

Section 248 of Title 30, Vermont Statutes Annotated and Chapter 157 of Title 10, Vermont Statutes Annotated.

4. Entergy VY objects to requests that are overbroad or unduly burdensome to the extent that they (a) are cumulative; (b) call for the production of documents not in the possession, custody or control of Entergy VY or their expert witnesses; (c) 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; or (d) call for the review, compilation and/or production of a voluminous number of documents, *e.g.*, of questionable relevance and/or at a significant expense.

5. Entergy VY objects to the purported requirement that it identify, with respect to each request, the "name(s) and title(s) of the person or persons responsible for preparing the response," the "administrative unit which maintains the records being produced or maintains the data from which the answer was prepared," and "the date on which each question was answered," as being unduly burdensome and beyond the requirements of the discovery rules. Without waiving any objections, Entergy VY states that the foregoing responses have been prepared by identified Entergy VY personnel, including in conjunction with its consultants, advisors, and/or expert witness(es), and with assistance from Entergy VY's in-house and outside counsel.

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

7. 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.

8. Entergy VY objects to any instruction contained in ANR's Third Set of Information Requests purporting to require Entergy VY to provide information in response to sub-parts of a question that are additional or different to that which is expressly requested in the introductory section of the question. Accordingly, where a request makes particular reference to, or is made in the context of, a specific filing or inquiry, Entergy VY shall limit its responses and objections to that filing or inquiry as appropriate.

9. 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.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.

A.ANR:EN.3-1: OBJECTION. By this reference, Entergy VY incorporates General Objection 4. Specifically, the request to “identify and produce all Entergy VY radiation surveys referenced in this testimony” is overly broad and unduly burdensome in that the request calls for the review of an enormous amount of information, including historical information that would have to be retrieved from microfilm, that is of limited importance to the issues in this docket at a substantial expense to Entergy VY. Entergy VY further objects to the extent the request calls 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.

Without waiving any objection, Entergy VY responds:

Entergy VY is providing as Attachment A.ANR:EN.3-1.1 a recent radiation survey that detected radioactive contamination on the North Warehouse building structures. Specifically, on August 18, 2014, the North Warehouse floor was tested for radiological contamination. The gamma spectroscopy report from a sample (SP-60858) detected the presence of CO-60.

In addition to radiation surveys, numerous reports support the conclusion that the North Warehouse building structures are radioactively contaminated. The September 2014 Radiological Historical Site Assessment, prepared by Radiation Safety & Control Services, concluded that the North Warehouse should be presumed to be a Class 2 structure for which the potential for residual radiological contamination exists. Table 1 of the Radiological Historical Site Assessment (available at <http://vydecommissioning.com/wp-content/uploads/2014/10/SAS-Appendix-E-VY-Radiological-Historical-Site-Assessment.pdf>) indicates that the potential for residual radiological contamination exists in the North Warehouse, and that as a result of burning waste oil with low levels of radiological contaminants for space heating in the North Warehouse, from approximately 1995 to 2011, unburned particulates may have accumulated on the roof of the North Warehouse and on the ground below the roof drip line. Entergy VY is also providing as Attachment A.ANR:EN.3-1.2 Condition Reports and Event Reports documenting past occurrences with the potential for causing radioactive contamination of the building structure.

Additionally, the waste-oil burner is attached to the North Warehouse building structures. Attachment A.ANR:EN.3-1.3 provides permits authorizing the burning of radiologically contaminated oil, which will result in radioactive contamination of the internal surfaces of the waste-oil burner.

Entergy VY and the Vermont Yankee Nuclear Power Corporation have submitted Annual Radiological Environmental Operating Reports and Radioactive Effluent Release Reports to the Department of Health and/or the Department of Public Service. ANR presumably has had access to these reports, and they are also publicly available through the U.S. Nuclear Regulatory Commission's Agencywide Documents Access and Management System (ADAMS) at <http://www.nrc.gov/reading-rm/adams.html>. Table 1C of these reports shows radiological releases from the burning of used oil in the waste-oil burner at the North Warehouse.

Person Responsible for Response: George Thomas
Title: Senior Project Manager
Date: November 24, 2015

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.”

A.ANR:EN.3-2: OBJECTION. By this reference, Entergy VY incorporates General Objection 4. Specifically, the request to “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’” is overly broad and unduly burdensome in that the request calls for the production of an enormous amount of information that is of limited importance to the issues in this docket at a substantial expense to Entergy VY.

Without waiving any objection, Entergy VY responds:

- a. See A.ANR:EN.3-1 and Attachments provided therewith.
- b. See Attachments A.ANR:EN.3-1.1 to 3-1.3.

Person Responsible for Response: George Thomas
Title: Senior Project Manager
Date: November 24, 2015

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.

A.ANR:EN.3-3: OBJECTION. By this reference, Entergy VY incorporates General Objection 4. Specifically, the request to “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” is overly broad and unduly burdensome in that the request calls for the production of an enormous amount of information that is of limited importance to the issues in this docket at a substantial expense to Entergy VY.

Without waiving any objection, Entergy VY responds:

- a. During August 2014, ten (10) holes were cut in the floor of the North Warehouse and soil was removed down to a depth of 5 to 7 feet in preparation for performing soil soundings using cone-penetration testing technology. The soil was removed utilizing a vacuum truck. The removed soil was surveyed and a sample of it was analyzed for radioactivity. Since surveying of material prior to its removal from a radiologically controlled area is a normal operating practice, a sampling plan was not utilized.
- b. See Attachment A.ANR:EN.3-3.b. and A.ANR:EN.3-4.

Person Responsible for Response: George Thomas
Title: Senior Project Manager
Date: November 24, 2015

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.

A.ANR:EN.3-4: OBJECTION. By this reference, Entergy VY incorporates General Objection 4. Specifically, the request to “produce any and all documents related to your answers” is overly broad and unduly burdensome in that the request calls for the production of an enormous amount of information that is of limited importance to the issues in this docket at a substantial expense to Entergy VY. Entergy VY further objects to the extent that “plan” refers to that term as defined in the Vermont Hazardous Waste Management Regulations and/or the Vermont Investigation and Remediation of Contaminated Properties Procedure, but not specified in ANR's request.

Without waiving any objection, Entergy VY responds:

- a. Mr. Thomas's testimony on page 7 refers to the process of excavation of soil for the ISFSI Pad, Apron, Connector and Ramp that will occur after the North Warehouse and the 175 kW diesel generator and its underground fuel oil storage tank (“UST”) have been removed. Regarding the sampling and analysis of soil excavated in connection with the removal of the UST, see A.ANR:EN.2-6 and objections stated therein. Entergy VY will retain an independent consultant to develop the plan for sampling soil in the excavation site not already remediated in connection with the removal of the UST. The plan will include analysis of soil that is suspected of containing non-radiological hazardous waste based on soil staining or odor. See A.ANR:EN.3-5.
- b. Entergy VY intends to provide the soil sampling plan to ANR for review prior to excavation of such soils.
- c. None.

Person Responsible for Response: George Thomas
Title: Senior Project Manager
Date: November 24, 2015

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.

A.ANR:EN.3-5: OBJECTION. By this reference, Entergy VY incorporates General Objection 4. Specifically, the request to “produce any and all documents related to your answers” is overly broad and unduly burdensome in that the request calls for the production of an enormous amount of information that is of limited importance to the issues in this docket at a substantial expense to Entergy VY. Entergy VY further objects to the extent that “plan” refers to that term as defined in the Vermont Hazardous Waste Management Regulations and/or the Vermont Investigation and Remediation of Contaminated Properties Procedure, but not specified in ANR's request.

Without waiving any objection, Entergy VY responds:

- a. “Hazardous waste” as used in the testimony refers to the definition of hazardous waste in the Vermont Hazardous Waste Management Regulations, 2013 (“VHWMR”). That is, “‘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 in 42 U. S. C. § 2014, is specifically excluded from this definition.” VHWMR § 7-103.

b. Entergy VY has not yet developed a plan for sampling and analysis of excavated soils. Entergy VY will retain an independent consultant to develop a sampling plan that will be consistent with applicable State and federal regulations governing hazardous waste management. The consultant will determine the list of contaminants to be sampled for, identify the methods to be used to sample and analyze identified contaminants, and identify the regulatory standards against which the results of the sampling and analysis will be compared. The consultant will be guided by Section 7-219 of the VHWMR and the “Investigation and Remediation of Contaminated Properties Procedure,” dated April 2012.

c. Entergy VY intends to provide the soil sampling plan for “excavated soils” to ANR for review prior to construction.

d. Please refer to the VHWMR.

Person Responsible for Response: George Thomas
Title: Senior Project Manager
Date: November 24, 2015

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 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.

A.ANR:EN.3-6: OBJECTION. By this reference, Entergy VY incorporates General Objection 4. Specifically, the request to “produce any and all documents related to your answers” is overly broad and unduly burdensome in that the request calls for the production of an enormous amount of information that is of limited importance to the issues in this docket at a substantial expense to Entergy VY. Entergy VY further objects to the extent that “plan” refers to that term as defined in the Vermont Hazardous Waste Management Regulations and/or the Vermont Investigation and Remediation of Contaminated Properties Procedure, but not specified in ANR's request.

Without waiving any objection, Entergy VY responds:

- a. Entergy VY has not yet developed a plan for storage on-site and disposal of soils that are determined to be non-radiological hazardous waste (and not LLMW).
- b. Entergy VY has not yet developed a 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. Entergy VY may consider the *EnergySolutions* facility in Oak Ridge, Tennessee, or the Waste Control Specialists facility in Andrews, Texas, for disposal of soils that are LLMW.
- d. None.

Person Responsible for Response: George Thomas
Title: Senior Project Manager
Date: November 24, 2015

Requests to Produce

Q.ANR:EN.RTP 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.

A.ANR:EN.RTP.3-1: OBJECTION. By this reference, Entergy VY incorporates General Objection 4. Specifically, the request to "produce any and all documents identified, referenced, relied upon, reviewed, or referred to in responding to these information requests" is overly broad and unduly burdensome in that the request calls for the production of an enormous amount of information that is of limited importance to the issues in this docket at a substantial expense to Entergy VY.

Person Responsible for Response: Entergy VY Counsel
Date: November 24, 2015

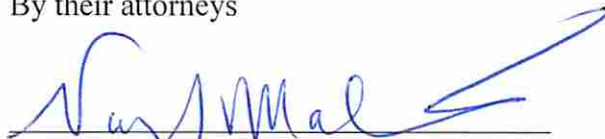
As to objections where responsive information was provided over stated objections:

St. Johnsbury, Vermont. November 24, 2015.

Respectfully submitted,

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

By their attorneys



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