

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 to)	PSB Docket No. 8300
Construct a Second Independent Spent Fuel)	
Storage Installation ("ISFSI") at the Vermont)	
Yankee Nuclear Power Station)	

ANR's THIRD SET OF INFORMATION REQUESTS ON PETITIONER

The Agency of Natural Resources ("Agency" or "ANR") by undersigned counsel, hereby serves the following Third Set of Information Requests upon Petitioner Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. ("Petitioner" or "Entergy") in accordance with Public Service Board Rule 2.214 and V.R.C.P. 33 and 34, and requests that Petitioner answer the requests in accordance with V.R.C.P. 33 and 34 and deliver its answers and all requested documents and materials to the Agency's offices as soon as possible but in no case later than November 25, 2015. Petitioner is requested to provide a copy of its answers in electronic format, that is, Word or other format readable by the Agency. Please produce two copies of your responses.

INSTRUCTIONS AND DEFINITIONS

1. Please reproduce the request being responded to before the response. Provide two complete hard copies of your responses and an electronic copy on disk. Provide two complete copies of all documents produced. All spreadsheets and computer data should also be provided on disk.
2. Responses to any and all Agency requests that are contained herein or that may be filed later should be supplied to the Agency as soon as they become available to Petitioner. That is, Petitioner should not hold answers to any requests for which it does have responsive data, documents, etc., until responses to any or all other requests are compiled.
3. 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, please state (1) the name(s) and title(s) of the person or persons responsible for preparing the response; and (2) the administrative unit which maintains the records being produced or maintains the data from which the answer was prepared; and (3) the date on which each question was answered.
4. 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), please provide all information with respect to the subject matter of the question that can be identified in Petitioner work papers and files or that is otherwise available.
5. These requests shall be deemed continuing. Petitioner is directed to change, supplement and correct its answers to conform to all information as it becomes available, including the substitution of actual data for estimated data. Responses to requests for information 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 and supplementary data as it becomes available.
6. Wherever responses include estimated information, include an explanation (or reference to a previous explanation) of the methods and calculations used to derive the estimates.
7. Some of the Agency's requests may make particular reference to a portion of a filing in this matter. Notwithstanding this specific direction, these items should be understood to seek discovery of all information available to Petitioner that is responsive to the questions stated.
8. Documents produced pursuant to these requests shall be organized and labeled in correspondence with the paragraph number to which they are alleged to respond. With respect to each document produced by Petitioner, identify the person who prepared the document and the date on which the document was prepared.

9. If any request to admit is responded to by a denial or an objection, explain in detail the reason for such denial or objection.
10. If in response to any request for information, the responding party asserts attorney client privilege, attorney work product, or any other privilege, please provide in addition to the basis of the privilege the date of the allegedly privileged communication(s), the identity of all persons who were party to the allegedly privileged communication(s) or who received photocopies of such communication(s), and the subject matter of the allegedly privileged communication.
11. If any interrogatory or request is objected to in whole or in part, please describe the complete legal and factual basis for the objection, and respond to all parts of the interrogatory or request to the extent it is not objected to. If an objection is interposed as to any requested documents, please identify the document by author, title, date and recipient(s), and generally describe the nature and subject matter of the document as well as the complete legal and factual basis for the objection.
12. These discovery questions are organized under broad general topic headings in an effort to facilitate ease of processing by both Petitioner and Agency staff. Notwithstanding this approach to organization, each question shall be understood to seek discovery of all information available to Petitioner that is responsive to the question stated.
13. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
14. "Activities" means activities regulated by the Agency pursuant to 10 V.S.A. § 159 and any of the regulations promulgated thereunder.
15. "Document," shall be construed as broadly as possible and means any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including all originals, prior drafts, and all non-identical copies.
16. "Hazardous waste" means any waste or combination of wastes of a solid, liquid, contained gaseous or semi-solid form, including but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or

surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954, as amended, codified

17. "Identify" means:
 - a. with respect to a natural person, to set forth: the person's full name, the person's present or last known employer (include full name and address), and the person's current title, position, or business;
 - b. with respect to a corporation, partnership, or other business entity (including a sole proprietor) to set forth: the entity's full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
18. "Material" or "materials" means any and all non-radiological objects, goods, substances, or matter of any kind, including hazardous and solid wastes.
19. "PCB" means any Polychlorinated Biphenyl and any daughter products of incomplete combustion of any Polychlorinated Biphenyl.
20. "Petitioner" refers to Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc.
21. "Project", "proposed facilities", "project site", and "project area" means the installation and construction of the Second Independent Spent Fuel Storage Installation ("ISDSI") at the Vermont Yankee Nuclear Power Station located in Vernon, Vermont, all as described in Petitioner's filings in this docket.
22. "Waste" means a non-radiological material that is discarded or is being accumulated, stored, or physically, chemically, or biologically treated prior to being discarded or has served its original intended use and is normally discarded or is a manufacturing or mining by-product and is normally discarded.
23. The term "you", "your", or "Entergy" shall mean Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. and shall include any officer, manager, employee, contractor, trustee, successor, assign, and agent of Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc.
24. "Low-level mixed waste", "LLWM" or "LLM" means a waste that contains both low-level radioactive waste and RCRA hazardous waste.

Information Requests and Questions

Q.ANR.EN.3-1: Regarding the rebuttal testimony of George Thomas on page 5:

“Given these facts, Entergy VY radiation surveys of the North Warehouse not surprisingly have detected radioactive contamination on the building structures. Therefore, the North Warehouse (including its structural components) and the waste-oil burner will be treated as radioactively contaminated.”

- a. Please identify and produce all Entergy VY radiation surveys referenced in this testimony that have detected radioactive contamination on the North Warehouse structures.

Q.ANR.EN.3-2: Regarding rebuttal testimony of George Thomas on page 5:

“Because portions of both the North Warehouse and the waste-oil burner are radioactively contaminated at low levels and because of the presence of lead paint on portions of the building structure, the entire structure will be considered low-level mixed waste (“LLMW”) at the time of disassembly.”

- a. Please identify the basis for the conclusion that “both the North Warehouse and the waste-oil burner are radioactively contaminated at low levels.”
- b. Please produce any and all documents related to the conclusion that “both the North Warehouse and the waste-oil burner are radioactively contaminated at low levels.”

Q.ANR.EN.3-3: Regarding rebuttal testimony of George Thomas on page 7:

“Entergy VY has conducted preliminary sampling and analysis of soil beneath the North Warehouse to detect the presence of radiological contaminants, and those initial samples did not identify any radioisotopes.”

- a. Please describe in detail the referenced “preliminary sampling and analysis” that was conducted to detect the presence of radiological contamination of soil beneath the North Warehouse. Please include a description of the sampling plan implemented to conduct such soil sampling.

- b. Please produce any and all documents, including all sampling results, related to the analysis of soil beneath the North Warehouse for the presence of radiological contaminants.

Q.ANR.EN.3-4: Regarding rebuttal testimony of George Thomas on page 7:

"If excavation exposes soil that is suspected of containing non-radiological hazardous waste based on soil staining or odor, the soil will be segregated and stored on site pending sampling and analysis."

- a. Please describe in detail all components of Entergy VY's proposed plan for sampling and analysis of "soil that is suspected of containing non-radiological hazardous waste based on soil staining or odor".
- b. Please indicate whether Entergy VY intends on providing a soil sampling plan for "soil that is suspected of containing non-radiological hazardous waste based on soil staining or odor" to the Agency for review and approval prior to excavation of such soils.
- c. Please produce any and all documents related to your answers to (a) – (b) above.

Q.ANR.EN.3-5: Regarding rebuttal testimony of George Thomas on page 7:

"In addition, Entergy VT will also analyze samples of excavated soil to determine the presence of any non-radiological hazardous wastes."

- a. Please indicate what is meant by the term "hazardous waste" as used in the testimony.
- b. Please describe in detail all components of Entergy VY's proposed plan for sampling and analysis of "excavated soils". Please include in your response:
 - i. a complete list of contaminants to be sampled for;
 - ii. identification of the methods to be used to sample and analyze identified contaminants; and
 - iii. identification of the regulatory standards against which the results of the sampling and analysis will be compared.
- c. Please indicate whether Entergy VY intends on providing a soil sampling plan for "excavated soils" to the Agency for review and approval prior to construction.

- d. Please produce any and all documents related to your answers to (a) – (c) above.

Q.ANR.EN.3-6: Regarding rebuttal testimony of George Thomas on page 7:

“Any soil that is determined to be above limits for non-radiological hazardous wastes will be segregated and stored on site until a determination is made as [sic] whether it will be disposed of as hazardous waste or LLM.”

- a. Please describe in detail Entergy VY's proposed plan for storage on site and disposal of soils that are determined to be non-radiological hazardous waste (and not LLMW).
- b. Please describe in detail Entergy's VY's proposed plan for storage on site and disposal of soils that are determined to contain contaminants that are not above limits for non-radiological hazardous wastes.
- c. Please identify all facilities Entergy VY may consider for disposal of soils that are LLMW.
- d. Please produce any and all documents related to your answers to (a) – (c) above.

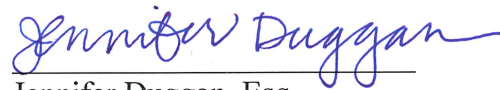
Requests to Produce

RTP.ANR.EN.3-1. To the extent not already provided, please produce any and all documents identified, referenced, relied upon, reviewed, or referred to in responding to these information requests.

Dated this 4th day of November, 2015, at Montpelier, Vermont.

State of Vermont
Agency of Natural Resources

By:


Jennifer Duggan, Esq.