

Q. NEC:JP.1-2: With reference to Answer 22 of Steven Scheurich's testimony about site restoration standards that "The standards that would apply to Entergy VY if the transaction is not approved have not yet been established by the Board:"

- a. please **admit** that in Answer 44, page 32, of Mr. State's prefiled testimony, he states "NorthStar recognizes that this proposal to rubblize concrete may be a departure from the terms of the Docket 7862 MOU..."
- b. if denied, please explain in full the basis for your denial;
- c. please **admit** that in its order dated March 28, 2014, the Board approved of the Docket 7862 MOU;
- d. if denied, please explain in full the basis for your denial;
- e. please **admit** that the Docket 7862 MOU in paragraph 8 states that ENVY or EVY "shall not employ rubblization;"
- f. if denied, please explain in full the basis for your denial, identify all supporting documents, and produce all supporting documents;
- g. please **admit** that the Board established a site restoration standard that would apply to Entergy VY if the transaction is not approved - the prohibition against rubblization;
- h. if denied, please explain the basis for your denial in full, identify all supporting documents, and produce all supporting documents;
- i. please **admit** that the Docket 7862 MOU paragraphs 4, 5, 8 and 9 also commit EVY or ENVY to comply with standards established by the State of Vermont in addition to the prohibition against rubblization that could or would apply during site restoration;
- j. if denied, please explain the basis for your denial in full, identify all supporting documents, and produce all supporting documents;
- k. please **admit** that when you submitted this testimony, you had personally read the Docket 7862 MOU;
- l. please **admit** that when you submitted this testimony, you had personally read the Board's March 28, 2014 order in Docket 7862 MOU;
- m. please **admit** that when you submitted this testimony, you were aware that the Board had approved of the terms of the Docket 7862 MOU;

- n. please explain in detail the investigation you conducted before you submitted the testimony stating "the standards that would apply to Entergy VY if the transaction is not approved have not yet been established by the Board," including: i) the nature of the preparation you engaged in; ii) identification of each Board order, MOU with the Department or other agreement with the Department you read, relied upon or considered; iii) identification of every other document you read, relied upon or considered in preparing this part of your testimony; iv) production of every document you read, considered or relied upon in preparing this part of your testimony; and v) identification of each person with whom you consulted about this sentence of your testimony before the testimony was submitted;
- o. identify and produce every Board Order, MOU with the Department or the State, or other agreement with the Department or the State that you are now aware of which establishes standards that would or could apply to site restoration by Entergy VY if the transaction is not approved;
- p. identify and produce every Board Order, MOU with the Department or the State, or other agreement with the Department or the State that pertains to restoring the VY site to "greenfield" condition -- regardless of whether an Entergy entity or a predecessor was a party to the order, MOU or agreement;
- q. identify every prior instance in which you have provided testimony about standards which may apply to site restoration of a nuclear power plant site, and produce every document containing that testimony, including but not limited to prefiled testimony, transcripts of direct or cross-examination, and deposition transcripts.

A. NEC:JP.1-2:

- a. Denied.
- b. NEC:JP.1-2(a) misquotes Mr. State's testimony by omitting the word "considered." As to the corrected statement, admitted.
- c. Admitted.
- d. Not applicable.
- e. In the context of overall site restoration standards the parties agreed to work in good faith to negotiate in the future, admitted that the words "shall not employ rubblization," appear in paragraph 5 of the Docket 7862 MOU and that "shall not employ rubblization" is included among the site restoration issues to be negotiated.

- f. Not applicable.
- g. Denied.
- h. Paragraph 5 of the Docket 7862 MOU provides only that the parties would work in good faith to negotiate site restoration standards, including "rubblization," and propose them to the Board for approval. The Board, however, would have the ultimate authority to determine the applicable standards. See Docket 7862 order at p. 54 ("We also observe that the Board has ultimate jurisdiction over non-radiological site restoration at the VY Station site. At the time of any Board review of site restoration standards, other parties in this docket and other interested persons will have the opportunity to provide comment on such standards.") The Entergy petitioners cannot predict whether the Board will ultimately conclude that no rubblization promotes the public good.
- i. Denied.
- j. OBJECTION: Petitioners object to this request as vague and ambiguous to the extent it refers to Paragraphs 4, 5, 8, and 9 as including standards that apply during site restoration. Without waiving this Objection, Entergy responds: Paragraph 4 addresses the VY Station's NPDES permit, Paragraph 5 addresses the requirement to prepare a site assessment study, Paragraph 8 sets forth the right of first refusal for purchase of the VY Station site, and Paragraph 9 addresses payments to the CEDF.
- k. Admitted.
- l. Admitted.
- m. Admitted.
- n. OBJECTION: Petitioners object to the extent this request seeks information subject to the attorney-client privilege. Without waiving any objection, Entergy responds: From reading the Docket 7862 MOU and the Board's March 28, 2014 order approving it, Mr. Scheurich reached the conclusions explained in response to subpart h of this request.
- o. OBJECTION: Petitioners object to this request as vague, speculative, overly broad and unduly burdensome in that the request seeks documents concerning standards that "would or could apply to site restoration." Petitioners further object to the extent this request seeks the production of documents that are publicly available. Without waiving their objections, Petitioners respond: Mr. Scheurich's understanding now and at the time he prepared his prefiled testimony is that, if the proposed transaction is not completed, the framework and process for the Board to establish site restoration