Q. WRC:EN.3-8: 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?

A. WRC:EN.3-8:

a. The start date for the removal of SNF is dictated by the date when DOE will be in a position to remove SNF. Entergy VY does not consider it realistic to assume an earlier start date than the one used by DOE.

b. Entergy VY is not aware of any site other than the VY Station site that is currently licensed to store SNF from the VY Station.

c. Objection to the extent the request calls for a legal conclusion or seeks confidential and/or proprietary business information, disclosure of which would provide competitors with a business advantage. Without waiving any objection, Entergy VY responds: See A.WRC:EN.2-6.

d. Objection to the extent the request calls for a legal conclusion. Without waiving any objection, Entergy VY responds: It is possible for the licensees of other Entergy nuclear facilities to apply to the NRC for a license to receive and store SNF from the VY Station, although it is not clear on what basis the NRC could approve such a request absent the support of the state in which the transferee facility is located.

e. No.

f. Objection to the extent the request seeks an analysis or research that Entergy VY has not performed. Without waiving of any objection, Entergy VY responds: Yes. Progress Energy has shipped spent fuel from its Robinson and Brunswick nuclear plants to its Shearon Harris nuclear unit. Fuel was shipped from the Shoreham nuclear unit to Limerick. In the past, several generators have also shipped their spent fuel to the Western New York Nuclear Service Center for reprocessing or to the GE Morris Illinois Spent Fuel Storage Facility for storage.

g. Objection to the extent the request calls for a legal conclusion. Without waiving any objection, Entergy VY responds: It is possible for Entergy VY to apply to the NRC for authorization to transport SNF to another location that is authorized to store its own SNF, although it is not clear on what basis the NRC could approve such a request absent a corresponding application by the facility at the other location to receive and store SNF from the VY Station.

h. No. Entergy VY is not aware of any facility at another location that is willing and able to accept SNF from the VY Station.

i. Objection to the extent the request seeks confidential and/or proprietary business information, disclosure of which would provide competitors with a business advantage. Without waiving any objection, Entergy VY responds: Entergy VY’s negotiations with DOE have not involved the issue of expedited removal of SNF from the VY Station because DOE does not
currently have the capability to accept SNF. The negotiations have been limited to possible ways to resolve Entergy VY’s claims without the burden and expense of litigation.

j. Objection to the extent the request seeks confidential and/or proprietary business information, disclosure of which would provide competitors with a business advantage. Without waiving any objection, Entergy VY responds: Entergy VY has not negotiated with DOE for the expedited removal of SNF from the VY Station because DOE does not currently have the capability to accept SNF.

k. Objection to the extent the request calls for a legal conclusion or speculation. Without waiving any objection, Entergy VY responds: Yes, it is possible. DOE might conceivably favor the removal of SNF from shutdown reactors ahead of operating reactors, but DOE’s preference may not be determinative; SNF removal from commercial reactor sites, including potentially the order in which SNF is removed, is an issue of national concern that is likely to involve not only DOE, but also Congress.

According to the “Strategy for the Management and Disposal of Used Nuclear Fuel and High-Level Radioactive Waste,” issued by the DOE in January 2013:

With the appropriate authorizations from Congress, the Administration currently plans to implement a program over the next 10 years that:

- Sites, designs and licenses, constructs and begins operations of a pilot interim storage facility by 2021 with an initial focus on accepting used nuclear fuel from shut-down reactor sites…


Person Responsible for Response: William A. Cloutier, Jr., Answers: f, k, l
Person Responsible for Response: L. Jager Smith, Answers: a, b, c, d, e, g, h, i, j
Title: Manager, Decommissioning Services; Entergy VY Legal Counsel
Date: April 10, 2013