

June 24, 2013

One question was submitted in regard to the Department's RFP for a contract for the review and assessment of whether the Cooling Water Intake Structure at the Entergy Nuclear Vermont Yankee Facility in Vernon, Vermont complies with the Best Technology Available (BTA) requirements to minimize environmental impacts in accordance with the Clean Water Act (CWA) §316(b) and applicable federal and state regulations. The Department's response is provided below:

2) Section 4.1 Project Overview, Part 9

Added: that the scope of this request should include a judgment as to whether the documentation submitted would meet the requirements of the final proposed rule , if the proposed rule were to be adopted".

- a. By final proposed rule do you mean the one previously proposed in 2011 or the one expected to be issued in June 2013?

Response: The Agency intends that the contracting party examine the proposed rule issued by EPA. This would be the final proposed rule expected to be released on June 27, 2013.

- b. Does the scope of the requested review include a professional scientific judgment regarding the project meeting the requirements of the rule or is it intended to include a legal judgment?

Response: The Agency wants the contracting party to provide a professional scientific judgment, not a legal judgment.

This language does appear in Section 1.1(b) in both the previous RFP and new RFP. Is Vermont DEC just listing this as a specific service to be delivered? What is the difference between Part 5 (formulation of recommendations) and Part 9 (judgment) of section 4.1? The new 'judgment' is not listed as a specific deliverable in Section 4.2.

Response: The overview of scope of services referenced above asks the contracting party to both analyze and make recommendations as to whether the Agency has sufficient information with respect to the current rule in place (see also Project Phase I, deliverable (b)(1)); it also asks the contracting party to analyze and make recommendations with respect to the proposed final rule (see also Project Phase I, deliverable (b)(2)).