

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 ) Docket No. 8300  
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 )

**ENERGY NUCLEAR VERMONT YANKEE, LLC, AND ENTERGY NUCLEAR  
OPERATIONS, INC.’s FIRST SET OF DISCOVERY REQUESTS FOR  
THE AGENCY OF NATURAL RESOURCES**

Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (collectively, “Entergy VY”), serve the following discovery requests on the Agency of Natural Resources (“ANR”).

Entergy VY respectfully requests that the ANR answer the following discovery requests in writing and under oath and deliver one complete copy of all documents, plus an electronic version of such responses, by September 30, 2015, to Entergy VY’s counsel whose names and addresses are set forth on the service list accompanying this request.

**DEFINITIONS**

The following definitions apply to the following discovery requests:

1. **Communication.** The term “communication” means the transmittal of information in the form of facts, ideas, inquiries or otherwise.
  
2. **Document.** The term “document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Vermont Rule of Civil Procedure 34(a) and includes any and all writings or other materials, whether handwritten, typed, printed, recorded or reproduced by any other physical, mechanical, electronic or electrical means, including, but not limited to, records, papers, correspondence, telegrams, memoranda, notes, letters, photographs, photographic slides or negatives, films, filmstrips, computer diskettes, computer files, tapes and recordings, summaries or records of telephone conversations, summaries or records of personal conversations, and all carbons or photocopies bearing any underlining, highlighting, additions, corrections, or marginal notations which are in the possession, custody, or control of the ANR, its agents, employees, representatives, attorneys or experts, wherever located.

3. Identify (With Respect to Persons). When referring to a person, to “identify” means to provide, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of the person need be listed in response to subsequent discovery requesting the identification of that person.

4. Identify (With Respect to Documents). When referring to documents, to “identify” means to provide, to the extent known, information about (i) the type of document; (ii) its general subject matter; (iii) the date of the document; and (iv) its author(s), and each recipient.

5. You or Your(s): You or your(s) means ANR, its employees, consultants, representatives, and designated fact and/or expert witnesses.

6. Person. The term “person” is defined as any natural person or any business, legal or governmental entity or association.

7. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

8. Produce. The term “produce” means to provide the original or an exact legible copy of a requested document that is within your custody, possession or control to Entergy VY’s counsel. A draft or non-identical copy is a separate document within the meaning of this term. Further, please furnish dynamic data files (e.g., databases, spreadsheets) in their native format, that is, in or compatible with Excel or other standard applications.

9. VY Station. This term refers to the Vermont Yankee Nuclear Power Station.

The following rules of construction apply to all discovery requests:

1. All/Each. The terms “all” and “each” shall both be construed as all and each.
2. And/Or. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
3. Number. The use of the singular form of any word includes the plural and vice versa.

**INSTRUCTIONS**

1. Provide a separate page for each separate question. Reproduce the discovery request made before presenting the response.
2. The response to each request should be made under oath by a person competent to testify concerning the response and all documents and exhibits produced as part of the response. With respect to each request, state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the date on which each question was answered.
3. Where information requested is not available in the precise form described in the question or is not available for all years (or other periods or classifications) indicated in a series of years (or other periods or classifications), provide all information with respect to the subject matter of the question that can be identified in your work papers and files or that is otherwise available.
4. These discovery requests are continuing in nature, and require you to file supplementary answers pursuant to the Vermont Rules of Civil Procedure as incorporated by the Rules of the Vermont Public Service Board. Change, supplement and correct your responses to conform to all information as it becomes available to you, including the substitution of actual data for estimated data. Responses to requests covering a period not entirely in the past (or for which complete actual data are not yet available) should include all actual data available at that time.
5. Whenever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.
6. For any matter where a request for admission is being answered by a denial or objection, the answer should set forth in detail the reasons for the denial or objection, in conformity with Vermont Rule of Civil Procedure 36.
7. In construing these discovery requests, the terms "refer to" and "relate to" shall include any and all logical or factual connections to the subject of the discovery request as specified.
8. Organize responses and supporting documents using the identifying number to which they respond.

**DISCOVERY REQUESTS**

**Questions for Chris Gianfagna:**

Q.EN.ANR.1-CG-1: Identify, list and produce all exhibits to be introduced or used at hearing in support of Mr. Gianfagna's prefiled testimony in this proceeding.

Q.EN.ANR.1-CG-2: Identify, list and produce all documents, data compilations, workpapers, or other tangible things provided to, prepared by, reviewed by, relied upon or used by Mr. Gianfagna in developing his prefiled testimony, including the exhibits to his prefiled testimony.

**Questions for Rob Evans:**

Q.EN.ANR.1-RE-1: Identify, list and produce all exhibits to be introduced or used at hearing in support of Mr. Evans' prefiled testimony in this proceeding.

Q.EN.ANR.1-RE-2: Identify, list and produce all documents, data compilations, workpapers, or other tangible things provided to, prepared by, reviewed by, relied upon or used by Mr. Evans in developing his prefiled testimony, including the exhibits to his prefiled testimony.

Q.EN.ANR.1-RE-3: In reference to page 5, lines 18 through 20 of Mr. Evans's prefiled testimony, please explain whether the river map "created for the site" is based on a delineation of the river corridor adjacent to the VY Station site.

Q.EN.ANR.1-RE-4: State whether Mr. Evans has reviewed the Final Report, dated February 2009, on the Flood Study of the Connecticut River performed by Geotechnical Environmental and Water Resources Engineering for Entergy Nuclear Vermont Yankee in connection with Docket No. 7082 concerning the first ISFSI project. If the answer is yes, please identify the sections of the report, if any, that Mr. Evans considered in his evaluation of the river corridor for the section of the Connecticut River adjacent to the Vermont Yankee Nuclear Power Station.

**Questions for Steve Simoes:**

Q.EN.ANR.1-SS-1: Identify, list and produce all exhibits to be introduced or used at hearing in support of Mr. Simoes' prefiled testimony in this proceeding.

Q.EN.ANR.1-SS-2: Identify, list and produce all documents, data compilations, workpapers, or other tangible things provided to, prepared by, reviewed by, relied upon or used by Mr. Simoes in developing his prefiled testimony, including the exhibits to his prefiled testimony.

Q.EN.ANR.1-SS-3: Referring to your prefiled testimony at page 3, lines 14-15, specify and identify the "requirements" for management and disposal of non-radiological hazardous waste, to which you refer, and provide the specific legal basis or other source for such requirements (including subsections).

Q.EN.ANR.1-SS-4: Referring to your prefiled testimony at page 3, lines 18-20, explain why your recommendations should not affect the timeline for any work by Petitioner on this project.

Q.EN.ANR.1-SS-5: Referring to your prefiled testimony at page 4, line 2, explain the limitations referenced in your statement that your "direct review of the proposed Project is limited," and identify, list and produce all documents related to your response.

Q.EN.ANR.1-SS-6: Referring to your prefiled testimony at page 4, lines 4-6, identify all records and documentation of the "site inspection that included a limited evaluation of the North Warehouse" performed by you, and list and provide all documents related to your response.

Q.EN.ANR.1-SS-7:

- a. What are the criteria for determining what constitutes a "representative sample" of structural components that are coated with lead paint in the North Warehouse as referenced at p. 9, line 3 of your prefiled testimony?
- b. What is the legal and/or regulatory authority that establishes those criteria?
- c. Explain your understanding of how the "single 'paint chip'" referenced in page 8, A 13 was obtained.
- d. Identify, list and produce all documents relied on to support ANR's response to (a) – (c).

Q.EN.ANR.1-SS-8: Identify, describe, list and produce all studies done by you to support the statement at page 8, lines 15-18 of your prefiled testimony that: "Based on the concentration of lead in the paint chip sample, a representative sample of the debris would potentially exceed the toxicity characteristic regulatory threshold for lead, ...." Identify, list and produce all documents upon which you base the statement.

Q.EN.ANR.1-SS-9: Referring to your prefiled testimony at page 8, lines 15-20, identify the source of the requirement that a "potential" exceedance requires a person to make a hazardous waste determination under Section 7-303 of the Vermont Hazardous Waste Management Regulations ("VHWMR"). Provide the specific legal basis or other source for the requirement (including subsections) that supports your statement. Identify, list and produce all documents upon which you base the statement.

Q.EN.ANR.1-SS-10: Referring to your prefiled testimony at page 5, lines 10-14, identify the source of the requirement that supports your statement that: "For any demolition waste and building debris identified as containing PCBs or lead, Petitioner must determine whether such wastes exhibit any of the characteristics of hazardous wastes (e.g., the characteristic of toxicity for lead) or meet the criterion for the Vermont VT01 hazardous waste listing for wastes containing PCBs in concentrations equal to or greater than 50 ppm." Provide the specific legal basis or other source for the requirement (including subsections) that supports your statement. Identify, list and produce all documents upon which you base the statement.

Q.EN.ANR.1-SS-11: Referring to your prefiled testimony at page 6, lines 5-6, identify the source of the requirement that supports your statement that: "Based on the properties of lead, any waste containing lead must be evaluated to determine if it exhibits the characteristic for toxicity." Provide the specific legal basis or other source for the requirement (including subsections) that supports your statement. Identify, list and produce all documents upon which you base the statement.

Q.EN.ANR.1-SS-12: Referring to your prefiled testimony at page 9, A14 and page 11, A17:

- a. Admit that the Vermont Hazardous Waste Management Regulations do not define "representative sample."
- b. Admit that Exhibit ANR-SS-4 (EPA Test Method 1311) does not define "representative sample."
- c. If any of (a) through (b) is denied, explain in detail the basis for denial and identify, list and produce all documents related to your response.
- d. If any of (a) through (b) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to your response.

Q.EN.ANR.1-SS-13: Referring to your prefiled testimony at page 11, lines 12-14, does your recommended condition have a time frame for when an evaluation of excavated or removed material should be completed? If so, please identify the proposed time frame and identify, list and produce all documents you rely upon in determining the time frame.

Q.EN.ANR.1-SS-14: Referring to your prefiled testimony at page 11, you state that "The Agency recommends that conditions be added requiring that, prior to demolition of the North Warehouse, that [a] representative sampling of the North Warehouse structure be conducted to ensure that a proper non-radiological hazardous waste determination is made of demolition debris" and "a condition should be added to require that any materials (e.g., sheathed cable) that are excavated or removed as part of the Project activities must be evaluated to determine if they are subject to regulation as non-radiological hazardous waste."

- a. Please describe in detail the representative sampling and evaluation that would be required of Entergy. When would Entergy VY have to do the sampling and evaluation?
- b. Would your recommended sampling and evaluation require Entergy VY to take any actions to remediate the site before radiological decommissioning of the site other than the proper storage and disposal of any excavated or removed material that is determined to be non-radiological hazardous waste? If so, what actions would Entergy VY have to take?

Q.EN.ANR.1-SS-15: At page 2, A2 of Mr. Simoes' prefiled testimony he states his qualifications, including (at lines 11-15) that he has been "involved in all aspects of program implementation" for Vermont's Hazardous Waste Program.

- a. State in detail Mr. Simoes' familiarity and experience with the Vermont Hazardous Waste Management Regulations.

Q.EN.ANR.1-SS-16: At page 3, lines 18-20 of Mr. Simoes' testimony and page 3, lines 11-13 of Mr. Spiese's testimony, they state that the recommendations in their testimony are "not intended to and should not affect the timeline for any work on this project if the Board issues the Certificate of Public Good."

- a. State Mr. Simoes' opinion as to when the recommendations he makes (in A17) should be performed by Entergy VY.

**Questions for Richard Spiese:**

Q.EN.ANR.1-RS-1: Identify, list and produce all exhibits to be introduced or used at hearing in support of Mr. Spiese's prefiled testimony in this proceeding.

Q.EN.ANR.1-RS-2: Identify, list and produce all documents, data compilations, workpapers, or other tangible things provided to, prepared by, reviewed by, relied upon or used by Mr. Spiese in developing his prefiled testimony, including the exhibits to his prefiled testimony.

Q.EN.ANR.1-RS-3: Referring to your prefiled testimony at page 3, line 19, identify, list and provide the "environmental reports" to which you refer.

Q.EN.ANR.1-RS-4: Referring to your prefiled testimony on page 3, lines 19-20, identify all records and documentation of the "site inspections of the North Warehouse" performed by you, and list and produce all documents related to your inspections and response.

Q.EN.ANR.1-RS-5: Referring to your prefiled testimony at page 3, line 17, explain the limitations referenced in your statement that your “direct review of the proposed Project is limited,” and identify, list and produce all documents related to your response.

Q.EN.ANR.1-RS-6:

- a. Admit that Entergy VY manages hazardous waste at a site as set forth in VHWMR at § 7-309(c)(1).
- b. If (a) is denied, explain in detail the basis for denial and identify, list and produce all documents related to your response.
- c. If (a) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to your response.
- d. If (a) is admitted, or cannot be denied, explain why Entergy VY is subject to the closure requirements in Subchapter 3 of the VHWMR.
- e. If (a) is admitted, or cannot be denied, explain why Entergy is subject to the partial closure requirements in Subchapter 3 of the VHWMR.

Q.EN.ANR.1-RS-7:

- a. Admit that the term “closure activities” is not defined in the VHWMR.
- b. Admit that the term “partial closure plan” is not defined in the VHWMR.
- c. Admit that VHWMR § 7-309(c)(6) sets forth the requirements applicable to partial closure activities.
- d. Admit that VHWMR § 7-309(c)(6) does not state that notification of intent to commence partial closure activities must be provided to the Agency on a Pre-Closure Notification Form.
- e. Admit that VHWMR § 7-309(c)(6) does not state that notification of intent to commence partial closure activities must be provided to the Agency at least 90 days prior to the commencement of such activities.
- f. Admit that VHWMR § 7-309(c)(6) does not state that a generator conducting “partial closure” activities must submit a closure or partial closure plan.
- g. If any of (a) through (f) is denied, explain in detail the basis for denial and identify, list and produce all documents related to your response.



- h. If any of (a) through (f) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to your response.

Q.EN.ANR.1-RS-9:

- a. Admit that the “Investigation and Remediation of Contaminated Properties Procedure” Effective April 2012 of the DEC Waste Management and Prevention Division (the “IROC”) applies to any person who is determined to be liable for the release or threatened release of a hazardous material as established in 10 V.S.A. Section 6615.
- b. Admit that under the Waste Management and Prevention Division’s “Procedure for Conducting Hazardous Material Investigation and Remediation Activities Under 30 V.S.A. § 248,” if any construction or decommissioning activities will involve disturbance of any areas where hazardous material (not involving radiological hazardous material) may be located now or in the past, or where such hazardous material may have been released into the environment, Entergy VY would be required to develop a site investigation work plan in accordance with the IROC to investigate the hazardous material locations (not involving radiological hazardous material) and potential releases in the areas to be disturbed.
- c. Admit that under the IROC a person responsible for developing a site investigation work plan is any person who may be liable for the release or threatened release of a hazardous material as established in Section 6615 [10 V.S.A. Section 6615].
- d. Admit that under 10 V.S.A. § 6615 liability is ascribed to any person who at the time of release or threatened release of any hazardous material (not involving radiological hazardous material) owned or operated any facility at which such hazardous materials were disposed of, among other specified persons.
- e. Admit that the IROC by its own terms in Section 1.1 applies to “any person who has knowledge of a release or a suspected release and who may be subject to liability for a release, as detailed in Section 6615” (e.g. owners or operators of a facility).
- f. Admit that a person responsible for release of hazardous material is defined as “any person who has knowledge of a release or a suspected release and who may be subject to liability for a release, as detailed in Section 6615 of this chapter.”

- g. Admit that the Remediation Process Flowchart in Chapter 1 of the IROC which includes the requirement of a site investigation under Chapter 2 of the IROC, specifies that the process begins with a "suspected or confirmed release".
- h. If any of (a) through (g) is denied, explain in detail the basis for denial and identify, list and produce all documents related to your response.
- i. If any of (a) through (g) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to your response.

Q.EN.ANR.1-RS-10:

- a. Admit that the "Procedure for Conducting Hazardous Material Investigation and Remediation Activities Under 30 V.S.A. Section 248" does not require a preliminary investigation of records, a comprehensive visual inspection, or development of a site investigation work plan in all 30 V.S.A. Section 248 projects involving soil disturbance.
- b. If (a) is denied, explain in detail the basis for denial and identify, list and produce all documents related to your response.
- c. If (a) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to your response.

Q.EN.ANR.1-RS-11: Referring to your prefiled testimony at page 6, lines 9-10, and page 8, lines 8-10, what is the basis for the statement that the North Warehouse has been "the primary short-term non-radiological hazardous waste storage area for Entergy Nuclear Vermont Yankee Power Station for decades"? Identify, list and produce all documents related to and/or relied on to support your response.

Q.EN.ANR.1-RS-12: Referring to your prefiled testimony at page 6, lines 11-13, what is the basis for claiming non-radiological hazardous materials in the emissions from the boiler may have settled in the soils around the building? Identify, list and provide all analyses conducted by you to support your statement. Identify, list and produce all documents related to your response.

Q.EN.ANR.1-RS-13: Referring to your prefiled testimony at page 7, line 2, what is the technical basis for including dioxin in the list of contaminants? Identify, list and produce all investigations, analyses, and documents that support your response.

Q.EN.ANR.1-RS-14: Referring to your prefiled testimony at page 8, lines 8-14:

- a. Admit that ANR has no evidence that non-radiological hazardous waste materials have been released into the environment in the North Warehouse area.
- b. If (a) is denied, explain in detail the basis for denial and identify, list and produce all documents related to your response.
- c. If (a) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to your response.

Q.EN.ANR.1-RS-15: Referring to your testimony at page 9, lines 10-12, identify and describe the specific "closure requirements" to which you refer. Provide the specific legal basis or other source for such requirements (including subsections).

Q.EN.ANR.1-RS-16: At pages 6-7 of Mr. Spiese's prefiled testimony, he states in (A10) that the North Warehouse area should be investigated for possible release of the RCRA Priority Metals, semi-volatile organic compounds, and dioxin, based on reports he reviewed. Identify, list and produce the reports referenced in the response as reviewed by Mr. Spiese, and that support his recommendation.

Q.EN.ANR.1-RS-17: Referring to your prefiled testimony at page 9, you recommend that "the Board should include a condition that Entergy submit a non-radiological waste site investigation work plan for the North Warehouse area."

- a. Please describe in detail what this condition would require.
  - i. When would Entergy VY have to submit the plan?
  - ii. What are the boundaries of "the North Warehouse area" that would be included in the plan?
  - iii. What specific sampling protocols would be required under the work plan to determine whether there is non-radiological hazardous waste contamination of soil, both excavated and soil left in place below the ISFSI pad?
- b. Would the work plan require Entergy VY to take any actions to remediate the North Warehouse area before radiological decommissioning of the site other than the proper storage and disposal of any excavated or removed material that is determined to be non-radiological hazardous waste? If so, what actions would the work plan require Entergy VY to take?

- c. Would the work plan, require Entergy to develop a non-radiological hazardous waste closure plan for any other portion of the VY Station site before radiological decommissioning?

Q.EN.ANR.1-RS-18: At page 2, A2 of Mr. Spiese's prefiled testimony, he states that he has worked "in Waste Management...for almost 28 years" and that he has "worked on the Agency of Natural Resource Vermont Hazardous Materials Response Team as a plume tracker for over 10 years."

- a. State in detail Mr. Spiese's familiarity and experience with the Vermont Hazardous Waste Management Regulations.

Q.EN.ANR.1-RS-19: At page 3, lines 18-20 of Mr. Simoes' testimony and page 3, lines 11-13 of Mr. Spiese's testimony, they state that the recommendations in their testimony are "not intended to and should not affect the timeline for any work on this project if the Board issues the Certificate of Public Good."

- a. State Mr. Spiese's opinion as to when the recommendations he makes (in A14) should be performed by Entergy VY.

**Questions for ANR:**

Q.EN.ANR.1-1: With respect to the witnesses for whom prefiled testimony was submitted and who were identified as an expert in this proceeding, to the extent not already produced:

- (i) Produce a curriculum vitae or resume;
- (ii) Identify, list and produce all publications authored by the witness within the preceding ten years;
- (iii) Identify all matters in the last five years in which the witness has testified as an expert at hearing or trial, or by deposition, in the preceding five years, and identify, list and produce any transcripts, affidavits, testimony or other written statements by the witness in connection with such matters.

Q.EN.ANR.1-2:

- a. Do the regulations set forth in the "Procedure for Conducting Hazardous Material Investigation and Remediation Activities Under 30 V.S.A. Section 248" address materials which will be handled as Low-Level Mixed Waste (radiological and non-radiological) and disposed of at an approved facility?

- b. Explain the basis for your response and identify, list and produce all documents related to your response.

Q.EN.ANR.1-3:

- a. Confirm that Mr. Simoes' recommendations at page 10, lines 18-20 of his prefiled testimony with respect to underground cable applies only to sheathed cable that is excavated and removed as part of the Project.
- b. If ANR's response to (a) does not confirm the understanding there stated, state in detail the extent to which Mr. Simoes' recommendations apply to sheathed cable in locations at the VY Station not affected by the Project.

Q.EN.ANR.1-4: Referring to Mr. Spiese's prefiled testimony at page 4, A 6, provide a copy of the current, effective version by the Vermont DEC Waste Management Division of its "Vermont Hazardous Waste Generator and Facility Closure Guidance."

Q.EN.ANR.1-5: Referring to the prefiled testimony of Richard Spiese on page 6, Answers 9 and 10:

- a. Admit that the North Warehouse has been and continues to be controlled as a radiological control area.
- b. If (a) is denied, explain in detail the basis for denial and identify, list and produce all documents related to such response.
- c. If (a) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to such response.

Q.EN.ANR.1-6: Identify each individual by name, occupation, and title who participated in the creation of the river corridor map offered as Exhibit ANR-REE-2, including in your answer the following:

- a. the date and type of participation made by each individual;
- b. the total amount of time each spent working on the river corridor map;
- c. whether the Secretary of ANR reviewed and approved the river corridor map.
- d. For each individual identified in response to this request, please produce all documents considered, used, reviewed, or relied upon in connection with the creation of the river corridor map offered as Exhibit ANR-REE-2.

Q.EN.ANR.1-7: Explain in detail the methodology used to create the river corridor depicted on the map offered with Mr. Evans's testimony as Exhibit ANR-REE-2, and identify, list and produce all documents used, considered, or relied upon in creating the river corridor map, including, but not limited to, studies, communications, analyses, spreadsheets, databases, and photographs.

Q.EN.ANR.1-8: Identify, list and produce the sections of the Department of Environmental Conservation's, Flood Hazard Area and River Corridor Protection Procedure that were used or relied upon to create the river corridor depicted on the map offered as Exhibit ANR-REE-2.

Q.EN.ANR.1-9: What channel width was used to calculate the river corridor depicted on Exhibit ANR-REE-2?

Q.EN.ANR.1-10: Identify, list and produce the "source materials" referenced in the note at the bottom of Exhibit ANR-REE-2 and explain any "limit[at]ions] of the accuracy of th[ose] source materials."

Q.EN.ANR.1-11: In reference to Mr. Evans's prefiled testimony at page 5, lines 5-9, explain in detail what is meant by "an appropriate" river corridor for the Vermont side of the Connecticut River.

Q.EN.ANR.1-12: In reference to Mr. Evans's prefiled testimony at page 5, lines 5-9, please explain in detail all actions taken to date by the Rivers Program to "create an appropriate river corridor" for the section of the Connecticut River adjacent to the VY Station.

Q.EN.ANR.1-13: In reference to Mr. Evans's prefiled testimony at page 5, lines 5-9, please explain in detail the current status of the Rivers Program's work to "create an appropriate river corridor" for the section of the Connecticut River adjacent to the VY Station.

Q.EN.ANR.1-14: In reference to Mr. Evans's prefiled testimony at page 5, lines 5-9, on what date does the Rivers Program anticipate completing its analysis of the river corridor for the Vermont side of the Connecticut River?

Q.EN.ANR.1-15: In reference to Mr. Evans's prefiled testimony at page 5, lines 5-9, identify by name, occupation and title each individual involved in the Rivers Program's analysis of the appropriate river corridor for the Vermont side of the Connecticut River.

Q.EN.ANR.1-16: In reference to Mr. Evans's prefiled testimony at page 5, lines 5-9, identify, list and produce all analyses, data, field notes, photographs, test results, and other documents that the Rivers Program performed, gathered, took, conducted, or prepared for the separate river corridor analysis for the Vermont side of the Connecticut River in the Wantastiquet Region.

Q.EN.ANR.1-17: In reference to Mr. Evans's prefiled testimony at page 5, lines 5-9, identify, list and produce all analyses, data, field notes, photographs, test results, and other documents that the Rivers Program performed, gathered, took, conducted, or prepared for the separate river corridor analysis for the Vermont side of the Connecticut River in the vicinity that includes the VY Station.

Q.EN.ANR.1-18: Identify and list all minor and major updates by ANR to the Statewide River Corridor Map Layer shown in the Natural Resource Atlas published by the Agency of Natural Resources on its website as of August 25, 2015 (Attachment 1 ) and produce all documents related to those updates.

Q.EN.ANR.1-19: State whether the river corridor map depicted on Exhibit ANR-REE-2 is based on:

- a. an assessment of the geomorphic condition and sensitivity of the portion of the Connecticut River shown in the exhibit;
- b. a final identification of where the sensitivity of the river poses a probable risk to life, property or infrastructure; and
- c. consultations by ANR with the legislative body or designee of affected municipalities and the regional planning commissions.

Explain the basis for ANR's answer.

Q.EN.ANR.1-20: Identify and list:

- a. all legislative bodies or designees of municipalities and regional planning commissions in the area shown on Exhibit ANR-REE-2 that ANR consulted with prior to and/or during the delineation of the river corridor shown on that exhibit;
- b. the date(s) of each such consultation;
- c. the name of each individual with whom such consultations were made;
- d. whether such consultations included providing a copy of Exhibit ANR-REE-2;
- e. all correspondence reflecting such consultations; and
- f. the substance of any non-written feedback provided to ANR in such consultations.

Q.EN.ANR.1-21: Explain whether ANR has issued, or will issue, a public notice of the river corridor map offered with Mr. Evans's testimony as Exhibit ANR-REE-2 in accordance with Section 5(c)(4)(D) of the Flood Hazard Area and River Corridor Protection Procedure.

- a. If the answer is yes, produce a copy of the notice and the dates of publication.
- b. If the answer is no, explain the basis for not providing such public notice.

Q.EN.ANR.1-22: Explain whether ANR has provided, or will provide, notice to Vermont Transco LLC/Vermont Electric Power Company, Inc. (VELCO) of the river corridor's coverage of the VELCO substation/switchyard adjacent to the VY Station.

- a. If the answer is yes, please provide copy of the notice, the date that it was provided, and any response thereto from VELCO.
- b. If the answer is no, explain the basis for not providing VELCO with such notice.

Q.EN.ANR.1-23: Explain whether ANR has provided, or will provide, notice of the river corridor depicted in Exhibit ANR-REE-2 to other owners of electric transmission facilities located within the river corridor.

- a. If the answer is yes, produce a copy of the notice and the date that it was provided, and any responses thereto.
- b. If the answer is no, explain the basis for not providing such notice to such other owners.

Q.EN.ANR.1-24: Explain whether ANR has provided, or will provide, notice of the river corridor depicted in Exhibit ANR-REE-2 to owners of electric generation facilities, including net-metered electric generation, located within the river corridor.

- a. If the answer is yes, produce a copy of the notice and the date that it was provided, and any responses thereto.
- b. If the answer is no, explain the basis for not providing such notice to such other owners.

Q.EN.ANR.1-25: What consideration did the Agency give to the potential negative impact on property values and/or potential for increased insurance rates from delineating the Connecticut River corridor to cover existing development near the VY Station? Explain the basis for your answer.

Q.EN.ANR.1-26: Explain in detail whether an appropriate river corridor delineation requires compliance with the Vermont Stream Geomorphic Assessment Phase II Handbook.



Q.EN.ANR.1-27: Identify, list and produce all river corridor permit applications filed pursuant to ANR's Vermont Flood Hazard Area and River Corridor Rule for development within the same river corridor as the corridor depicted in Exhibit ANR-REE-2.

Q.EN.ANR.1-28: Identify, list and produce all river corridor permits issued pursuant to the Agency's Vermont Flood Hazard Area and River Corridor Rule for development within the same river corridor as the corridor depicted in Exhibit ANR-REE-2.

Q.EN.ANR.1-29:

- a. Admit that the project that is the subject of this docket will not cause the Connecticut River reach to depart from or further depart from the channel width, depth, meander pattern, and slope associated with natural stream processes and equilibrium conditions;
- b. Admit that the project that is the subject of this docket will not result in an immediate need or anticipated future need for stream channelization, solely as a result of the proposed development, that would increase flood elevations and velocities or alter the sediment regime triggering channel adjustments and erosion in adjacent and downstream locations; and
- c. Admit that because of existing and adjacent development within the corridor, the project will not cause or contribute to fluvial erosion hazards.
- d. If any of (a) through (c) is denied, explain in detail the basis for denial and identify, list and produce all documents related to such response.
- e. If any of (a) through (c) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to such response.

Q.EN.ANR.1-30:

- a. Admit that the proposed second ISFSI project will not have an undue adverse impact on shorelines within the meaning of 30 V.S.A. § 248(b)(5) with due consideration having been given to 10 V.S.A. § 6086(a)(1)(F).
- b. Admit that the proposed second ISFSI project will not have an undue adverse impact on streams within the meaning of 30 V.S.A. § 248(b)(5) with due consideration having been given to 10 V.S.A. § 6086(a)(1)(E).

- c. Admit that the proposed second ISFSI project will not have an undue adverse impact on floodways within the meaning of 30 V.S.A. § 248(b)(5) with due consideration having been given to 10 V.S.A. § 6086(a)(1)(D).
- d. Admit that the proposed second ISFSI project will not have an undue adverse impact on the natural environment within the meaning of 30 V.S.A. § 248(b)(5).
- e. Admit that the proposed second ISFSI project will not result in undue adverse greenhouse gas impacts within the meaning of 30 V.S.A. § 248(b)(5).
- f. Admit that the proposed second ISFSI project will not result in an undue adverse use of natural resources within the meaning of 30 V.S.A. § 248(b)(5).
- g. If any of (a) through (f) is denied, explain in detail the basis for denial and identify, list and produce all documents related to such response.
- h. If any of (a) through (f) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to your response.

Q.EN.ANR.1-31:

- a. Admit that Attachment 1 to these requests is a true and accurate representation of the river corridor for the portion of the Connecticut River adjacent to the VY Station that is shown in the Natural Resource Atlas published by the Agency of Natural Resources on its website as of August 25, 2015.
- b. Admit that the river corridor depicted on Exhibit ANR-REE-2 extends over the Vernon Dam and into the existing high-voltage Vernon Substation adjacent to the VY Station.
- c. If any of (a) through (b) is denied, explain in detail the basis for denial and identify, list and produce all documents related to such response.
- d. If any of (a) through (b) cannot be admitted or denied, explain in detail why it cannot be admitted or denied and identify, list and produce all documents related to such response.

Q.EN.ANR.1-32: Identify, list and produce all correspondence between ANR and the Connecticut River Joint Commissions regarding delineating the river corridor for the Vermont side of the Connecticut River in the Wantastiquet Region.

Q.EN.ANR.1-33: List and produce all documents relied upon or forming the basis for ANR's denial of any request to admit and any of ANR's interrogatory responses.

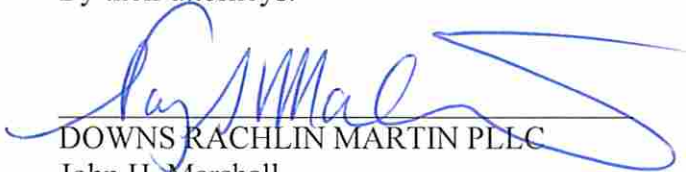
Q.EN.ANR.1-34: State whether the State of New Hampshire has approved the river corridor on the New Hampshire side of the Connecticut River that is depicted on the map offered as Exhibit ANR-REE-2 and explain the basis for your answer. Identify, list and produce all documents supporting your answer to the previous request.

Dated at St. Johnsbury, Vermont, September 2, 2015.

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

Respectfully submitted:

By their attorneys:



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### LEGEND

- River Corridors (Jan 2, 2015)
- Town Boundary

1: 25,680

August 25, 2015



### NOTES

Map created using ANR's Natural Resources Atlas

1,305.0      0      652.00      1,305.0 Meters

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

1" = 2140 Ft.      1cm = 257 Meters

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

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