

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)


AVERMENT REGARDING PROPRIETARY INFORMATION
RELATING TO LITIGATION

Pursuant to the Protective Agreement dated June 18, 2015 (“Protective Agreement”), and subject to the Protective Order to be issued in this docket, Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (together, “Entergy VY”), for themselves and on behalf of Entergy Corporation and its direct or indirect subsidiaries (collectively, “Affiliates” of Entergy VY), submit this Averment concerning information and one document that Entergy VY is filing under seal and for which Entergy VY seeks confidential treatment. Specifically, this Averment relates to CONFIDENTIAL Attachment A.DPS:EN.1-2, which contains proprietary information relating to litigation. The information required by the Protective Agreement and the Protective Order in this docket follows.

July 16, 2015

Respectfully submitted,

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

By: 
Susan Raimo

Confidential Documents and Information

A. Identification of Document or Information

- CONFIDENTIAL Attachment A.DPS:EN.1-2 (Initial disclosure of costs for pending claim)

B. Degree of Confidential Information

CONFIDENTIAL Attachment A.DPS:EN.1-2 is a document that would reveal Entergy VY or its Affiliates' confidential business and cost information that is the basis of Entergy Nuclear Vermont Yankee, LLC's lawsuit against the United States of America and is protected under a protective order of the United States Court of Federal Claims. Specifically, CONFIDENTIAL Attachment A.DPS:EN.1-2 contains business and cost information concerning the management of spent nuclear fuel from May 1, 2008, through December 13, 2013.

For these reasons, Entergy VY has undertaken to hold the information contained in CONFIDENTIAL Attachment A.DPS:EN.1-2 as confidential. If released, Entergy VY and its Affiliates' current or potential suppliers or contractors would be provided with detailed information regarding Entergy VY or its Affiliates' costs to manage spent nuclear fuel, which is the subject of the above-mentioned litigation. If provided with this information, Entergy VY's current or potential suppliers or contractors would obtain a competitive bargaining advantage over Entergy VY and its Affiliates.

C. Confidentiality Factors

i. Extent Information Known Outside Company

The confidential information contained in CONFIDENTIAL Attachment A.DPS:EN.1-2 is sensitive, is held in confidence by Entergy VY, is protected under a protective order of the United States Court of Federal Claims, and is not disclosed to individuals outside Entergy VY, its Affiliates, or its business partners under an obligation to hold such information in confidence. This information has not been shared with persons outside of Entergy VY except for such agents, counsel and other individuals who are under an obligation to hold such information in confidence or have agreed to keep it confidential.

ii. Extent Information Known by Employees and Independent Contractors

See C(i) above.

iii. Measures Taken to Guard Security

Entergy VY and its Affiliates take a comprehensive approach under Entergy policies towards the safeguarding of confidential business and cost information, copyrighted-protected works, trademarks, patents, trade secrets, and other confidential or proprietary information. Entergy VY and its affiliates' employees, agents, and contractors are required to protect such information assets against loss, damage, theft, unauthorized reproduction or duplication, unauthorized use, unauthorized disclosure, misappropriation, inappropriate disposal and mishandling.

Confidential Documents and Information

Specifically, CONFIDENTIAL Attachment A.DPS:EN.1-2 constitutes “Confidential Information” under the Entergy policy on the protection of information. Entergy VY and its Affiliates’ employees, agents and contractors must protect Confidential Information from disclosure, either accidental or intentional, to all parties, both inside and outside Entergy VY and its Affiliates, and must take care in the access to, and storage, reproduction, control, transmission, and destruction of materials containing Confidential Information. In short, Entergy VY and its Affiliates strictly maintain the confidentiality of this information.

iv. Value of Information to Entergy VY, Parent, Affiliates and Competitors

The information described in B above has unique value to Entergy VY and to its Affiliates as confidential business and cost information that is the basis of Entergy Nuclear Vermont Yankee, LLC’s lawsuit against the United States of America. This information reflects a significant investment of specialized staff time and expertise and/or payments to outside contractors or experts providing their specialized expertise to Entergy VY or its Affiliates. This information could not be replicated by a competitor or outside contractor without incurring significant expense.

v. Amount of Money or Effort to Develop Information

See B and C(iv) above.

vi. Ease/Difficulty in Acquiring/Duplicating Information

Because CONFIDENTIAL Attachment A.DPS:EN.1-2 is still protected under a protective order of the United States Court of Federal Claims, it would be very difficult if not impossible for a current or potential supplier or contractor to acquire the exact information, and a current or potential supplier or contractor would have to incur significant cost to develop such information or to procure comparable information from a third party.

vii. Harm of Disclosure

See B above.

D. Time Period

Entergy VY submits that CONFIDENTIAL Attachment A.DPS:EN.1-2 should remain confidential throughout the proceeding and be returned to Entergy VY or destroyed thereafter. Disclosure of this information during or after Public Service Board proceedings could result in significant financial harm to Entergy VY and its Affiliates.

E. Partial Disclosure or Redaction

Entergy VY does not at this time believe that partial redaction is appropriate for CONFIDENTIAL Attachment A.DPS:EN.1-2, given that the document is still protected under a protective order of the United States Court of Federal Claims.