August 29, 2012

Ms. Susan M. Hudson, Clerk
Vermont Public Service Board
112 State Street – Drawer 20
Montpelier, VT  05620-2701

RE:  Docket No. 7862

Dear Ms. Hudson:

Enclosed for filing with the Public Service Board are an original and seven copies of the Second Set of Information Requests Served Upon Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc. by the Windham Regional Commission. Copies of this filing on all parties of record in Docket Nos. 7862 and 7440 have been sent today by both email and U.S. Postal Service.

The WRC appreciates the thorough response by Entergy to most of our first set of questions. We are filing our second set of questions early in an effort to give Entergy more time to prepare responses, broken down questions into more discrete, digestible parts, and have included narrative in the questions to provide context.

Please let me know if you have any questions.

Sincerely,

Chris Campany, AICP
Executive Director

Enclosure

Cc:  Docket 7862 Service List
Amended Petition of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., for amendment of their Certificate of Public Good and other approvals required under 30 V.S.A. § 231(a) for authority to continue after March 21, 2012, operation of the Vermont Yankee Nuclear Power Station, including the storage of spent nuclear fuel

SECOND SET OF INFORMATION REQUESTS
SERVED UPON
ENTERGY NUCLEAR VERMONT YANKEE, LLC AND ENTERGY NUCLEAR OPERATION, INC.
BY THE
WINDHAM REGIONAL COMMISSION

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.

1) In the first round of discovery WRC asked about the monitoring costs for storage of SNF in the spent fuel pool and in dry casks. Entergy VY responded, in part, by stating “…The monitoring costs for wet storage are not specifically identified in Exhibit EN-TLG-2 since pool operations are concurrent with spent fuel pool off-loading activities (to the DOE and/or ISFSI) and decommissioning (DECON) or plant layup activities (SAFSTOR). Pool operating costs are included at approximately $760,000 per year…” WRC is interested in the potential annual costs of storing SNF in the pool through the period of SAFSTOR as an alternative to storage in dry casks. (Please see WRC:EN.1-MT-14)

a) Please identify the annual cost for maintaining SNF in wet storage throughout the projected period of SAFSTOR, keeping in mind that the costs of decommissioning and SAFSTOR options will determine if and when the station can be fully remediated and the land returned to alternative productive use as envisioned by the docket 6545 MOU.
b) If the total operating cost for the spent fuel pool and all needed support is projected to be approximately $760,000 per year through any period of SAFSTOR, please state that clearly.

2) In the first round of discovery WRC asked if ISO-NE or any other power purchasing entity determined that the VY Station will remain a reliable producer of electricity through the entire 20 year term of the proposed CPG. Entergy VY responded by saying “Yes” and then stated “ISO-NE includes the VY Station in its forecasts of reliability, and assumes that the VY Station will be operating and an available source of power during the 20-year renewal period of continued operation.” (Please see WRC:EN.1-MP-6)

a) Please provide a specific source for this stated assumption and all available supporting documentation.

3) Question WRC:EN.1-MT-5 was a multipart question that sought the officers of Entergy Nuclear Vermont Investment Company, LLC, Entergy Nuclear Holding Company #3, LLC, and Entergy Nuclear Holding Company, and the number of persons employed by each. WRC appreciates the list of officers provided in response.

a) Having already identified the officers of each entity, please state the number of persons employed by each of the above listed entities.

4) In the first round of discovery WRC asked Mr. Tranen to consider his prefiled written testimony (A.18) in which he stated that Vermont Yankee “could not adversely affect system stability and reliability,” and then asked him to “…address conditions noted in the VELCO 2012 Vermont Long-Range Transmission Plan on pages 22, 24, and 27 in which the operation of Vermont Yankee aggravates overload conditions.” Mr. Tranen responded, in part, by stating “…While subsequent studies, such as the VELCO 2012 study, may indicate that overloads could occur under certain conditions, those overloads are not specifically linked to the VY Station.” (Please see WRC:EN.1-JT-4 and WRC:EN.1-JT-5, and the 2012 Vermont Long Range Transmission Plan available at: http://www.velco.com/LongRange/Documents/2012LRTP_final_to_PSB.pdf)

a) Please review pages 22, 24, and 27 of the VELCO Long-Range Transmission Plan taking note of the language used in the text block titled “When Deficiency Occurs,” and the description of the overloads that are aggravated when Vermont Yankee is running. Are the overload conditions identified by the VELCO study “linked to the VY Station?”

b) Please explain.
5) In the first round of discovery WRC asked how the continued operation of the VY Station would conform to the 2006 Windham Regional Plan. The questions were specifically addressed to Mr. Harry Dodson who declined to provide complete answers, stating that his testimony “…addresses the aesthetic impacts of the continued operation of the VY Station and review of town and regional plan areas primarily applicable to scenic resources. I have not studied, nor am I qualified to answer, questions about facility operation, permitting and licensing issues related to radioactivity and reliability or public health and safety issues.” (Please see WRC:EN.1-HD-4 and WRC:EN.1-HD-5)

Given that Mr. Dodson does not believe he is qualified to answer the questions, please provide a response from an alternative witness that can answer questions WRC:EN.1-HD-4 and WRC:EN.1-HD-5 and address:


b) How permanent spent fuel storage will be handled in a way that meets plan policy #1 (HLRW, page 95), which states, “Encourage a requirement that permanent spent nuclear fuel (SNF) storage be resolved prior to any consideration of extending or reviewing the operating license of Vermont Yankee.”

c) Identify how Entergy VY plans to meet the standard advocated in policy #2 (HLRW, page 95), which states, “Support increased local and regional public involvement regarding all SNF permitting and licensing decisions.”

d) Address Low Level Radioactive Waste (LLRW) plan policies 1-2 (page 95) and compare and contrast the standard for LLRW storage at out-of-state facilities used by Entergy VY with standards applied to in-state storage, and identify how out-of-state standards meet the requirements of Regional Plan Policies.

e) Identify how the petition and supporting testimony and exhibits filed in docket 7862, and the preemption claims of Entergy VY that seek to limit discussion of multiple issues and concerns, meet the standard of Regional Plan Policy 4.6(4)(d) on page 47, which requires energy generation projects to, “Effectively and adequately address all issues related to facility operation and reliability…”

6) In the first round of discovery WRC asked for a list of the eleven nuclear plants owned by Entergy Corporation, and a list of the local, state, and NRC regulatory restrictions (if any) that prohibit the storage of spent nuclear fuel generated by Vermont Yankee.

Entergy VY responded by stating “Entergy VY expects that it will only be able to transfer the VY Station’s SNF to an interim or permanent DOE storage facility. None of the licenses for the foregoing plants authorize the storage of spent nuclear fuel from the
Vermont Yankee Station at those sites.” (Please see WRC:EN.1-WC-8 and WRC:EN.1-MT-8)

a) Please identify any and all regulations that prohibit storage of SNF generated at Vermont Yankee at each of the other plants owned by Entergy VY, keeping in mind that the docket 6545 MOU requires Entergy VY “…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…”

7) In the first round of discovery WRC asked Entergy VY to “…identify what, if any, additional authorization Entergy VY would require from the NRC to reduce the density of the spent fuel pool by shifting SNF to dry casks” and “…identify specifically which NRC regulations, if any, prohibit Entergy VY from shifting SNF from the spent fuel pool to dry casks.” Entergy VY declined to provide any answer to these questions and instead stated an objection related to federal preemption. Testimony of Mr. Hoffman and Mr. Colomb provided by Entergy VY in docket 7440 is inconclusive with regard to what, if any, NRC regulations restrict or allow system modifications or movement of SNF from wet to dry storage, and WRC is seeking clarification (see WRC Reply Brief in docket 7440, pages 6-7). WRC has argued consistently that movement of SNF from wet storage to dry storage while the Station is operating will provide a financial benefit to the decommissioning fund that would hasten the point at which the Station could be fully remediated and the site returned to an alternative productive use. WRC has not and is not seeking information related to nuclear safety, and is simply asking what, if any, NRC regulations cover the issue at hand because these costs will have a direct effect on the orderly development of the region. In responding to WRC:EN.1-WC-21 William Cloutier appears to agree in part with the WRC financial analysis, stating “…Typically costs, such as moving spent fuel from the pool to the ISFSI during operations, are costs avoided during decommissioning. While the Vermont Yankee Station is operating, spent-nuclear-fuel (“SNF”) management costs are treated as operating costs (subject to recovery from DOE) and have no effect on the balance of the decommissioning trusts. Following the plant’s shutdown, ENY will no longer have a revenue stream so I expect that funds would be withdrawn from the trusts to pay for SNF management and that Entergy VY will continue to file claims with the DOE for reimbursement of such expenses.” (Please see WRC:EN.1-WC19 and WRC:EN.1-WC-20 and WRC:EN.1-21)

a) Please identify what, if any, additional authorization Entergy VY would require from the NRC to reduce the density of the spent fuel pool by shifting SNF to dry casks.

b) Please identify specifically which NRC regulations, if any, prohibit Entergy VY from shifting SNF from the spent fuel pool to dry casks.
8) In the first round of discovery WRC asked Mr. Cloutier to “…explain in detail why TLG Services calculated projected property taxes for the period of SAFSTOR and DECON based on the assumption the property would be assessed as vacant land (EN-TLG-2, Section 3, page 20). Please explain why a large industrial plant occupying prime industrial land and employing dozens of workers will be taxed as “vacant land.” Please provide a list of all other nuclear plants that have been taxed as vacant land through an extended period of SAFSTOR or decommissioning. Please provide a list of all other sites where spent nuclear fuel is stored that have been assessed and taxed as “vacant land.” Mr. Cloutier stated “The tax assessment was provided by Entergy to TLG for use in the decommissioning estimates.” (Please see WRC:EN.1-WC-26)

a) Please identify which person and/or corporate entity identified by Mr. Cloutier as “Entergy” provided the proposed tax assessment.
b) Please provide any and all documentation that supports categorizing a large industrial plant occupying prime industrial land and employing dozens of workers as “vacant land.”
c) Please provide a list of all other sites that Entergy is aware of where spent nuclear fuel is stored that have been assessed and taxed as “vacant land.”

9) In the first round of discovery WRC asked about the disposal of legacy wastes, and why those costs were attributed to the decommissioning trust. Mr. Cloutier stated “…The disposal of legacy wastes (e.g., retired components in storage or other waste material specifically identified by the plant) can be included, if its disposition is not already funded by some other (than decommissioning) account. The items in the third bullet (Exhibit EN-TLG-2, Section 3, page 18, 3.5.4) were identified by Entergy VY for inclusion with the decommissioning waste stream.” (Please see WRC:EN.1-WC-39)

a) Please identify exactly what the disposal costs will be for each of these items.
b) Please identify any other legacy wastes for which disposal costs will be shifted to the decommissioning trust, along with those costs.
c) To provide us with a better understanding of what costs might be deferred to decommissioning, and on what basis, please explain why legacy wastes that are available for permanent disposal while the Station is operating should be held on-site until the Station ceases operating, and disposal costs then charged to the decommissioning trust.

10) In the first round of discovery WRC asked if Entergy was making a decommissioning commitment to remove all structures, regardless of depth. The Entergy response said, in
part, “The MOU states that “the site will be restored by removal of all structures and, if appropriate, regrading and reseeding of the land.” The docket 6545 MOU does not include a requirement that Entergy VY remove all structures and foundations regardless of depth.” (Please see WRC:EN.1-MT-11)

a) Please explain why Entergy is defining the term “all structures” as only those structures at and above three feet of depth.
b) Please explain Entergy’s definition of the term “removal” as applied to structures within the site.
c) Please describe in detail the process by which the decision to remove only structures at a depth of three feet or less was arrived at and how that complies with the straightforward MOU requirement to “remove all structures.”
d) Please provide any documents that support the Entergy contention that the language in the MOU requiring the removal of “all structures” means something other than the axiomatic definition agreed to by all Parties in docket 6545.

11) In the first round of discovery WRC asked about the lifecycle GHG emissions, specifically as those GHG emissions relate to spent fuel management. Dr. Lester responded to the question, in part, by stating “…In the longer run, no GHG emissions can be attributed to dry storage of spent fuel, since cooling of the spent fuel at that point is accomplished by passive heat-removal mechanisms, with no associated energy requirements or imputed carbon-dioxide emissions.” (Please see WRC:EN.1.RL-4)

a) Please identify the annual electrical and other energy needs of the Station and the ISFSI, including security lighting, after cessation of operations.
b) Please identify what the GHG effects will be for each year the Station remains in SAFSTOR, and for each year the spent nuclear fuel remains on site.

12) In the first round of discovery WRC asked Mr. Cloutier to “…identify how many spent fuel assemblies will be in wet and dry storage at each point through 2082.” Entergy provided a charted projection of spent fuel assemblies after 2032 in response to WRC:EN.1-WC-18. Entergy provided a similar chart in docket 7440 on June 19, 2009 identified as “attachment 2,” titled “Entergy VY Draft Spent Fuel Loading Schedule.” That schedule projected the number of assemblies in wet and dry storage until 2032, and was updated by letter at least once on September 15, 2010.

a) Please provide a current projection of spent fuel assemblies in wet and dry storage through 2032.
b) Please provide at least two alternative densities as requested in WRC:EN.1-WC-21, and throughout docket 7440

c) Please identify what the effect on the decommissioning fund will be if the costs associated with moving fuel to achieve the alternative densities are treated as operating expenses rather than attributed to decommissioning.

13) Discovery question NEC:EN.1-7(a) asks about replacement of the condenser. Entergy responded by stating “Entergy VY does not have a specific plan or schedule to replace or re-tube the main condenser at this time...A place-holder for this project has been included in the Vermont Yankee 15-year, long-term financial plan; however, neither the scope nor the funding has been approved at this time.” When testifying in docket 7440 on May 26, 2009, Michael Colomb confirmed that the condenser would not be reliable through the projected 20 year CPG period, stating “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. That's currently slated for I believe 2013/2014 time frame.” (see transcript page 115, line 16)

a) Please identify when the “placeholder” replacement of the condenser (as listed in NEC:EN.1-7) is now planned within the requested 20 year CPG period and 15 year long-term financial plan and what, if any, events contributed to delaying the replacement beyond Mr. Colomb’s stated estimate in Docket 7440.

14) Attachment CLF:EN.1-21 is a copy of the spent fuel contract between Vermont Yankee Nuclear Power Corporation (VYNPC) and the Department of Energy (DOE). Page 65 of this attachment is a notification of assignment filed by VYNPC, and page 66 is confirmation of that assignment filed by Entergy Nuclear Northeast/Entergy Nuclear Vermont Yankee. Both the assignment and confirmation list ENO as the agent for ENVY, and the initial assignment letter states that “…upon assignment of the Contract, the Contract will bind and inure to the benefit of ENO.”

a. Please provide any additional correspondence between DOE and ENO, ENVY, or VYNPC that qualifies, confirms, or otherwise affects the terms of the assignment or the terms of the Contract.

b. Please identify the terms of the agent agreement between ENVY and ENO.

c. Please provide a copy of any and all contracts or agreements between ENVY and ENO that describe or define the relationship and the responsibilities of ENO as the spent fuel agent for ENVY.
15) Discovery question CLF:EN.1-61 asks if the estimated costs of decommissioning stated in EN-TLG-2 include costs to remediate ground water contamination “that might occur” at the VY station. Mr. Cloutier responded by stating “No, TLG has not conducted such a study.”

   a) Do the estimated expenses stated in EN-TLG-2 include site specific costs to remediate tritium contamination that is known to have occurred, as listed in answer ANR:EN.1-16 and attachment ANR:EN.1-16.1?

   b) Do the estimated expenses stated in EN-TLG-2 include site specific costs to remediate contamination other than tritium that is known to have occurred? Please list any and all such contamination or if there are none please so state.

   c) Please list all releases of radionuclides or non-radiological chemicals, other than tritium, that you are aware of.

Dated at Brattleboro, Vermont, August 29, 2012.

Windham Regional Commission

[Signature]

L. Christopher Campany
Executive Director
CERTIFICATE OF SERVICE

I, Ashley Collins, hereby certify that on the 29th day of August 2012, a copy of the attached filing regarding PSB Docket No. 7440 and PSB Docket No. 7862 was sent via U.S. Mail, postage prepaid, to the following:

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