistent with the foregoing, Entergy VY has not provided documents from inside or outside counsels' files.
3. Entergy VY objects to the requests to the extent that they (a) are overbroad or unduly burdensome; (b) are cumulative; (c) call for the production of documents not in the possession, custody or control of Entergy VY; (d) call for the review, compilation, or production of publicly-available documents that could be obtained by the requesting party in a less burdensome manner, including on a public website; (e) call for the review, compilation and/or production of documents already in DPS's possession, custody, or control; (f) are vague and/or ambiguous; (g)

seek information not reasonably calculated to lead to the discovery of admissible evidence; or (h) call for the review, compilation, or production of a voluminous number of documents at great expense to Entergy VY.

4. Entergy VY objects to the purported requirement that it identify the person who prepared each document produced and the date on which the document was prepared as being unduly burdensome and beyond the requirements of the discovery rules.

5. Entergy VY objects to any requests for documents or information beyond the scope of this tribunal's jurisdiction, including without limitation to the extent that (a) primary jurisdiction rests more properly with, and/or actually has been exercised by, another agency or tribunal, or (b) the document, legal issue or factual information in question has been otherwise determined by another agency or tribunal of competent jurisdiction.

6. Entergy VY objects to any request for documents or information relating to matters within the primary or exclusive jurisdiction of the U.S. Nuclear Regulatory Commission ("NRC"). Entergy VY will respond to DPS's requests herein noting its continued objection to the State of Vermont's assertion of jurisdiction over matters for which the federal government and the NRC have exclusive jurisdiction, including such exercise of its jurisdiction under Section 248 of Title 30, Vermont Statutes Annotated and Chapter 157 of Title 10, Vermont Statutes Annotated.

7. Each of these General Objections shall be incorporated by reference into the below-referenced objections and responses as if expressly restated therein. Entergy VY does not hereby waive any objections and reserves the right to later raise any additional, available objection.

**Discovery Questions**

**Q.DPS:EN.2-1:** Please explain whether Petitioner considers each of the following expenses related to VY to be appropriate for reimbursement from the Nuclear Decommissioning Trust.

- a. Property taxes;
- b. Insurance;
- c. Legal Fees;
- d. Shipments of non-radiological asbestos waste;
- e. Any costs associated with offsite buildings that are not radiologically contaminated;
- f. Replacement of structures during SAFSTOR.

**A.DPS:EN.2-1:** OBJECTION. Entergy VY objects to the request as vague and seeking information not reasonably calculated to lead to the discovery of admissible evidence. Entergy VY further objects to this request to the extent it seeks information relating to Entergy VY's use of the Nuclear Decommissioning Trust ("NDT"), which is within the primary or exclusive jurisdiction of the NRC. In addition, Entergy VY objects that this request seeks information that could be used to gain an improper advantage with respect to a contested adjudicatory proceeding initiated by the State of Vermont before the NRC, in which the State has challenged Entergy VY's use of NDT funds.

Person Responsible for Response: Downs Rachlin Martin PLLC  
Title: Counsel  
Date: July 20, 2015

Q.DPS:EN.2-2: Reference A.DPS:EN.1-10 and Attachment A.DPS.EN.1-15.1. Pages 3-4 of Attachment A.DPS.EN.1-15.1 indicate that haul path upgrades will be made as part of the Project. Please explain whether a "turning pad", similar to the one reflected in Exhibit EN-JG-7 near the east ramp, will be installed near the new west ramp.

A.DPS:EN.2-2: OBJECTION. Entergy VY incorporates by reference the objections stated in A.DPS:EN.1-10.

Without waiving its objections, Entergy VY states that there are no plans to install a turning pad near the west ramp at this time.

Person Responsible for Response: George Thomas  
Title: Senior Project Manager  
Date: July 20, 2015

Q.DPS:EN.2-3: Reference A.DPS:EN.1-10. Please explain whether the proposed location of the new ISFSI west ramp will require relocation or realignment of the main vehicle gateway providing entrance and egress to and from the current VY Protected Area. [As revised by DPS.]

A.DPS:EN.2-3: OBJECTION. Entergy VY incorporates by reference the objections stated in A.DPS:EN.1-10.

Without waiving its objections, Entergy VY states that the proposed location of the new ISFSI west ramp will not require relocation or realignment of the main vehicle gateway providing entrance to and egress from the current VY Protected Area.

Person Responsible for Response: George Thomas  
Title: Senior Project Manager  
Date: July 20, 2015

Q.DPS:EN.2-4: Reference A.DPS:EN.1-17. A.DPS:EN.1-17 notes the use of high density concrete to fill an overpack.

- a. Please explain whether the high density concrete will be prepared and/or mixed off-site and transported directly to the Project site for pouring, or will it be prepared on-site.
- b. If the high density concrete is prepared and/or mixed onsite, please identify and describe where the preparation activities will take place.

A.DPS:EN.2-4: OBJECTION. Entergy VY incorporates by reference the objections stated in A.DPS:EN.1-17.

Without waiving its objections, Entergy VY states that the high density concrete will be prepared off-site and transported to the Vermont Yankee site.

Person Responsible for Response: George Thomas  
Title: Senior Project Manager  
Date: July 20, 2015

Q.DPS:EN.2-5: Reference A.DPS:EN.1-23. Please describe any and all aesthetic mitigation measures related to the Project that were considered by Petitioner, and explain the basis for rejecting each of the mitigation measures considered.

A.DPS:EN.2-5: OBJECTION. Entergy VY incorporates by reference the objections stated in A.DPS:EN.1-23.

Without waiving its objections, Entergy VY states that vegetative screening, berms and a barrier wall were the aesthetic mitigation measures considered. As described in A.DPS:EN.1-23, vegetative screening and berms may not be permitted under the site's established Security Plan. As described in A.DPS:EN.1-24, extending the existing barrier wall to screen the Project would actually increase the Project's visibility and negatively impact the aesthetics of the Project.

Person Responsible for Response: George Thomas; Harry Dodson  
Title: Senior Project Manager; Principal, Dodson & Flinker Inc.  
Date: July 20, 2015

As to objections where responsive information was provided over stated objections:

St. Johnsbury, Vermont. July 20, 2015.

Respectfully submitted,

ENTERGY NUCLEAR VERMONT  
YANKEE, LLC, AND ENTERGY  
NUCLEAR OPERATIONS, INC.

By their attorneys



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