

4. Each of these General Objections is incorporated by reference into the below referenced objections and responses as if expressly restated therein. Conservation Law Foundation (CLF) does not hereby waive any objections and reserves the right to later raise any additional, available objection.

REQUESTS

Q.JP:CLF.1-1: Identify, list and produce all exhibits to be introduced or used at hearing in support of the prefiled testimony of Mr. Hill in this proceeding.

A.JP:CLF.1-1: The exhibits were provided along with the prefiled testimony submitted on August 30, 2017.

Person responsible for response: Sandra Levine
Title: Counsel for CLF
Date: September 26, 2017.

Q.JP:CLF.1-2: Identify, list and produce all documents, data compilations, electronically stored information, photographs, workpapers, or other tangible things provided to, exchanged with, prepared by, reviewed by, relied upon or used by Mr. Hill in developing his prefiled testimony and the opinion(s) underlying his prefiled testimony, including but not limited to, all exhibits to his prefiled testimony, to the extent not already produced.

A.JP:CLF.1-2: Objection. CLF objects to this request for information or production of documents as being overly burdensome and as it seeks information and documents that is or are subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials and are not discoverable pursuant to V.R.C.P. 26.

Without waiving any objection, see the information identified in Mr. Hill's prefiled testimony, including the prefiled testimony and exhibits and identified discovery responses of Joint Petitioners. See also A.JP:CLF.1-3.

In addition, Mr. Hill reviewed PowerPoints apparently authored by Petitioners (and/or publicly available) dated December 8, 2014; September 27, 2016; December 1, 2016 (Attachment A.DPS.NS.1-57.1398); January 24, 2017 (Attachment A.DPS.EN.1-19.226 & Attachment A.DPS.EN.1-19.229); and February 8, 2017 (Attachment A.DPS.NS.1-57.1452), and also reviewed articles written in the VT Digger dated November 8, 2016; February 12, 2017; February 15, 2017; April 3, 2017; May 10, 2017; June 15, 2017; June 18, 2017; June 30, 2017; by Vermont Public Radio dated May 30, 2017; in the Brattleboro Reformer dated May 9, 2017; March 29, 2017 in the Commons OnLine blog; and March 9, 2017 Conservation Law Foundation blog.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-3: Produce all documents cited in Mr. Hill's testimony.

A.JP:CLF.1-3: Objection. CLF objects to this request for production of documents as overly burdensome as it seeks documents that are otherwise publicly available and accessible to Joint Petitioners.

Without waiving this objection, see Attachment A.JP:CLF.1-3

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-4: Identify all assumptions, materials, inputs, data, or information provided to Mr. Hill.

A.JP:CLF.1-4: Objection. CLF objects to this request for information or production of documents as it seeks information and documents that is or are subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials and are not discoverable pursuant to V.R.C.P. 26.

Without waiving any objection, Mr. Hill has been provided Joint Petitioners' and other parties' testimony and the discovery responses in this case, and pleadings in the Nuclear Regulatory Commission proceeding. He reviewed a significant portion of the publicly available discovery responses and testimony, including those he cites. He also reviewed and relied on the other documents he cites in his testimony. He did not keep a log of all documents he reviewed specifically for this case. He relied on his understandings from materials he has reviewed for other matters, in some cases dating back over 18 years.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-5: Identify and describe all previous work Mr. Hill has undertaken with regard to liability transfers that relate in any way to nuclear power plants, and produce all documents relating to all previous work Mr. Hill has undertaken with regard to the same.

A.JP:CLF.1-5: Objection. CLF objects to this as overly broad and unduly burdensome seeking voluminous information going back in some cases more than eighteen years, and seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, as stated in Mr. Hill's testimony at A1, page 2:

As an attorney, insurance broker, corporate officer and environmental trust officer, I have practiced in the relatively new and specialized area of environmental liability transfers – and related areas of environmental insurance and fixed-price contracting – for over 18 years, since virtually the inception of environmental liability transfers in the context of conventional (*i.e.*, non-nuclear) contaminants.

And as stated in Mr. Hill's testimony at A4, page 3:

TRC's GFPCs were an early form of the liability transfer that Petitioners propose here, yet that, to my knowledge (see below at 12-13 & n.7), has never been done in the context of a nuclear plant.

As reflected in this testimony, Mr. Hill is not aware of any environmental liability transfers or guaranteed fixed price contracts for a liability transfer regarding the decommissioning of a nuclear power plant. As explained throughout Mr. Hill's testimony, the principles of environmental liability transfers for conventional (non-nuclear) contaminants apply and relate to such transfers of nuclear power plants.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-6: Identify all regulatory proceedings by jurisdiction, date, docket number, and name in which Mr. Hill has testified or provided consulting or expert support for witnesses testifying on liability transfers that relate in any way to nuclear power plants.

A.JP:CLF.1-6: Objection. CLF objects to this as overly broad and unduly burdensome seeking voluminous information going back in some cases more than eighteen years, and seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this request, as stated in Mr. Hill's testimony at A4, page 4:

I have on several occasions been engaged to serve as an expert consultant and/or witness in judicial and/or administrative proceedings, addressing issues related to environmental insurance in the context of liability transfers.

Mr. Hill has not specifically testified in any regulatory proceedings.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-7: Identify and describe all previous work Mr. Hill has undertaken with regard to liability transfers, and produce all documents relating to all previous work Mr. Hill has undertaken with regard to the same.

A.JP:CLF.1-7: Objection. CLF objects to this as overly broad and unduly burdensome seeking voluminous information going back in some cases more than eighteen years, and seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, Mr. Hill has provided consulting or expert support and/or testimony in the following proceedings.

1. *U.S. v. Zurich Ins. Co.*, Civ. No. 08-5005 (N.D. Calif.)
2. *Lennar Mare Island, LLC v. Steadfast Insurance Co.*, Nos. 2:12-cv-02182-KJM-JJN and 2:16-cv-00291-KJM-JJN Mare Island (E.D. Calif.)
3. **Another matter, for which client consent to identify has not been provided. See A.JP:CLF.1-25**

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-8: Identify all regulatory proceedings by jurisdiction, docket number, and name in which Mr. Hill has testified or provided consulting or expert support for witnesses on liability transfers.

A.JP:CLF.1-8: Objection. CLF objects to this as overly broad and unduly burdensome seeking voluminous information going back in some cases more than eighteen years, and seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, as stated in A.JP:CLF.1-6: "Mr. Hill has not specifically testified in any regulatory proceedings."

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-9: Identify and describe all previous work Mr. Hill has undertaken relating to any of the Joint Petitioner parties, or related entities.

A.JP:CLF.1-9: Objection. The question is unclear as to what is work “relating to any of the Joint Petitioner parties, or related entities.” Without waiving this objection, Mr. Hill has never represented as a lawyer or worked as a consultant or broker (or otherwise) for any of the named Joint Petitioner parties.

As stated in Mr. Hill's testimony at A4 page 4:

From 2015 to 2016, I served on a part-time basis as Senior Counsel in the law firm of Primmer, Piper, Eggleston & Cramer, PC, establishing its District of Columbia office and working occasionally from its Burlington and Montpelier offices.

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-10: Identify each communication Mr. Hill has had with any party to this proceeding concerning Joint Petitioners' petition for a Certificate of Public Good, including (1) the method of communication, (2) the date of the communication, (3) the parties to the communication, (4) any other parties who witnessed or heard the communication and (5) identify and produce all documents concerning such communications.

A.JP:CLF.1-10: Objection. The question seeks information or production of documents that is or are subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials, and/or protected by a common interest protection and/or are unduly burdensome to produce and not discoverable pursuant to V.R.C.P. 26.

Without waiving any objection, after learning from a November 2017 press article of the proposed Vermont Yankee liability transfer, Mr. Hill called the office of Mr. Chris Recchia – then the Commissioner of Vermont's Public Service Department, and a person who Mr. Hill knew personally from the time they spent together as students at Vermont Law School and Yale University and offered to speak with Mr. Recchia about the matter. By phone in December or January, Mr. Recchia let Mr. Hill know that he was soon to be (or had been) replaced as Commissioner by June Tierney and he encouraged Mr. Hill to contact Ms. Tierney.

By calls and emails, Mr. Hill reached out to Ms. Tierney's office to apprise her of his experience and to offer to speak with her or other State officials regarding the proposed liability transfer.

During February 2017, Mr. Hill had two conversations with counsel for the Public Service Department.

In early 2017, Mr. Hill spoke in person, and by telephone and communicated by email with Sandra Levine (counsel for the Conservation Law Foundation and also a neighbor of Mr. Hill's in Vermont) regarding the matter and Mr. Hill's experience with regard to liability transfers. In September 2017 Mr. Hill communicated with NorthStar's counsel, in response to an inquiry from her, establishing no conflict of interest in providing expert testimony for Conservation Law Foundation.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-11: To the extent not already produced:

- a. Identify and produce all publications prepared, written, authored, co-authored, peer-reviewed, and/or contributed to by Mr. Hill within the preceding ten years, whether or not included in his respective curriculum vitae; and

A.JP:CLF.1-11 a.: Objection. The request is overly broad and burdensome and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, to the best of Mr. Hill's recollection, with one exception, all such publications are included in the curriculum vitae provided. The exception is an Environmental Insurance Survey that I co-authored in 2009, and it was omitted as an oversight. M. Hill & R. Betterley, *Environmental Insurance Market Survey 2009: A Hardening but Still Broad Array of Valuable Coverages with Several New Market Entrants*, The Betterley Report (April 2009), a copy of which is submitted herewith. See Attachment A.JP:CLF.1-11a.

- b. Identify all matters in the last five years in which Mr. Hill has been designated and/or has testified as an expert at hearing or trial, or by deposition, and identify and produce any transcripts, affidavits, testimony or other written statements by the witness in connection with the matters.

A.JP:CLF.1-11 b.: Objection. The question seeks information or production of documents that is or are or may be subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials, and/or seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, , and /or are unduly burdensome to produce and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, see A.JP:CLF.1-7. See also copies of Mr. Hill's written testimony and deposition transcript in the Mare Island matter, provided herewith as Attachment A.JP:CLF.1-11 b.

Mr. Hill has also served as an expert witness or consultant in other proceedings, but he did not testify as an expert at hearing or trial, or by deposition.

Mr. Hill was also engaged by the U.S. Army Corps of Engineers ("Army") to serve as a testifying expert in a matter before the Armed Services Board of Contract Appeals in *Appeal of River Ridge Development Authority*, ASBCA 58981 (Armed Services Bd. of Contract Appeals, 2016). Mr. Hill has not testified in the matter.

Mr. Hill prepared a report for the Army, has consent to disclose that he worked on this matter, but he does not have the Army's consent to disclose the Report.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-12: Identify each communication Mr. Hill has had with any non-party (including, without limitation, any federal or state agency, organization or entity), concerning Joint Petitioners' petition for a Certificate of Public Good, including (1) the method of communication, (2) the date of the communication, (3) the parties to the communication, (4) any other parties who witnessed or heard the communication and (5) identify and produce all documents concerning such communications.

A.JP:CLF.1-12: Objection. The question seeks information or production of documents that is or are or may be subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials, and/or seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and /or are unduly burdensome to produce and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, when Mr. Hill learned from discovery responses that Petitioners were relying on an environmental insurance policy from the Zurich Insurance Company, Mr. Hill sought and obtained (through Zurich's litigating counsel in other litigation for which Mr. Hill was and/or still is serving as an expert witness on the subject of environmental insurance) Zurich's consent to serve as an expert witness in this proceeding.

In addition, Mr. Hill has had limited informal conversations with neighbors or friends where he responded to a question about what he is doing, and identified the matter and that his is working with Conservation Law Foundation or with Sandra Levine. These were short conversations and there are not documents memorializing them.

Finally, Mr. Hill communicated informally with a Vermont Law School student in response to her question regarding a potential environmental subject for her Law Review Note, recommending to her that she consider the Vermont Yankee transfer. On or about September 7, Mr. Hill emailed the student a copy of his testimony as well as copies of (or directions to acquire through the PUC website) the testimony of other parties.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-13: Identify whether Mr. Hill reviewed discovery responses provided in this Docket other than the responses identified in Exhibit CLF-MOH-3.

A.JP:CLF.1-13: Yes.

a. If yes, identify the responses Mr. Hill reviewed and whether Mr. Hill reviewed each response before submitting his testimony.

a. See responses cited in Mr. Hill's testimony. See also supra including A.JP:CLF.1-4.

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-14: Provide Mr. Hill's hourly rate of compensation for the work and testimony Mr. Hill is providing in this proceeding.

A.JP:CLF.1-14: Mr. Hill's usual rate of compensation is \$550/hour. His usual compensation for work for the U.S. Government is \$400/hour. Mr. Hill agreed to provide expert witness services for CLF on a pro bono basis for his time up to a total of 200 hours from the time of his March 13 engagement. Through Monday of this week, Mr. Hill had provided approximately 161 hours of work to CLF.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

September 26, 2017

Q.JP:CLF.1-15: Provide an estimate of the number of hours Mr. Hill spent preparing his testimony.

A.JP:CLF.1-15: Objection. The question seeks disclosure of protected trial preparation information pursuant to V.R.C.P 26(b)(5)(C).

Without waiving this objection, Mr. Hill spent approximately 137 hours preparing his testimony.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-16: State when Mr. Hill was retained by CLF.

A.JP:CLF.1-16: Objection. The question seeks disclosure of protected trial preparation information pursuant to V.R.C.P 26(b)(5)(C).

Without waiving this objection, Mr. Hill was retained on or about March 13, 2017.

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-17: Admit that Mr. Hill has no experience in liability transfers related to nuclear facilities. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-17: Denied. Mr. Hill's testimony explains how the experiences of liability transfers in the conventional or non-nuclear realm relate to transfers of nuclear facilities. In addition, Mr. Hill worked on one matter involving a liability transfer at a site that contained a small nuclear power plant. The liability transfer had nothing to do with decommissioning the nuclear power plant.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 18, 2017.

Q.JP:CLF.1-18: Identify each instance in which Joint Petitioners identify any specific party other than NorthStar Decommissioning Holdings, LLC as the proposed transferee in the proposed transaction.

A.JP:CLF.1-18: Objection. Request is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, see Mr. Hill's testimony at page 9 footnote 3, and pages 19-20, footnote 13.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-19: Admit that Mr. State's December 2016 prefiled testimony defines the term "NorthStar" to mean NorthStar Group Services, Inc. unless otherwise noted (State PFT at 1:5-6). If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-19: Admitted that Mr. State's prefiled testimony at page 1, lines 5-6 states: "I am the Chief Executive Officer ("CEO") of NorthStar Group Services, Inc. (referred to herein as "NorthStar" unless otherwise noted)."

Denied that this constitutes a definition of the term for the purposes of the petition or the PUC review. It merely identifies how Mr. State refers to NorthStar Group Services for the purpose of his testimony.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 18, 2017.

Q.JP:CLF.1-20: Admit that Mr. Adix's December 2016 prefiled testimony defines the term "NorthStar" to mean to NorthStar Group Services, Inc. and its subsidiaries unless otherwise noted (Adix PFT at 2:1-2). If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-20: Admitted that Mr. Adix's prefiled testimony at page 2, lines 1-2 states: "The remainder of my testimony, unless otherwise specified, uses "NorthStar" to refer to NorthStar Group Services, Inc. and its subsidiaries."

Denied that this constitutes a definition of the term for the purposes of the petition or the PUC review. It merely identifies how Mr. Adix refers to NorthStar Group Services and its subsidiaries, including NorthStar Decommissioning Holdings, for the purpose of his testimony. Denied further as Mr. Adix's identification as quoted in this question (and in his testimony) is different than the identification provided in Mr. State's testimony as quoted in the prior question.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017.

Q.JP:CLF.1-21: Identify all documents Mr. Hill reviewed prior to making the statement in page 6, footnote 2, that he is “not aware of any competitive bidding having occurred for this transfer.”

A.JP:CLF.1-21: See Response A.JP:CLF.1-4. The prefiled testimony and public versions of discovery responses did not identify any competitive bidding that occurred for this transfer, nor is Mr. Hill aware of seeing any other document that provided evidence of any such competitive bidding.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

September 26, 2017

Q.JP:CLF.1-22: Explain each way in which government approval of the transfer of a government site to a private entity differs from governmental approval of the transfer of a site between private entities.

A.JP:CLF.1-22: Objection. The request would require additional document review and analyses beyond the scope of discovery pursuant to V.R.C.P. 26. Pages could be written to provide a thorough response to this request. That said, without waiving any objection, as referenced in Mr. Hill's testimony, one difference between the two is that government approval of a transfer of contaminated government property before it has been remediated requires additional protections and assurances of remediation. See M. Hill Expert Report, at 23 (citing CERCLA Section 120(h), 42 U.S.C. 9620(h)). As reflected by Petitioners' Response 48 to CLF's discovery requests (cited and quoted in M. Hill's testimony at page 11), there are also important similarities between the two types of transfers, most significant of which is the government's interest in ensuring that the remediation is completed well and without undue delay.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-23: Identify all documents and information Mr. Hill reviewed to assess “any ENVY parent, affiliate, or other entity that may currently share such liability,” as stated on page 10, lines 2-3.

A.JP:CLF.1-23: Objection insofar as the question as phrased mischaracterizes the referenced statement in Mr. Hill's testimony. See the information provided in Mr. Hill's testimony at page 10, footnote 4:

Absent Petitioners' demonstration of facts dispositively exonerating ENVY's parent and other affiliates from liability, see, e.g., U.S. v. Bestfoods, 524 U.S. 51, 55 118 S. Ct. 1876, 1881 (1998) (“corporate parent that actively participated in, and exercised control over, the operations of the facility itself may be held directly liable in its own right as an operator of the facility”), any release of ENVY would seem to present risks that run even beyond those of the loss of ENVY as a potentially liable party. I am aware of no such facts. Unless the Commission is aware of such facts, then for this additional reason, I believe that any release of Transferee would likely not be in the public's interest.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-24: In his testimony, Mr. Hill states that he is aware of one instance (citing *U.S. v. Iron Mountain Mines, Inc.*, Civ. No. S-91-1167 (E.D. Calif. Dec. 8, 2000)) in which the EPA provided a transferor with a full release, but that transfer “involved circumstances that are not present here.” Hill PFT at 11, n.7.

a. Identify each such “circumstance.”

A.JP:CLF.1-24 a.: Objection. Providing a response identifying each such circumstance is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, Mr. Hill’s understanding and recollection of significant circumstances include:

That the Transferor was willing to fund, and did fund, a large insurance policy providing protections for at least thirty years and thereafter with a half-billion dollar annuity with funds that were determined to be sufficient to continue to provide the proper remediation (which was predominantly in the form of operation and maintenance as opposed to remediation construction) for decades past the 30-year life of the policy.

Importantly, the actual policy text was provided to regulators for their inspection before (and as a condition of) the transfer, and the policy identified the Government as the first named insured (assuring it of direct access to the limits).

Another difference between Iron Mountain and the instant matter was that, in Iron Mountain, there was at least one other potentially responsible party that was not released, thus providing additional protection to the public in the event of a failure by the Transferor-funded financial assurance mechanisms.

- b. For each "circumstance" identified in section (a), explain:
- i. The basis for Mr. Hill's assertion that such "circumstance" is not present here; and

A.JP:CLF.1-24 b. i.: Objection. Providing a response identifying each such circumstance is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, see Mr. Hill's response above, and also his testimony at pages 11 – 29.

- ii. Why the absence of that "circumstance" here justifies denying a full release of liability.

A.JP:CLF.1-24 b. ii.: Objection. Providing a response identifying each such circumstance is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, the absence of these circumstances is just among the reasons to deny a full release of liability. For example, and as noted in Mr. Hill's testimony, the Iron Mountain release was done very early in the history of environmental liability transfers, when EPA was still learning a good deal about liability transfers. As reflected in his 2003 article cited in his testimony (at 13 & n.7), it has long been Mr. Hill's position that Transferors should not expect (and should not need) a complete release of liability.

- c. Identify and produce any documents that relied upon in your answer.

A.JP:CLF.1-24 c.: See documents cited in Mr. Hill's prefiled testimony and cited in response to the above questions.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-25: Identify the two instances Mr. Hill references in which state governments have “fully released a Transferor from its liabilities,” page 11, lines 9-10.

A.JP:CLF.1-25: Objection. The question seeks information or production of documents that is or are or may be subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials, and/or seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and beyond the scope of discovery pursuant to V.R.C.P. 26.

One such instance is the matter cited on page 13, footnote 7 of Mr. Hill's testimony -- *State of Maine v. U.S. and Settling Nonfederal Defendants*, No. 00-64-B-C (D. Me. May 30, 2000). The Maine case is also described in Mr. Hill's article: M. Hill, *A Tale of Two Sites: How Insured Fixed-Price Cleanups Expedite Protections, Reduce Costs, And Help The SEC, The EPA, And The Public*, 18 Nat'l. Env'tl. Enf't. Jnl. No. 8, at 4, 9 & nn. 7, 9 (Sept. 2003), modified and re-published with permission from article originally published in 45 Chem. Waste Litig. Rptr. 907 (May 2003), also referenced in that footnote, and publicly available at: http://www.albaenvironmental.com/wp-content/uploads/2013/08/Article5_Tale-of-Two-Sites.pdf.

For reasons beyond this response, Mr. Hill believes he is or may be constrained by ethics rules from identifying the second instance involving a state release. It was for that reason that he did not disclose the matter in his testimony. He is exploring now whether the second matter can be disclosed, and he will supplement this response if he determines that it can be disclosed.

- a. For each such case, state Mr. Hill's basis for stating that “[t]he circumstances of those cases differ from those here,” page 11, line 11.

A.JP:CLF.1-25 a.:

The circumstances of the State of Maine matter differ in that the Transferors fully funded a large environmental insurance policy (valid for approximately 30 years) and made the policy available for government review and approval prior to (and as a condition of) the transfer. It also differed in that the government had many other potentially responsible parties that were not released and that remained jointly and severally liable for virtually all of not all cleanup costs that were not covered by the policy or the Transferee in that case. Yet another difference is that the Transferee in the Maine matter was a large, publicly-traded corporation with hundreds of millions of dollars in assets and revenues, and that became fully liable for the full cleanup.

- b. Identify and produce any documents that relied upon in formulating this statement.

A.JP:CLF.1-25 b.: Objection. Providing a response identifying each such document is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, documents responsive to this request are identified in the 2003 article referenced above, and available through the dockets in those cases.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-26: With regard to the Zion transaction referenced in Mr. Hill's testimony (at 13, n.8):

- a. Identify each document you reviewed to conclude that, for Zion, the "liabilities appear[] to have been merely temporarily transferred to a third-party." *Id.*

A.JP:CLF.1-26 a.: The cited footnote contains a citation to the principal document on which Mr. Hill relied.

- b. Identify any relevant contractual provisions related to the transfer of liability for decommissioning as opposed to management of spent nuclear fuel.

A.JP:CLF.1-26 b.: Objection. Providing a response is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

As noted in Mr. Hill's testimony at page 13, footnote 8 (emphasis in original):

I want to make clear that I am not expert in the history of attempted or actual liability transfers in the context of nuclear plants. My hope is to provide in the nuclear context knowledge gained from the nearly two decades of experience with attempted and actual transfers of liability for *conventional* pollutants.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-27: Admit that the PUC has access to all documents produced in this Docket. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-27: **Admitted.**

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017

Q.JP:CLF.1-28: Regarding Mr. Hill's proposed system of "carrot and stick contractual incentives."

- a. Identify any liability transfers Mr. Hill is aware of that have employed such a set of incentives.

A.JP:CLF.1-28 a.: Objection. The question seeks information or production of documents that is or are or may be subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials, and/or seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and /or are unduly burdensome to produce and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, Transfers employing carrot and stick incentives were used at the Portland Bangor Waste Oil Site in Wells, Maine; and the Kenosha, Wisconsin site; and the former McClellan Air Force Base, all of which are discussed in articles that Mr. Hill drafted in 2003 and 2015 and that are identified in his Exhibit CLF-MOH-1.

- b. For each such liability transfer, identify which incentives were part of that transaction that Mr. Hill believes are absent here.

A.JP:CLF.1-28 b.: Objection. The question seeks information or production of documents that is or are or may be subject to the attorney-client privilege, or constitute work product, and /or trial preparation materials, and/or seeks disclosure of information that may or may be argued to be protected by rules of professional conduct and /or is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26. Without waiving any objection, see response JP:CLF.1-28a.

- c. For each such liability transfer, explain whether the costs associated with cleanup and/or decommissioning have been greater than or less than the amounts set aside in a specific fund or funds to cover those costs.

A.JP:CLF.1-28 c.: See responses JP:CLF.1-28a & 28b.

- i. If less, identify by how much less.

A.JP:CLF.1-28 c. i.: See responses JP:CLF.1-28a & 28b.

- ii. If more, identify by how much more.

A.JP:CLF.1-28 c. ii.: See responses JP:CLF.1-28a & 28b.

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-29: State Mr. Hill's basis for stating (page 17, line 24-28) that "Environmental liability transfers to Transferees receiving liability solely to perform the cleanup (v. operating the plant) are a relatively new and specialized field. The role that environmental insurance plays in them is particularly specialized, and there is little reason for any State, particularly Vermont, to defer to federal regulators with respect to it."

A.JP:CLF.1-29: See documents identified in footnotes 10, 11 and 12 of Mr. Hill's testimony.

- a. Identify and produce any documents that Mr. Hill relied upon in formulating this statement.

A.JP:CLF.1-29 a.: See documents identified in footnotes 10, 11 and 12 of Mr. Hill's testimony.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-30: Admit that, if given sufficient information on the factors to consider, the PUC is capable of independently assessing whether the proposed transaction provides adequate incentives for NorthStar to complete decommissioning and site remediation within acceptable cost parameters. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-30: Denied. As Mr. Hill's testimony makes clear, the area of liability transfers for remediation is a narrow and specialized field and one in which experienced expert assistance is and/or should be relied upon to assess the adequacy of incentives.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017

Q.JP:CLF.1-31: List the “other[]” reasons Mr. Hill references that support his assertion that “the Commission cannot rely on NRC Financial Assurance Requirements alone to determine whether [NorthStar] will have sufficient resources [to complete the decommissioning]” (page 19, lines 7-9).

A.JP:CLF.1-31: Objection. Providing a response identifying each such reason is unduly burdensome and requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, among the reasons for this statement is that the State of Vermont has an independent right if not duty to determine whether the Transferee will have sufficient resources to complete the decommissioning and the restoration, an aspect of the question that was omitted by Petitioners' use of brackets at the end of the quote.

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-32: Admit that Mr. Hill has not reviewed the financial information produced by Joint Petitioners for NorthStar Group Holdings, LLC or NorthStar Group Services, Inc. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-32: Neither Admit nor Deny. Mr. Hill reviewed publicly available information provided in discovery responses and in the prefiled testimony. He also reviewed the pleadings and testimony of State of Vermont in the NRC proceeding, as identified in footnotes 13 and 14 of his testimony.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017

Q.JP:CLF.1-33: Admit that Mr. Hill would not be able to determine “the extent that NSGH or NSGS will share in the Transferee’s liability beyond the limited protections offered by NSGS through the Parent Support Agreement,” page 20, lines 3-5, without having reviewed the financial information produced by NSGH and NSGS. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-33: Denied. As stated in Mr. Hill’s testimony at page 20, lines 3-7:

Except to the extent that NSGH or NSGS will share in the Transferee’s liability beyond the limited protections offered by NSGS through the Parent Support Agreement (discussed below), any response providing NSGH or NSGS information in lieu of NSDH’s prevents meaningful review of the Transferee’s finances.

Providing NSGH or NSGS information “in lieu of” NSDH prevents meaningful review.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017

Q.JP:CLF.1-34: Admit that Mr. Hill is not offering any expert opinion on how much the decommissioning and site restoration work proposed by NorthStar will cost or the sufficiency of the funding sources to complete decommissioning and site restoration. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-34: Denied, for reasons stated in Mr. Hill's prefiled testimony. Although Mr. Hill cannot state how much the work proposed will cost, his testimony does go to whether there is sufficient "buffer" in the funding sources to assure completion of the work. It is Mr. Hill's understanding from his review of testimony of certain State witnesses (e.g., Brewer, at 9; Maret at 10), that Petitioners seek to proceed with the work with a funding buffer on the order of 10-20%. As reflected in his testimony, Mr. Hill believes that, in circumstances such as these (where the Transferee is receiving liabilities not to operate the facility as a going concern but only to perform the cleanup), the buffer should be on the order of 100% for the "Knowns" and another 100% for the "Unknowns." Further information on this can be found in Mr. Hill's testimony, and in his articles cited in his Exhibit CLF-MOH-1.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

Q.JP:CLF.1-35: Explain specifically how a party in this proceeding would determine whether a given cost is "Known" or "Unknown" as those terms are used in Mr. Hill's testimony.

A.JP:CLF.1-35: Objection. Providing a response is unduly burdensome, requires additional document review or analysis, and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, typical definitional differences between Knowns and Unknowns are set forth in Mr. Hill's testimony, at 21 & nn. 15-16.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-36: Explain how Mr. Hill arrived at his assumption (page 27, lines 17-18) that “[approximately \$562 million] is roughly on the order of a conservatively high estimate of costs required to address the Knowns.”

A.JP:CLF.1-36: Objection. The question is unclear as it mischaracterized Mr. Hill's testimony. The statement in Mr. Hill's testimony is identified simply as an assumption, and not a “fact” as to any estimated cost.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017

Q.JP:CLF.1-37: Define, specifically, what costs are typically covered by a "cost cap" insurance policy or equivalent insurance as that term is used in Mr. Hill's testimony.

A.JP:CLF.1-37: Objection. Providing a response is unduly burdensome, requires additional document review or analysis, and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, see Mr. Hill's testimony at page 21 footnote 15, and the specimen policies provided in Attachment A.JP:CLF.1-37a.

- a. Produce an example of a "cost cap" insurance policy or equivalent insurance policy.

A.JP:CLF.1-37 a.: Objection. Providing a response is unduly burdensome, requires additional document review or analysis, and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, see copies of specimen policies provided herewith as Attachment A.JP:CLF.1-37a. These would normally be a starting point and would be customized for a particular project as noted in Mr. Hill's testimony at page 23 lines 15-20.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-38: Identify all examples of transactions or projects Mr. Hill is aware of that employ or employed a cost cap insurance policy for decommissioning of a nuclear facility of any kind.

A.JP:CLF.1-38: Mr. Hill is not aware of any transactions that employ a cost cap insurance policy for the decommissioning of a nuclear facility. That said, Mr. Hill is unaware of any reason why principles used at other types of facilities (e.g., non-nuclear utilities; brass manufacturing plants; military bases), could not be applied at nuclear plants.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

Q.JP:CLF.1-39: List all insurers Mr. Hill is aware of offering cost cap policies for nuclear decommissioning projects as of today's date.

A.JP:CLF.1-39: Mr. Hill is not aware of any such insurers. As noted in Mr. Hill's testimony at page 22, footnote 17:

Because traditional insurers exited the market for Cost Cap insurance in or around 2011, the Air Force and other entities that have executed liability transfers for conventional pollutants have needed to create and apply "Cost Cap Alternatives" to satisfy regulators' reasonable needs for assurance of cleanup completion. I have assisted the Air Force in two such post-Cost Cap transfers, in 2013 and 2015 (as well as others before 2011, using Cost Cap from traditional insurers). M. Hill, *Insured Fixed-Price Cleanups, Still Possible Even After Commercial Insurers' 2011 Exit from The Cost Cap Market*, 70 Chem. Waste Litig. Rptr. 956 (Oct. 2015).

That said, it is possible that such a policy could be provided through a captive insurer (including Entergy's, if it has one), or other cost cap alternative. Further discussion of the use of captives and other cost cap alternatives is provided in Mr. Hill's 2015 article, cited in Exhibit CLF-MOH-1 to his testimony and provided in Attachment A.JP:CLF.1-3.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

Q.JP:CLF.1-40: Identify all projects Mr. Hill was involved with during his time at TRC Companies, Inc. that involved a cost cap insurance policy.

A.JP:CLF.1-40: Objection. Providing a response is unduly burdensome, requires additional document review or analysis, and absent consent or waiver, seeks disclosure of information that may or may be argued to be protected by rules of professional conduct, and beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving this objection, see response A.JP:CLF.1-28a and the examples cited in those articles.

Through articles published in 2003 and identified in Exhibit CLF-MOH-1, Mr. Hill has with TRC's consent provided information concerning two such projects (the Portland Bangor Waste Oil Site in Maine, and a former Brass Manufacturing Plant in Kenosha, Wisconsin). Information beyond that which is in the articles should be obtained from TRC.

- a. For each such project, identify the insurer that issued the cost cap insurance policy.

A.JP:CLF.1-40 a.: See response JP:CLF.1-40.

- b. For each such cost cap insurance policy, list:
 - i. All claims made against the policy

A.JP:CLF.1-40 b. i.: See response JP:CLF.1-40.

- ii. The proffered bases for those claims

A.JP:CLF.1-40 b. ii.: See response JP:CLF.1-40.

- iii. All payments made by the insurer on those claims.

A.JP:CLF.1-40 b. iii.: See response JP:CLF.1-40.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-41: Define, specifically, what costs are typically covered by a "pollution legal liability" or "PLL" insurance policy as those terms are used in Mr. Hill's testimony.

A.JP:CLF.1-41: Objection. Providing a response is unduly burdensome, requires additional document review or analysis and is beyond the scope of V.R.C.P. 26.

Without waiving any objection, while PLL policies typically cover cleanup costs associated with "Unknown" pollutants, PLL policies also cover other costs (e.g., off-site disposal risks; business interruption). Further information can be found in the Specimen policies provided herewith. That said, because PLL policies are individually manuscripted, the specific terms (i.e., language) of every policy must be reviewed for a full, accurate and policy-specific response to this request.

- a. Produce an example of a "pollution legal liability" or "PLL" insurance policy.

A.JP:CLF.1-41 a.: Copies of specimen policies are provided herewith as Attachment A.JP:CLF.1-41a.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-42: Define "surplus lines" as used by Mr. Hill on page 23, line 6.

A.JP:CLF.1-42: Objection to the extent the question seeks a legal definition or additional document review or analysis beyond the scope of V.R.C.P. 26.

Without waiving any objection, as indicated on Page 23, Line 6, the term "surplus lines" is used in part to describe insurance policies whose textual terms (i.e., language) are not subject to regulatory review by State Insurance Commissioners or any other regulator.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-43: Describe, specifically, what “protections” would be provided by a “cost cap” or “PLL” policy that are not provided by the general liability policy discussed by Mr. Hill on page 25, line 30, to page 26, line 13.

A.JP:CLF.1-43: Objection. Providing a response identifying each such difference is unduly burdensome and requires additional document review (e.g., comparing the policies) or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection, among other differences are that cost cap and PLL policies are specifically designed to cover pollution conditions, they are designed to remain in effect through the expected life of the cleanup, and they are typically not subject to erosion from claims for other sites.

Person responsible for response: Michael O. Hill

Title: Expert Witness

Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-44: Define “services of a consulting nature” as opposed to “active remediation” as those terms are used by Mr. Hill on page 25, lines 27-28.

A.JP:CLF.1-44: Objection. The response seeks a legal definition and is unduly burdensome as it requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26.

Without waiving any objection the response can be found in the policy pages (at Bates 0050109 – 110) referenced in Mr. Hill’s testimony.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-45: Explain how the fact “that the [Support] Agreement can be modified by providing notice only to the NRC, without offering similar protections to the State of Vermont” is indicative that its purpose “is limited to decommissioning,” as discussed on page 27, lines 30-32.

A.JP:CLF.1-45: Objection as overbroad and unduly burdensome as it requires additional document review or analysis and is beyond the scope of discovery pursuant to V.R.C.P. 26..

Without waiving any objection, this explanation is provided in Mr. Hill's testimony on page 27.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to Objection: Sandra Levine, CLF

September 26, 2017

Q.JP:CLF.1-46: Admit that the Membership Interest Purchase Agreement, which the parties would be required to sign in order to effectuate the proposed transaction, includes a guaranty that the parties would execute a signed version of the Support Agreement. *See* Attachment A.DPS.JP.1-12.1 at Section 2.3. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-46: Neither Admitted nor Denied. The referenced Membership Interest Purchase Agreement was not provided as a publicly available document. CLF made reasonable inquiry and the information is not known or readily obtainable to CLF to enable CLF to admit or deny.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017

Q.JP:CLF.1-47: Admit that, once the Membership Interest Purchase Agreement and the Support Agreement have been executed, the monies provided for by the Support Agreement (\$125 million) will constitute assets of NorthStar Decommissioning Holdings, LLC. If denied, explain in detail the basis for your denial. If neither admitted nor denied, explain in detail the basis for your response.

A.JP:CLF.1-47: Neither Admit nor Deny. CLF is in possession of no facts to determine the legal status of the Support Agreement. The value of the Support Agreement is limited by the fact that it can be modified based only on notice to the NRC, and that it is only as good or as strong as the financial capabilities of NorthStar Group Services. If NSGS is bankrupt or insolvent, it has no value.

Person responsible for response: Sandra Levine
Title: Counsel for Conservation Law Foundation
Date: September 26, 2017

Q.JP:CLF.1-48: List each additional person or group of persons (e.g. the “public” “the Governor of the hosting state; the Administrator of the EPA... the local City, County or other governmental entity”) (page 30, lines 5-6) that Mr. Hill believes should receive additional documents.

A.JP:CLF.1-48:

- a. For each person or group, identify which additional documents that person/group should receive, and describe how such receipt of those documents will assist the PUC, which is already in possession of all documents produced in this proceeding, in determining whether a certificate of public good should issue.

A.JP:CLF.1-48a.: Mr. Hill’s opinion is, at a minimum, nuclear and environmental regulators and the public should have access to the Fixed-Price Contract and to the Insurance Policies and other financial instruments (e.g., bonds) that support the Transferee’s indemnification obligations under the Contract. In the BRAC context, that information is provided to the hosting City, County or other “Local Redevelopment Authority;” the Governor of the hosting State; and, in the case of NPL sites, to the EPA Administrator. Mr. Hill is unaware of the specifics of the Vermont regulatory (and public access to information) regime sufficiently to provide a response in much greater detail. That said, Mr. Hill believes that, as the beneficiaries or practical beneficiaries of the NDT, SRT, and/or other financial instruments created to assure the remediation and redevelopment of the VY property, Vermont residents (or at least their government representatives) should be assured of sufficient access to information regarding the implementation of the remedy and redevelopment to be aware on a timely basis of any delays or other problems that may occur during the implementation. In the case of privileged or similarly sensitive information, Mr. Hill believes that lead regulatory personnel should not be denied access to such information. Mr. Hill understands that some such access may need to be subject to confidentiality requirements.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

Q.JP:CLF.1-49: Identify each instance Mr. Hill is aware of in which a governmental entity of any type was designated the beneficiary of a nuclear decommissioning trust or of a site restoration trust.

A.JP:CLF.1-49: As stated in his testimony, Mr. Hill does not claim to be an expert with respect to nuclear decommissioning trusts (or related site restoration trusts). That said, in the context of conventional pollutants and restoration trusts or similar assurance entities related thereto, there are many instances in which a governmental entity has been designated as a beneficiary of a trust or other financial assurance vehicle.

One example is the Iron Mountain matter, discussed above, where EPA was made the first named insured under the site-specific insurance policy.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

Q.JP:CLF.1-50: Describe whether and, if so, how Mr. Hill considered the value of the property of the VY Station site and the value of the use of the property post-decommissioning in preparing his testimony.

A.JP:CLF.1-50: Mr. Hill did consider the value. His understanding was that the property would have some value post-decommissioning, but that the value would not be nearly sufficient in itself to assure proper decommissioning or restoration.

Person responsible for response: Michael O. Hill
Title: Expert Witness
Date: September 26, 2017

As to responses to requests to admit and objections and where responsive information was provided over stated objections:

Dated at Montpelier, Vermont this 27th day of September, 2017

CONSERVATION LAW FOUNDATION

By: 

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