The Windham Regional Commission (WRC) hereby serves the following set of Information Requests upon Entergy Nuclear Vermont Yankee, LLC (“ENVY”) and Entergy Nuclear Operations, Inc. (“ENO”) (collectively “petitioner” or “Entergy”) and requests that the petitioner answer the requests and deliver its answers and all requested materials to the WRC in accordance with the order in this docket.

INFORMATION REQUESTS

1) Mr. Perito stated that he is the Senior Vice President and Chief Operating Officer for Entergy Nuclear Operations, Inc. (Rebuttal Testimony, March 15, 2013, page 1, answer 2).
   a. Please identify all the officers of Entergy Nuclear Operations.
   b. Please list any other Entergy entities in which the individuals identified above hold a position as an officer.

2) Mr. Perito stated that “There have been some nuclear plants in the United States that resumed operation after extended shutdowns, but their circumstances are quite different from the situation for the VY Station. For example, the Brunswick 1 & 2 nuclear facilities and the Davis Besse facilities restarted after lengthy shutdowns, but those facilities were
owned and operated by regulated utilities that had other sources of revenue to sustain them economically during the shutdowns. The Browns Ferry nuclear facility also restarted after a lengthy shutdown, but it was owned and operated by the Tennessee Valley Authority, a U.S. government owned agency that has unique borrowing capabilities because of the government’s perceived financial backing of it. Unlike those nuclear facilities, the VY Station is a merchant generator that during its operating life is economically dependent upon the revenues from the sale of its power.” (Rebuttal Testimony, March 15, 2013, page 9, answer 14).

a. What were the lengths of the extended shutoffs at each of the named plants, and what was the cause of each?

3) Mr. Perito stated that, “Entergy VY would suffer huge financial losses if the VY Station were shut down and kept in shutdown mode for an extended period of time. During that time, Entergy VY would not have any revenues, but would continue to incur substantial costs, including the approximately $66 million in annual salaries paid to its employees, property taxes, insurance, and the cost of purchasing the off-site power needed to keep the plant’s safety and other necessary systems in operation while it remained in shutdown mode.” (Rebuttal testimony, March 15, 2013, page 5, answer 10).

a. Please identify the calculated value of the annual property taxes that would add to the “substantial costs” during the period of an extended shut down lasting one year or longer.
b. Could an unforeseen mechanical problem lead to an extended shut down of the Vermont Yankee Station lasting one year or longer?
c. Does Entergy VY agree with the statement on page 35 of the report of the Public Oversight Panel dated March, 2009 that says, “About half (46.7 percent) of the boiling water reactors licensed to operate in the U.S. have had one or more year-plus outages?”
d. Please identify any reserve fund or loan fund that is sufficient to support the VY Station through a period of extended shut down lasting one year or longer.
e. In docket 7440 Entergy VY witness Michael Colomb stated, “Our ongoing monitor of the condition of the condenser tells us that it would not be reliable through the 20-year license extension period, therefore, we would have to replace it sometime in that period” (Docket 7440 transcript, May 26, 2009, page 115, line 16). Has the replacement of the condenser been accomplished? If the condenser has not been replaced, does this impact the reliability of the plant for the entire 20 year period of the proposed amended CPG? If it does impact the reliability of the plant over the 20 year period of the CPG, what are those impacts and what are the implications of those impacts?
f. Could a sudden failure of the condenser lead the VY Station into an extended period of shutdown lasting one year or longer?

4) Mr. Cloutier addresses a demolition criterion at Maine Yankee, Yankee Rowe, and Connecticut Yankee and stated that the opinion of Mr. Maret regarding removal of structures, “is not substantiated by experience at Maine Yankee, Yankee Rowe or Connecticut Yankee where a demolition criterion similar to that contemplated by TLG’s decommissioning-cost analysis was used.” (Rebuttal Testimony, March 15, 2013, page 3, answer 7).
   a. Please identify any Memoranda of Understanding, contracts, or similar agreements at any of the three identified locations that pre-defined site restoration in such a way as to limit removal of structures in a manner contemplated by the TLG analysis for Vermont Yankee.
   b. Please describe any commercial redevelopment that has occurred on any of the above listed sites.
   c. If redevelopment has occurred, please identify how the developers handled abandoned underground structures.
   d. Could NRC requirements for the removal of structures be influenced by the mandatory public hearings following submittal of the Post-Shutdown Decommissioning Activities report (PSDAR) and the License Termination Plan (LTP)?

5) Mr. Cloutier stated that “TLG’s experience as a contractor, responsible for the removal of plant systems (exclusive of the reactor vessel) at the Shippingport Atomic Power Station, demonstrated that local labor could be trained to perform most of the physical dismantling activities.” (Rebuttal Testimony, March 15, 2013, page 4, answer 8)
   a. Does Entergy VY commit to the use of local labor for most of the physical dismantling activities at Vermont Yankee?

6) Mr. Cloutier discusses the use of the decommissioning trust fund to provide for radiological remediation, spent fuel management, and restoration of the VY Station site (Rebuttal testimony, March 15, 2013, page 12, answer 24).
   a. Is it possible for Entergy VY to establish separate funds for radiological remediation, spent fuel management and site restoration?
   b. Why has Entergy VY maintained a single comingled fund?
   c. Would the establishment of a separate fund that ensures site restoration to Vermont standards be in the best interest of the State of Vermont?
d. Does the proximity of the current ISFSI to the plant buildings present any problem for the eventual dismantlement of those buildings?

7) When discussing the differences between the Decommissioning Cost Analyses prepared in 2001 and 2011, Mr. Cloutier stated that property tax, “had a different cost basis in 2001” (Rebuttal Testimony, March 15, 2013, page 13, answer 26).
   a. Please explain each cost basis and identify how property taxes were calculated in the Analyses dated 2001, 2007, and 2012 (WRC is referencing the Decommissioning Cost Analyses with cover dates of September 2001, January 2007, and February 2012).
   b. Please explain why property taxes in the 2012 Analysis were calculated based on the site being assessed as “vacant land.”

8) Mr. Cloutier stated that, “The 2020 start date [for removal of spent nuclear fuel] was, at the time the estimates were prepared in 2011, the date that was relied upon by the Department of Energy (or “DOE”) in both its planning and litigation.” (Rebuttal Testimony, March 15, 2013, page 5, answer 9).
   a. Has Entergy VY considered an earlier start date for the removal of spent fuel?
   b. Has Entergy VY considered the possibility of the removal of the SNF to an alternative site that is already licensed to store spent nuclear fuel?
   c. Please identify any and all contractual, statutory or other legal restrictions that prohibit each nuclear site owned or operated by an Entergy subsidiary from storing spent nuclear fuel from Vermont Yankee.
   d. Is it possible for Entergy VY, or the owners of another nuclear plant, to apply for an NRC license to receive and store spent nuclear fuel from Vermont Yankee?
   e. Has Entergy VY made an application to the NRC for authorization to store spent nuclear fuel from the VY Station at any other location?
   f. Has used nuclear fuel ever been moved from one commercial reactor site to another commercial reactor site?
   g. Is it possible to apply to the NRC for authorization to transport spent fuel from the VY Station to another location that is already licensed to store spent nuclear fuel?
   h. Has Entergy VY made an application to the NRC for authorization to transport spent nuclear fuel from the VY Station to any other location?
   i. When Entergy VY has engaged in negotiations with DOE regarding breach of contract for removal of spent nuclear fuel, has Entergy VY attempted to negotiate reduced financial compensation in exchange for the expedited removal of SNF from the Vermont Yankee Station?
j. Please describe any negotiations with DOE that have taken place that would have traded reduced compensation, for the expedited removal of SNF. If Entergy VY has not negotiated with DOE for the expedited removal of SNF from the Vermont Yankee Station in exchange for reduced compensation, please state that this is the case.

k. Is it possible that DOE will favor the removal of Spent Fuel from nuclear stations with shutdown reactors prior to removing fuel from operating nuclear stations?


9) Mr. Buteau testified on February 26, 2013 in response to a question from Mr. Young that he has a matrix that lists the conditions from the MOU in docket 7082 (Transcript, February 26, 2013, Volume 1, page 22, line 15), and he subsequently stated that the matrix includes requirements from other dockets.

a. Does the matrix include paragraph 8 of the docket 7082 MOU, dated June 21, 2005 which states that, “The Company will use its commercial best efforts to ensure that high-level SNF stored at the Station is removed from the site in a reasonable manner and as quickly as possible to an interim or permanent location outside of Vermont?”

b. If paragraph 8 of the docket 7082 MOU is tracked by the matrix, please provide the page(s) related to this item.

c. Does the matrix include paragraph 11 of the docket 6545 MOU dated March 4, 2002 which states, “ENCY agrees that it must use its commercial best efforts to assure that the spent fuel is removed from VYNPS site in a reasonable manner and as quickly as possible rather than stored at VYNPS. ENCY shall allow the Department to participate in the discussions with DOE that involve VYNPS and to participate in the decision whether to pursue the discussions or to litigate.”

d. If paragraph 11 of the docket 6545 MOU is tracked by the matrix, please provide the page(s) related to this item.

e. Please identify each effort made by Entergy VY to hasten the removal of SNF from Vermont.

f. Please identify each effort Entergy VY has made to buy, sell, or trade the position of Vermont Yankee spent fuel within the DOE queue.

10) Mr. Buteau testified on February 26, 2013 in response to a question from Mr. Burke that he told Mr. Dodson “we had enough space to run to 2032 with the thirty-six casks on the current cask pad and filling up the spent fuel pool” (Transcript, February 26, 2013, Volume 1, page 47, line 19).
a. Did Mr. Buteau’s projection give consideration to reducing the density of the elevated spent fuel pool as defined in the Board Order in docket 7082, and the associated increase in the number of required casks to satisfy a reduction in density? (Docket 7082 Board Order dated April 26, 2006, pages 80—82)
b. If the Public Service Board, The NRC, or another entity were to require the reduction of density of the spent fuel pool, or if Entergy VY were to reduce the density on its own accord, would an additional ISFSI be required?
c. Did Mr. Dodson consider the potential for a second ISFSI to be constructed during the period of continued operations, before 2032?
d. Has Entergy VY identified and confirmed a location for a second ISFSI?

11) Mr. Herron testified that “on January 2 of this year, I transferred my duties and responsibilities to Jeff Forbes, who has taken over for me as the Chief Nuclear Officer for Entergy Nuclear. Prior to that from December -- approximately December of '09 to January 2 of '13 I was the President, the CEO and the Chief Nuclear Officer for Entergy Nuclear.” (Transcript, February 21, 2013, Volume 1, page 11, line 16).
   a. Please list all the officers of Entergy Nuclear.
   b. Please list any other Entergy entities in which each of the above named holds a position as an officer.

12) Mr. Herron testified regarding a media request by Turning Tide Productions (Transcript, February 21, 2013, Volume 1, page 37, line 24), and various meetings with “stakeholders.”
   a. Did Turning Tide Productions attend a stakeholder meeting and facility tour at the Governor Hunt House and the VY Station on or about June 22, 2010?
   b. Did Entergy VY document the above mentioned stakeholder meeting with film, video, or audio recording devices?
   c. Please provide a transcript (if possible) or audio or video record of the presentation at this event, if such a record exists.
   d. Please provide a list of invited stakeholders, if such a list exists.
   e. Please provide a list of attendees, if such a list exists.

13) Ms. Wells testified that in 2002 her position was “Senior Manager for Business Development Nuclear” (Transcript, February 22, 2013, Volume 1, page 12, line 6).
   a. Please identify each Entergy subsidiary or corporate entity in which Ms. Wells was employed, or for which she served as an officer, in 2002.
   b. Please identify any entity owned in whole or in part by any Entergy affiliated business that employed Ms. Wells in January 2001 when Entergy Nuclear
Corporation filed a request to the Board in Docket 6300 seeking the dismissal of the AmerGen petition in docket 6300.

c. Please provide the date of incorporation of Entergy Nuclear Vermont Yankee LLC, and identify each officer on the date of incorporation.

14) Mr. Twomey testified with regard to a docket 6545 MOU requirement for the “removal of all structures” and stated that “TLG Services’ assumption is consistent with the commitment Entergy VY made in the Docket No. 6545 MOU,” and then made reference to the September 2001 decommissioning study and the docket 7440 reply brief of the Public Service Department (Rebuttal Testimony, March 15, 2013, page 6, answer 8).

a. Please state why Mr. Twomey believes the short 59 word passage he cites from the decommissioning study dated September 2001 was not used to define site restoration in the subsequently prepared docket 6545 MOU.

b. Please state whether Entergy VY agrees that paragraph 6.19 of the sale contract between VYNPC as seller, and ENVY as buyer, and Entergy Corporation as guarantor, dated August 15, 2001, would compel Entergy VY to remove all structures regardless of depth, if so directed by the Public Service Board, the Vermont Legislature, or the NRC.

15) Mr. Dodson testified that subsequent to the technical hearings he spoke with Patricia O’Donnell, Chair of the Vernon Selectboard, regarding the Town Plan and Draft updates prepared in consultation with WRC. (Rebuttal testimony dated March 15, 2013, page 1, question and answer 4)

a. Has Mr. Dodson spoken with anybody from the WRC regarding the updates prepared in consultation with WRC?

Dated at Brattleboro, Vermont, March 26, 2013.

Windham Regional Commission

[Signature]

L. Christopher Campany, AICP
Executive Director