

1 **DRAFT Subject to Approval**

2 **Nuclear Decommissioning Citizen's Advisory Panel (NDCAP)**

3 **Thursday, November 12, 2015**

4 **Vernon Elementary School, Cafeteria Room, Vernon, VT**

5 **Meeting Minutes**

6
7 NDCAP Members Present:

- 8 • Christopher Recchia, Commissioner of Public Service, ex officio
- 9 • Chris Company, Executive Director of the Windham Regional Commission (WRC)
- 10 • Dr. William Irwin, Agency of Human Services- Department of Health
- 11 • Trey Martin, Deputy Secretary Agency of Natural Resources
- 12 • Stephen Skibniowsky, representing the Town of Vernon
- 13 • Kate O'Connor (Brattleboro), Chair, citizen appointee of Governor Shumlin
- 14 • Martin Langeveld (Vernon), Vice-Chair, citizen appointee of Governor Shumlin
- 15 • Derrik Jordan (Putney), citizen appointee of Speaker of the House Shap Smith
- 16 • Christopher J. Wamser, Site Vice-President, Entergy Nuclear Vermont Yankee (VY)
- 17 • David Andrews, International Brotherhood of Electric Workers (IBEW); representing
- 18 present & former employees of Vermont Yankee
- 19 • James Tonkovich (of Wilder), citizen appointee of Senate President Pro Tempore John
- 20 Campbell
- 21 • Paul Paradis, Decommissioning Director, Entergy Nuclear Vermont Yankee (VY)
- 22 • VT State Senator Mark MacDonald, member of the Senate Committee on Natural
- 23 Resources and Energy
- 24 • David Deen, (Westminster),VT State Representative, citizen appointee of Speaker of the
- 25 House Shap Smith
- 26 • Jim Matteau (Westminster), citizen appointee of Senate President Pro Tempore John
- 27 Campbell

28
29 The following NDCAP members were connected to the meeting via teleconference

- 30 • Patricia Moulton, Secretary of Agency Commerce and Community Development
- 31 • Diane Becker, Chief of Technological Hazards, New Hampshire Emergency Management
- 32 and Homeland Security

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34 The following NDCAP members were absent from the meeting:

- 35 • Michael Hebert (Vernon),VT State Representative, member of the House Committee on
- 36 Natural Resources and Energy
- 37 • Paul W. Mark, MA State Representative, (Peru, MA), representing the Towns of
- 38 Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts

1 **MEETING CALLED TO ORDER AT 6:10PM**

2

3 **INTRODUCTIONS**

4 The Panel introduced themselves and the Chair gave an overview of the agenda. The agenda is
5 packed. If time runs short the update on the trip to Connecticut Yankee will be moved to the
6 next meeting.

7

8 **APPROVE MINUTES FROM SEPTEMBER 24, 2015 MEETING**

9 A motion was made and seconded to approve the minutes of the September 24, 2015 meeting
10 as drafted. The motion carried 16-0 (Chris Company, Bill Irwin, Trey Martin, Pat Moulton, Steve
11 Skibniowsky, Kate O'Connor, Martin Langeveld, Derrik Jordan, Chris Wamser, David Andrews,
12 Jim Tonkovich, Paul Paradis, David Deen, Diane Becker, Jim Matteau, Paul Mark).

13

14 The Panel discussed the amount of information needed and required in meeting minutes. The
15 minutes have been long and difficult to get done in the timeframe required by the open
16 meeting and have included more information than required by law. The Panel agreed that
17 more concise minutes would be tried and evaluated at the next meeting.

18

19 **ENERGY UPDATE ON DECOMMISSIONING ACTIVITIES**

20 *Joe Lynch, Government Affairs Manager, Entergy Vermont Yankee, gave an update on recent*
21 *activities. (Complete presentation is available at www.vydecommissioning.com and*
22 *www.publicservice.vermont.gov.) VY continues to be in the process of systematically laying up*
23 *and draining some of the systems formerly required to power the reactor and are no longer*
24 *needed. The primary focus is to remove the energy and fluid and transition these systems to*
25 *what is called "cold and dark", thus reducing the cost of operation, which does get passed on to*
26 *the project. VY conducted an emergency plan (EPlan) drill on October 21, 2015 as part of*
27 *ongoing training and Emergency Response Organization (ERO) qualifications. A test of the*
28 *sirens was successfully completed. The NRC conducted an on-site inspection the week of*
29 *October 26. The third quarter NRC Decommissioning Power Reactor Inspection Report was*
30 *issued on October 22, 2015 with no findings.*

31 On September 22, Entergy withdrew its License Amendment Request regarding the
32 requirement that it provide written notification 30 days prior to withdrawing funds from the
33 Nuclear Decommissioning Trust (NDT) Fund. Entergy determined that it was not an undue
34 burden to file the notices. On October 16, the Atomic Safety and Licensing Board (ASLB)
35 granted Entergy's motion with two conditions; 1) the company must notify the State when any
36 new License Amendment Request regarding the NDT is filed with the NRC, and 2) Entergy must
37 specify whether the disbursements fall under one of following categories:

- 38 • Payment to \$5 million state settlement agreement,
- 39 • Emergency preparedness costs,
- 40 • Shipments of non-radiological asbestos waste,
- 41 • Insurance or property taxes,

- Replacement of structures related to dry cask storage,
- Legal costs associated with these categories.

Vermont Entergy will continue to make the 30-day notifications and continue to meet the current license requirements and conditions before any withdrawal money from the NDT.

STATE OF VERMONT UPDATE ON DECOMMISSIONING ACTIVITIES

Anthony Leshinskie, Vermont State Nuclear Engineer gave a status report on three filings the State has before the NRC. (Complete presentation is available at www.publicservice.vermont.gov or www.vydecommissioning.com.): 1) Elimination of the Emergency Response Data Systems (ERDS) for the Vermont Radiological Emergency Response Plan (RERP); 2) Valid uses of the Nuclear Decommissioning Trust Fund; and 3) Opposition to the reduction of the emergency planning zone (EPZ). To date the NRC has upheld the ASLB's ruling that the Emergency Response Data Systems (ERDS) for the Vermont Radiological Emergency Response Plan (RERP) is no longer required.

It was announced at a recent NRC National State Liaison Officers Conference that the NRC will start a dialogue regarding decommissioning rulemaking. A preliminary schedule will be made available to the public, as well as setting up an open comment meeting for the public hopefully sometime in December. The forum has not been determined.

QUESTIONS AND COMMENTS FROM THE PANEL

Comment from Commissioner Recchia: noted that the State's issues with the NRC are not about Entergy per se – Entergy has not asked the NRC for anything that other plants have not received in the past. The challenge is the fact that VY is a merchant plant and the NRC has little experience dealing with decommissioning at merchant plants – NRC has no rules. State is going to be involved in the ANPR.

Question from Kate O'Connor: Can the State provide the Panel with information dealing with the advance notice of proposed ruling on decommissioning so the public and the Panel can weigh in if interested?

Question from Jim Matteau to Chris Recchia: It was mentioned the NRC rule making scheduled may be delayed if more plant close, however, it seems that this is a reason to move faster. Why would they do that? Answer: The resources are limited and the same people who are working on the decommissioning rules are the same as those working on the plant closures and filing that go with that. Added answer from Chris Wamser: VY has advocated for dedicated resources for the rule making, as it will be at least a five year project and noted that the NEI is advocating that resources be put behind rulemaking so it can move quickly.

Comment from Chris Company to Chris Recchia and Trey Martin: We rely on you to relay the broader Vermont message. Answer from Chris Recchia: We fully expect to provide an outline to you once we know more about the rule making and will have at least one meeting with you and,

1 *perhaps, the rest in writing. Answer from Trey Martin: We understand the need for the public*
2 *voice and host community issues. You should be able to find access on the federal register*
3 *website and sign up for email notifications.*

4
5 *Question from Kate O'Connor to Joe Lynch: Can you update us on testimony for the Certificate*
6 *of Public good where you might move up the spent fuel schedule? Answer: In the testimony we*
7 *indicated we are looking into potentially moving up the schedule from wet to dry. A decision*
8 *has not been made but may start 2017 or after knowing we have to wait five years to move the*
9 *spent fuel.*

10
11 *Comment from Senator Mark McDonald: What is difference in rule making process from what*
12 *existed in 2005? What stops NRC from changing the rules or raiding the funds for other things*
13 *other than decommissioning? The "hand shake" agreement is not being honored and stake*
14 *holders not being respected.*

15
16 *Comment from Tony Leshinskie: AIM 2020 has been focused on fact that NRC does not have*
17 *enough manpower to regulate operating plants and decommissioning plans and has confronted*
18 *them regarding reduction of those resources.*

19
20 *Comment from Chris Campany: Also note we should be paying attention to the revival of*
21 *interim storage issue.*

22
23 **ENERGY UPDATE ON STATUS OF NUCLEAR DECOMMISSIONING TRUST FUND AND SPENT**
24 **FUEL MANAGEMENT PLAN.** (Complete presentation is available at

25 www.vydecommissioning.com and www.publicservice.vermont.gov.) Joe Lynch, Government
26 Affairs Manager, Entergy Vermont Yankee, provided an update on status of the Nuclear
27 Decommissioning Trust (NDT) Fund. As of September 30, 2015, the balance in the fund was
28 \$595,733,175. Changes in the NDT are due to market losses/gains, reimbursement from the
29 NDT and payment of trust expenses. ENVY continues to implement initiatives to reduce costs:
30 staff reductions consistent with the SAFSTOR plan; emergency plan reductions with NRC
31 approval; inventory reductions; and energy cost reductions through building closures and
32 system abandonment.

33
34 **Entergy Update on Spent Fuel Management Plan.** On December 19, 2014, Entergy submitted
35 its update to the VY (Spent) Irradiated Fuel Management Plan (IFMP) to the NRC. On October
36 5, 2015, the NRC approved the plan indicating that it was adequate and provided sufficient
37 detail regarding the funding mechanisms and there was ample funding for spent fuel
38 management based on the estimates Entergy provided in December 2014.

39
40 Entergy recently announced the closing of the Pilgrim Nuclear Power Station in Massachusetts
41 by June 6, 2019 and the James Fitzpatrick Nuclear Power Plant in upstate New York in late 2016
42 or 2017. Both closings are driven by market conditions, reduced revenues and increased
43 operational costs.

1 **QUESTIONS AND COMMENTS FROM THE PANEL**

2 *Question from David Deen to Joe Lynch: Is there a minimum dedicated number of plant closings*
3 *to prevent the slowdown of the NRC for rule making? Answer: I do not have an answer on that*
4 *threshold. Added Answer from Chris Wasmer: Likely to have uneven impact and be situational.*

5
6 *Discussion ensued over the topic of resources, processes and appropriate fund withdrawals,*
7 *particularly around the category of “non-operating” and “non-decommissioning” phases of the*
8 *plant(s).*

9
10 **QUESTIONS AND COMMENTS FROM THE PUBLIC**

11 *Question from Chris Williams of Hancock, VT to Entergy: With announcement of additional*
12 *plant closures in Plymouth and New York, will that put a strain on VY resources for*
13 *decommissioning? Answer from Chris Wasmer: No, not really as we are approaching this from*
14 *the corporate structure to figure out how to management decommissioning of three plants.*

15
16 *Second Question from Chris Williams: Why is VY smaller decommissioning fund so much smaller*
17 *than the Pilgrim or James Fitzpatrick plants? Answer from Chris Wasmer: Do not have a clear*
18 *answer.*

19
20 *Comment from Ned Chiles of Dummerston, VT: Strongly disagree with number statistics*
21 *provided of fund expenditures.*

22
23 *Comment from Carol Levin of Guilford Vermont: Does not see how paying taxes, insurance and*
24 *legal fees have to do with decommissioning? Is VY being upfront with the public as to whether*
25 *the paid expenses come from NDT fund vs. privately paid for by VY privately? Answer from Joe*
26 *Lynch: VY did not take from funds without going through appropriate processes.*

27
28 *Comment from Dr. Irwin: It would be good to get regular itemized reports from VY about fund*
29 *expenditure status.*

30
31 *Question from Kate O’Connor: Can Entergy provide a fund update with their monthly update?*
32 *Answer by Chris Wasmer: We could probably provide that.*

33
34 *Comment from Chris Recchia: The State gets this information and can provide it.*

35
36 *Comment from Kate O’Connor: Then it is agreed that state can do this in the future.*

37
38 **ADVISORY OPINIONS**

39 There are four draft opinions that the panel agreed to address in following priority as moved by
40 David Deen and seconded by Martin Langeveld;

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 - First: Engaging Host Communities submitted by Chris Campany
 - Second: Location for Second Cask Storage Pad submitted by Jim Matteau43

- Third: Continued funding of RERP submitted by Dr. William Irwin
- Fourth: Ground Water Monitoring submitted by Entergy

QUESTIONS AND COMMENTS FROM THE PUBLIC

Question from Leslie Sullivan-Sachs, Brattleboro VT, Safe and Green Campaign provided edit suggestions, most particularly with the proper definition of a “host community”.

Comment from Judy Davidson, Brattleboro, VT: I appreciate advisory committee, thank Chris Recchia for endless work and have a suggestion that a conference for all host communities should be put together to discuss matters that are important to share and there would be a better impact with numbers.

Discussion ensued regarding the edits for the Advisory Opinion entitled: *Engaging Host Communities in the Nuclear Regulatory Commission Reactor Decommissioning Rulemaking.*

The Panel adopted an advisory opinion on *Engaging Host Communities in the Nuclear Regulatory Commission Reactor Decommissioning Rulemaking.* A motion was made by Dr. William Irwin and seconded by David Deen to approve the advisory opinion as amended (opinion attached). The motion carried 15-0 (Yeas: David Andrews; Chris Campany, David Deen, Dr. Bill Irwin, Derrick Jordan, Martin Langeveld, Trey Martin, Mark MacDonald, Jim Matteau, Pat Moulton, Kate O’Connor, Paul Paradis, Chris Recchia, Jim Tonkovich, Chris Wamser. Nays: Steve Skibniowsky, Diane Becker)

Discussion ensued around who will the Advisory Opinions be submitted to, what action is being sought and what does appropriate voting on the opinions look like and what is outcome desired.

MOVING FORWARD – PLAN FOR 2016

Kate sought feedback on the draft annual report required by the State. Panel agreed to send edits to her via email.

David Andrews discussed outstanding items from the Issues Committee for 2016 meetings. Reminded Panel of the agreement on two segments which have been followed at every meeting: 1) education segment, 2) issue segment. Last Issues Committee was on October 13, 2015. Items are as follows:

- 1) State game plan update (what is the State doing and how various agencies are coordinating)
- 2) Representative from MA Dept of Environmental Protection – “Rowe Experience”
- 3) Presentation by Agency of Natural Resources
- 4) Discussion on non-radiological issues
- 5) NRC constructive engagement in the community
- 6) Education session to understand what is involved in taking down a nuclear plant

- 1 7) Congressional delegation updates
- 2 8) Field trip to Millstone, a Safstor facility
- 3 9) Field trip to Maine Yankee and talk to their community
- 4 10) Field trip to state radiologic lab if Dr. Irwin agrees

5
6 Panel agreed to proposed schedule to meet once a month on the fourth Thursday of the
7 month, except for Thanksgiving, where Panel agreed to meet the week prior. The Panel also
8 agreed that if there are not enough agenda items to meet each month, the meeting will be
9 canceled in advance. As the decision is the Chair's, then the Chair will cancel any unnecessary
10 meeting.

11
12 **OVERVIEW OF JUNE 26, 2015 PANEL TRIP TO CONNECTICUT YANKEE**

13 The discussion was moved to the next regular meeting.

14
15 **WRAP UP AND ADJOURN**

16 *No additional items to discuss*

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18 **MEETING ADJOURNED AT 9:00 p.m.**

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20 NOTE: Video of meeting will be available at brattleborotv.org. Slides of all presentations are
21 available at vydecommissioning.com or www.publicservice.vermont.gov.

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