Q.WRC:EN.1-WC-12: Could Entergy trade or sell its position in the DOE fuel queue? Will Entergy make a commitment not to trade or sell its position in the DOE queue without first receiving authorization from the Public Service Board?

A.WRC:EN.1-WC-12: OBJECTION. The request seeks information concerning matters of plant operation and/or radiological safety subject to regulation by the NRC that, due to federal preemption, are not subject to regulation by the State of Vermont. A fuller description of the reasons and bases for this objection is contained in Entergy VY's Motion for a Declaratory Ruling Prescribing Scope of Proceeding, filed June 21, 2012. Objection further to the extent this request asks for a commitment. It is improper in discovery to ask Entergy Corporation to make a commitment under oath. In any event, Entergy Corporation cannot make a decision whether to commit to any particular request until it knows all of the commitments that it is being asked to make in order for ENVY and ENOI to receive a CPG to operate the VY Station until 2032. Without waiving any objection, Entergy VY responds:

The DOE Standard Contract allows ENVY to trade or sell its position in the DOE fuel queue. ENVY, however, has committed in the 2002 Memorandum of Understanding in Docket No. 6545 to use its commercial best efforts to assure that the spent fuel is removed from the VY Station in a reasonable manner and as quickly as possible.
Q.WRC:EN.1-MT-15: At page 21, line 2 you state that Entergy VY expects that direct costs of SNF storage should be recoverable until DOE removes the fuel from the VY Station. Please identify any costs that you consider unrecoverable. Is property tax assessed at the state or municipal level considered recoverable? Is Entergy Corporation, or any subsidiary of Entergy Corporation willing to reimburse the direct and indirect costs of SNF management not recovered from DOE?

A.WRC:EN.1-MT-15: OBJECTION. It is improper in discovery to ask Entergy Corporation to make a commitment under oath. In any event, Entergy Corporation cannot make a decision whether to commit to any particular request until it knows all of the commitments that it is being asked to make in order for ENVY and ENO to receive a CPG to operate the VY Station until 2032. Without waiving any objection, Entergy VY responds:

The lost opportunity cost of money between the time the costs are incurred and the time the costs are recovered is not recoverable from DOE. That is the only direct cost that we know of at this time that is unrecoverable. Property taxes have been recovered in other DOE cases and Entergy VY expects that they can be recovered for Entergy Nuclear Vermont Yankee, LLC as well once the taxes attributable to the DOE’s breach of contract can be identified separately from the taxes attributable to the general operation of the plant.

Person Responsible for Response: L. Jager Smith, Jr.
Title: Legal Counsel for Entergy VY
Date: August 17, 2012
Q.WRC:EN.1-MT-13: At page 21, line 7 you state that the dry cask storage facility was constructed to support 36 Holtec Storage Overpacks, which is sufficient to operate until 2032. Is the pad sufficiently sized to operate until 2032 if the NRC or the PSB requires a reduction in density of the spent fuel storage pool, or if Entergy VY makes a decision to reduce the density of the spent fuel pool?

A.WRC:EN.1-MT-13: OBJECTION. The request seeks information concerning matters of plant operation and/or radiological safety subject to regulation by the NRC that, due to federal preemption, are not subject to regulation by the State of Vermont. A fuller description of the reasons and bases for this objection is contained in Entergy VY’s Motion for a Declaratory Ruling Prescribing Scope of Proceeding, filed June 21, 2012. Further objection on the grounds that the request is not reasonably calculated to lead to the discovery of admissible evidence and calls for speculation and for an analysis that has not been performed. Without waiving any objection, Entergy VY responds:

It depends upon the specifics of the assumed reduction in density of the spent fuel pool. If the hypothesized reduction in SPF density were to require transfer by 2032 of more SNF than can be held in 36 Holtec casks, the capacity of the existing dry fuel storage pad, the pad would axiomatically not be sufficiently sized. The answer to the question would also depend upon DOE’s performance in removing fuel from the Vermont Yankee Station site to a permanent repository or off-site interim storage facility prior to 2032.

Person Responsible for Response: L. Jager Smith, Jr.
Title: Legal Counsel for Entergy VY
Date: August 17, 2012
STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6545
Investigation into GENERAL ORDER No. 45
Notice Filed by Vermont Yankee Nuclear
Power Corporation re: Proposed Sale of
Vermont Yankee Nuclear Power Station and
Related Transactions

MEMORANDUM OF UNDERSTANDING AMONG ENTERGY NUCLEAR VERMONT
YANKEE, LLC, VERMONT YANKEE NUCLEAR POWER CORPORATION,
CENTRAL VERMONT PUBLIC SERVICE CORPORATION, GREEN MOUNTAIN
POWER CORPORATION, AND THE VERMONT DEPARTMENT OF PUBLIC
SERVICE

With respect to the above-captioned docket, those entities on behalf of which a signature
appears at the end of this document stipulate and agree as follows:

WHEREAS, Entergy Nuclear Vermont Yankee, LLC ("ENVY") entered into an Asset
Purchase and Sale Agreement ("PSA") and related documents including a Power Purchase
Agreement ("PPA"), dated August 15, 2001, with Vermont Yankee Nuclear Power Corporation
("VYNPC") pursuant to which ENVY has agreed to purchase and VYNPC has agreed to sell
certain assets of VYNPC, specifically including the Vermont Yankee Nuclear Power Station
("VYNPS") as described and defined in the PSA;

WHEREAS, VYNPC filed a notice with the Public Service Board ("Board") in
accordance with General Order 45 and filed a petition requesting the Board to open a docket to
conduct an investigation of the sale of VYNPS to ENVY pursuant to 30 V.S.A. §§ 109 and 209;

WHEREAS, ENVY filed a petition, as amended, with the Board pursuant to 30 V.S.A.
§§ 102 and 231 requesting the issuance of a certificate of public good ("CPG") and the approval
of the transactions contemplated by the PSA, and specifically the acquisition of VYNPS by
ENVY;

WHEREAS, Entergy Nuclear Operations, Inc. ("ENO") filed a petition with the Board,
pursuant to 30 V.S.A. §231 requesting the issuance of a CPG authorizing ENO to operate the
VYNPS as agent for ENVY;

WHEREAS, in connection with the proposed sale of VYNPS, VYNPC, Central Vermont
Public Service Corporation ("CVPS"), and Green Mountain Power Corporation ("GMP") each
petitioned and requested the Board to issue a determination that the proposed sale of VYNPS, in
accordance with the terms and conditions of the PSA, PPA, and other related documents, is
prudent and that the purchase of power by VYNPC from ENVY and subsequent resale by
VYNPC to CVPS and GMP, including other products sold under the PPA and costs incurred by
CVPS and GMP, are and will be used and useful; and