

1 **DRAFT Subject to Approval**

2 **Nuclear Decommissioning Citizens Advisory Panel (NDCAP)**

3 **Thursday, March 23, 2017**

4 **Brattleboro Area Middle School – Multipurpose Room- 109 Sunny Acres, Brattleboro, VT**  
5 **Meeting Minutes**

6  
7 NDCAP Members Present:

- 8 • Chris Campany, Executive Director of the Windham Regional Commission (WRC)
- 9 • Stephen Skibniowsky, representing the Town of Vernon
- 10 • Kate O'Connor (Brattleboro), Chair, citizen appointee of Governor Shumlin
- 11 • David Andrews, International Brotherhood of Electric Workers (IBEW); representing  
12 present & former employees of Vermont Yankee
- 13 • Dr. William Irwin, Agency of Human Services- Department of Health
- 14 • Martin Langeveld (Vernon), Vice-Chair, citizen appointee of Governor Shumlin
- 15 • Jim Matteau (Westminster), citizen appointee of Senate President Pro Tempore John  
16 Campbell
- 17 • June Tierney, Commissioner of Public Service Department
- 18 • Peter Walke, Deputy Secretary, Agency of Natural Resources
- 19 • Mike McKenney, Technical Coordinator, Entergy Nuclear Vermont Yankee (VY)
- 20 • Jack Boyle, Decommissioning Director, Entergy Nuclear Vermont Yankee (VY)
- 21 • James Tonkovich (of Wilder), citizen appointee of Senate President Pro Tempore John  
22 Campbell

23  
24 The following NDCAP members were connected to the meeting via teleconference:

- 25 • David Deen, (Westminster), VT State Representative, citizen appointee of Speaker of the  
26 House Shap Smith
- 27 • Diane Becker, Chief of Technology Hazards, New Hampshire Emergency Management  
28 and Homeland Security, appointee of NH Governor Maggie Hassan

29  
30 The following NDCAP members were absent from the meeting:

- 31 • Derrick Jordan (Putney), citizen appointee of Speaker of the House Shap Smith
- 32 • Katie Buckley, Commissioner, Department of Housing and Community Affairs (Agency of  
33 Commerce and Community Development)
- 34 • Paul W. Mark, MA State Representative, (Peru, MA), representing the Towns of  
35 Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts
- 36 • VT State Senator Mark MacDonald, member of the Senate Committee on Natural  
37 Resources and Energy

38  
39 Meeting called to order at 6:00 pm  
40  
41  
42  
43

1 **INTRODUCTION OF THE PANELISTS AND OVERVIEW OF THE AGENDA:**

2 The Panel introduced themselves and the Chair gave an overview of the agenda.

3  
4 **Approval of Meeting Minutes:** Approval of January 26, 2017 minutes. Dr. Irwin suggest that  
5 on page 2, line 11 take out the words “disturb” and “and” and add “safely reduce radioactive  
6 levels”. Jack Boyle suggested on page 3, lines 32 and 33, should read “the construction office  
7 building is being evaluated for demolition”. Jack also suggested that on page 4 lines 35 and 36  
8 where it says that “the NRC will continue to have an on-site inspector” propose strike that as  
9 there has not been one since mid 2015. Bill Irwin made motion to approve minutes as  
10 amended, which was seconded by David Andrews. All voted approved, none opposed or  
11 abstained.

12  
13 **Entergy Update on Decommissioning Activities at VY:** *Joe Lynch, Government Affairs Manager,*  
14 *Entergy Vermont Yankee, gave an update on recent activities. (Complete presentation is*  
15 *available at [www.vydecommissioning.com](http://www.vydecommissioning.com) and [www.publicservice.vermont.gov](http://www.publicservice.vermont.gov).)* The major  
16 project at this time is the movement of fuel from wet to dry storage. In order to accommodate  
17 that construction of the second ISFSI pad as resumed. Joe also gave an update on the Holtec  
18 cask system and the dry fuel loading campaign as indicated on the slides in his presentation.

19  
20 Water Management Update: Entergy continues to store, then ship to remove from site any  
21 intrusion water that continues to go into the turbine building. They are looking at opportunities  
22 to minimize intrusion water by looking at prevention projects. They recently repaired the  
23 turbine building by sealing a crack. They will reassess reduction with the change. With  
24 seasonal changes they are seeing slighter higher levels of water than last reported. Water  
25 continues to be shipped by Energy Solutions for disposal at their site in Tennessee, which is  
26 approximately 1-2 shipments per week depending on how much is in storage.

27  
28 Joe gave an update on the joint petition for a Certificate of Public Good on the license transfer  
29 that Entergy and NorthStar filed with the Public Service Board. Details regarding the scheduling  
30 order by the Public Service Board, motions to intervene, list of interveners, schedule of  
31 discovery and public hearing dates are in the slide presentation. A complete set of all filed  
32 documents are available on the Public Service Board website under Docket 8880.

33  
34 Joe also gave an update on Public Service Board procedural milestones, license transfer detail,  
35 and a target transaction approval timeline found on the slide presentation.

36  
37 An update on the Nuclear Decommissioning Trust Fund was provided. Entergy continues to  
38 practice community outreach, transparency and local advertising not funded by the NDT but by  
39 Entergy. Entergy is also in the process of updating their website making changes based on  
40 feedback to include such features as ability to search for improved navigation to find data.

41  
42 Joe welcomed Solange DeSantis who is taking over internal and external communication  
43 functions for VY.

1 **STATE OF VERMONT UPDATE ON DECOMMISSIONING ACTIVITIES AT VY:** *Anthony Leshinskie,*  
2 *Vermont State Nuclear Engineer gave an update on recent activities. (Complete presentation is*  
3 *available at [www.vydecommissioning.com](http://www.vydecommissioning.com) and [www.publicservice.vermont.gov](http://www.publicservice.vermont.gov).)* Tony  
4 confirmed that the Certificate of Public Good proceedings are underway. The State filed  
5 discovery questions last week and is waiting for Entergy's response, which is due April 5, 2017.

6  
7 From the last meeting the request to include a link to the Public Service Board docket for this  
8 proceeding on the NDCAP webpage has been added.

9  
10 Construction activities on the second ISFSI pad have resumed. Briefings between Entergy and  
11 the State regarding ground water updating activities are continuing. Teleconferences are not  
12 up and running yet but will get going again. The NRC's draft regulatory basis for power reactor  
13 decommissioning came out last week and there will be 90 day comment period.

14  
15 Vermont State Agencies are reviewing the draft basis documents and will comment if they feel  
16 it is necessary. Comments made to date are found on the web address noted at the bottom of  
17 page 8 of the slide presentation.

18  
19 The State-NRC interactions public meetings schedule is available at the website noted on page 9  
20 of the slide presentation.

21  
22 Department of Energy Interactions: In the news, the Trump Administration has proposed  
23 funding for the Department of Energy to restart licensing effort for Yucca Mountain depository  
24 site.

25  
26 Reminders regarding decommissioning from the State's perspective were given.

27  
28 Dr. Irwin explained that the NRC requested that the Health Department comment on a request  
29 from Entergy to have an amendment to Holtec's Certificate of Compliance for their canisters.  
30 Dr. Irwin read documents associated with that and submitted comments that he hopes will be  
31 addressed by Entergy and hopefully Holtec.

32  
33 **COMMENTS AND QUESTIONS FROM THE PANEL: On Entergy & State Decommissioning**  
34 **Updates**

35  
36 *Question from Kate O'Connor: Are they the same canisters at VY now? Answer from Joe Lynch:*  
37 *They are the same design canisters but different material that can handle the additional heat*  
38 *load associated with the fuel being stored sooner than what the original Certificate of*  
39 *Compliance allowed.*

40  
41 *Question from Kate O'Connor for Bill Irwin: Were your comments positive towards the*  
42 *canisters? Answer from Bill Irwin: Comments are positive and with questions regarding the*  
43 *canisters. He provided detail on concerns regarding criticality; i.e., ability to have enough*

1 *neutrons in fuel mix to create and sustain a change reaction while dose to public and workers is*  
2 *extremely important, criticality is primary.*

3

4 *Question of Dr. Irwin to Joe Lynch: The PSDAR originally submitted in December 2014 included*  
5 *site specific cost estimates. Will the new PSDAR include the site specific cost estimate? Answer*  
6 *from Joe Lynch: There will be a revised decommissioning cost estimate but not seen in the draft*  
7 *of revised PSDAR. It will reflect what NorthStar’s projected cost will be compared to what*  
8 *Entergy indicated in the original PSDAR.*

9

10 *Question from Bill Irwin to Joe Lynch: Will people know what site restoration funds are used*  
11 *for? Answer from Joe Lynch: If we go back to the overall cost estimate, it is broken down into*  
12 *three elements, license termination and decommissioning of site, transfer fuel and oversight*  
13 *until DOE meets contractual obligations to dispose of it and site restoration.*

14

15 *Comment from Kate O’Connor: The NRC is coming for a meeting. We do not know structure at*  
16 *this point but it will be done in a way for public comment on PSDAR and license transfer*  
17 *amendment. We are waiting for PSDAR to be filed and NRC will be here for an official public*  
18 *comment period.*

19

20 **VERNON PLANNING COMMISSION: Update on Activities in the Town of Vernon:**

21 Town of Vernon Planning and Economic Development Commission introduced themselves:  
22 Janet Rasmussen, Vice Chair of Vernon Planning Commission, Patty O’Donnell and Madeline  
23 Arms. Bob Spencer, Chair not able to make meeting.

24

25 The commission members updated the panel on their activities. Vernon has been energy-  
26 centered town for over a century. The commission’s focus has been to try to re-energize  
27 Vernon with closing of VY and put together plans and funding for construction of a 620 watt gas  
28 fired electric generation plant. Eighty percent of Vernon residents approved of the project, but  
29 Kinder Morgan decided not to build pipeline.

30

31 The commission members briefed the panel on their plans for re-energizing Vernon.  
32 Representatives from Green Mountain Power, the Public Service Department and other State  
33 agencies met for a half day forum regarding a micro grid. They gave brief detail on how it  
34 would work. They are particularly concerned with growth coinciding with technology changes.  
35 Vernon received a municipal planning grant from Windham Regional Commission and is using  
36 the grant to update the town plan. NorthStar has no desire to become a development  
37 company but will help to take land to the next step. Vernon was selected by Windham Regional  
38 as model energy town.

39

40 They shared that the Vernon has come together despite having to cut the budget and seeing  
41 some friends pack up and leave. They are making trails to make the river more approachable,  
42 not just for Vernon but for others.

43

44 Steve Skibniowsky commended Vernon Planning Commission and thanked them.

1 **STATE OF VERMONT OVERVIEW OF CERTIFICATE OF PUBLIC GOOD ENTERGY/NORTHSTAR**  
2 **JOINT PETITION: Public Service Department Agency of Natural Resources Attorney General**

3 Steph Hoffman, Attorney at Department of Public of Service (PSD), gave an update on the  
4 State's activities in relation to the Entergy/NorthStar joint petition before the Public Service  
5 Board.  
6

7 The PSD is looking into the ownership structure of NorthStar and Entergy. They asked financial  
8 structure questions of NorthStar, about their ability to pay, NorthStar's expertise regarding  
9 technical acumen to do decommissioning, pre-existing obligations, decommissioning and  
10 restoration plans, methodologies, criteria to use to establish their evaluations, all related  
11 Certificate of Public Good conditions, and how the transition itself will take place and make sure  
12 funding is considered in a risk management plan.  
13

14 Comment from Peter Walke, Agency of Natural Resources: The agency's job is to evaluate  
15 NorthStar's capacity to perform and pay for the site restoration to Vermont's standards. What  
16 do they propose? Entergy was to submit a non-radiological site assessment, but they have not  
17 yet seen one ANR deems complete. ANR continues to work with our partners in the state  
18 government to ask the questions. The State needs to know whether the Entergy/NorthStar  
19 proposal has value for the people of Vernon and for the people for State of Vermont. He urged  
20 those in the room to read the filings.  
21

22 Presentation from Kyle Landis- Marinello, Attorney General's Office: The state has a team-  
23 based approach to PSB proceedings. We do see significant environmental and financial issues  
24 associated with site clean up and want to ensure all Vermonters are protected. The transaction  
25 looks good if the site can be cleaned up quickly and make sure 1) clean up is done properly and  
26 2) the cost does not fall on the Vermont tax payers.  
27

28 The Attorney General's office is also investigating whether the money will be there if needed,  
29 and if more than the \$125 million NorthStar is committing is needed, who pays? There are  
30 three other proceedings happening this year where our office is leading State agencies to work  
31 with the Department of Public Service and other agencies. Parallel proceedings on sales  
32 transaction are taking place. Multi-state efforts on decommissioning rulemaking are occurring.  
33 Vermont is being joined by the states of NY, CT and MA. April 7, 2017 is the deadline for filing  
34 comments on additional environmental reviews NRC just completed. They are looking at  
35 Entergy's use of decommissioning trust fund.  
36

37 Dr. Irwin added that Department of Health is working through Attorney General's Office, Public  
38 Service Department and the Agency of Natural Resources to assist in interventions that are  
39 being made on behalf of the State. Primary interests are the same as the last 47 years of the  
40 State's radiological health rule, which is making certain that public dose limits are complied  
41 with. They are looking at a variety of affluent pathways and the State does have a slightly lower  
42 level than NRC. We want to determine if compliance is made. We have rights as the  
43 Department to make inspections and that they can be unannounced. We can ask for samples  
44 and additional information not submitted to NRC. This has served the public well and the

1 owner and operators of the facility well. The Health Department will be reviewing testimony to  
2 be sure concerns for public health are met.

3  
4 **COMMENTS AND QUESTIONS FROM THE PANEL: On State of Vermont Overview of Certificate**  
5 **of Public Good**

6  
7 *Dave Howland from the MA Dept of Environmental Conservation was here at the end of October*  
8 *and one of his recommendations was to make sure the state and federal agencies come to the*  
9 *table together and early in the process. This helps things to run more smoothly.*

10  
11 *Discussion ensued around whether it can be a condition for the non-radiological site assessment*  
12 *to be done, who are the State's experts, and what is the process approach.*

13  
14 *Answer from Joe Lynch of Entergy: Entergy supplied a very detail non-radiological historical site*  
15 *assessment as part of site assessment study back in 2014. The Agency of Natural Resources had*  
16 *commented, which required near characterization. The issue is not whether we submitted one,*  
17 *we did, but we need to do additional work.*

18  
19 *Peter Walke disagreed, stating that ANR contends that the historical site assessment is not*  
20 *complete.*

21  
22 *Discussion ensued regarding environmental issues at the site including unexpected costs,*  
23 *narrow margin of characterization, non-radiological contamination largest overruns, history of*  
24 *aquafer contaminated water at Yankee Rowe. Process dominated by radiological issues vs. non-*  
25 *radiology issues but there is a lot of mixed waste.*

26  
27 *Question from Kate O'Connor: We know you are looking at financials of NorthStar, will you look*  
28 *at AREVA, WCS and Burns and McDonnell? Answer from Steph Hoffman: The Public Service*  
29 *Department has asked for the materials.*

30  
31 **COMMENTS AND QUESTIONS FROM THE PUBLIC: On State of Vermont Overview of**  
32 **Certificate of Public Good**

33  
34 *Deb Katz, Executive Director of Citizen's Awareness Network. First I want to commend the Panel*  
35 *for all of the work you are doing and dealing with issues of decommissioning. She compared the*  
36 *cost of building a reactor to the huge cost of decommissioning mostly due to lack of cataloguing*  
37 *and tracking. She relayed there was a tritium leak at Rowe that wasn't in site assessment and*  
38 *wasn't found until the Dept. of Energy moved the test wells. The better job you do the more it*  
39 *costs, thus discussion of margins is important. The VY decommissioning cannot be compared to*  
40 *other decommissioning projects due to the fact they had rate base, but NorthStar does not have*  
41 *that to fall back on.*

1 *Leslie Sullivan Sachs of Brattleboro, Safe and Green Campaign. Thank you for all your good*  
2 *work. Vermont Yankee was built before EPA or Superfund program and we don't want to pass*  
3 *this problem onto our children sixty years from now. Where is oversight?*

4 *Answer from Peter Walke and June Tierney: That is our job. Discussion ensued around funding,*  
5 *when funds are exhausted, bill back authority by state agencies, whether there can be an*  
6 *oversight line item in the budget. This is the largest industrial activity the State has even seen.*  
7

8 *Gary Williams of Hancock, VT with Citizens Awareness Network, VY Decommissioning Alliance*  
9 *and Nuclear Information of Resource Service: Stated a significant concern about movement of*  
10 *fuel having to do with the health and safety of children located across from the plant. He wants*  
11 *to be sure the State oversees this. Requested full reporting/full due diligence that the children*  
12 *can attend school across the street, and if they can't, what is the cost to move the school? And*  
13 *thus cost has to be folded into the NorthStar plan.*  
14

15 *Answer from Dr. Irwin: We should all feel positive about getting the spent fuel out of the pool*  
16 *and into dry casks. The process is inside the containment building. They have done 13 so far*  
17 *and we can make sure they maintain same good practice.*  
18

19 *Rich Holschuh of Brattleboro, representing Abenaki elders, and as lead entity for three other*  
20 *tribes. They have concerns about this location, as the Connecticut River is a unifying structure*  
21 *not a dividing line for them. They introduced a motion to intervene which has been granted. He*  
22 *thanked panel for the opportunity to participate. Their concerns are where VY is located, as the*  
23 *Vernon dam is a sacred area and many burials have been exposed. The site of the plant is*  
24 *heavily compromised and will go through more compromising situations. The native people are*  
25 *concerned with earth's disturbance and would like to see this clean up done with respect and*  
26 *awareness and they would like to be party to that.*  
27

28 *Reply from June Tierney Commissioner of Dept of Public Service. Thank you for your*  
29 *intervention. It is important to hear your voice in your natural voice vs. the voice of law.*  
30 *Intervention is a good thing and powerful thing to do for your tribe. She suggested as a first*  
31 *step to contact her office, and if they cannot help structure your case, they can help as*  
32 *Vermonters who work for you understand the outlines of the process to help you get to the path*  
33 *you want. Peter Walke echoed June's sentiments to contact his office as well.*  
34

35 *Question from Gary Sachs of Brattleboro; What happens if \$125m is not enough? Not sure*  
36 *Panel is giving full perspective.*  
37

38 *Betsy Williams of Westminister VT: I have concerns about the decommissioning costs for a*  
39 *company that has never done a nuclear decommissioning before. It baffles me why they think*  
40 *they can decommission the plant for a fraction of the cost of other decommissioning projects.*  
41 *When a company is driven by cost savings, they will be focused on what I feel is an unrealistic*  
42 *budget. I also have the desire to get the rods out of the fuel pool, yet have concerns as to why*  
43 *suddenly the timing rules have changed and why suddenly to do it quicker. It needs to be done*  
44 *safely. At another meeting I heard the casks described as "adequate", which does not give*

1 *great reassurance. We should be looking at the highest quality storage containers. I believe the*  
2 *Public Service Board should set standards of what should happen at that site.*

3  
4 *Russ Greyback of Brattleboro, VT: Have two slightly related questions. We have all been*  
5 *enjoying the electricity for 42 years and now have a moral obligation to the cleanup and part of*  
6 *it is the low level tritium that has been leaking into the turbine building, which is being shipped*  
7 *to Tennessee. Why has Tennessee accepted the waste to be taken up and what is the condition*  
8 *of it to keep it from polluting their environment? We created this waste, how do we decide*  
9 *where it goes? Answer from Peter Walke: We can look into what the qualifications are for the*  
10 *disposal site and report what protections are in place at the next meeting.*

11  
12 *Comment from Kate O'Connor: We had representatives from Energy Solutions at a meeting last*  
13 *year to discuss what happens to the water when it is transported.*

14  
15 *Comment from Bill Irwin: They have the capacity to evaporate it but are not. They are*  
16 *sprinkling the tritium contaminated water into solid waste up to the moisture content that solid*  
17 *waste can allow and then the solid waste it disposed of in its licensed matter.*

18  
19 *Discussion ensued over monitored waste, legal waste and which states are making the decision.*

20  
21 *Comment from Leslie Sullivan Sachs: Tennessee has the weakest environmental laws when it*  
22 *comes to radiation due to Oakridge, where they have a lot of political clout. We will be having*  
23 *more discussion of low level and high level waste also going to Texas.*

24  
25 *Announcement from Kate O'Connor: On April 6, 2017 there will be a Public Service Board public*  
26 *hearing at 6:00 p.m. at the Vernon Elementary School.*

## 27 28 **DISCUSSION ON PANEL RESOURCES**

29 Kate O'Connor: The Public Service Department funds our expenses, paying for administrative  
30 services for our meeting minutes, mileage and other travel expenses and the six citizen  
31 members get \$50 per meeting. Entergy makes in-kind contributions to the Panel.

32  
33 Do we need experts? What do we need as a panel to be able to be informed regarding ongoing  
34 issues on characteristic to the sale? To date when we have guests come in, we have not  
35 reimbursed for time or travel. Do we need experts that we need to pay for their expertise or  
36 have people come in without paying them? What kind of advice do we feel we need?

37  
38 Chris Campany added it may be good to have experts for "lay people" to help us understand  
39 what we hear from separate sides, thus the public can have a higher level of confidence of  
40 being informed. Although the first round of discoveries at the public docket was detailed, it is  
41 the responsibility of this panel to weigh in on the substantive questions and issues. He would  
42 like to see more public input in the Memorandum of Understanding.

1 Jim Tonkovich added that whenever this panel has seen the need for expertise he felt  
2 comfortable with the material and presentations given.

3  
4 David Andrews added that all who have come in so far has been gratis. If this panel has an  
5 issue coming up and wants an expert, are we in a position to say no because we do not have  
6 the resources or yes because we know we have resources available. Which way do we want to  
7 go?

8  
9 Discussion ensued over having an impartial party come and to pay for that and perhaps it  
10 should go through Public Service Department and have a bill-back process.

11  
12 Martin Langeveld expressed he thought it is an idea to explore. Less than six months ago we  
13 were talking about a 60 year process and now we are talking about a 13 year process. By going  
14 through the NRC and Public Service Board questions will be asked by experts to experts. Do we  
15 need to go a third avenue?

16  
17 June Tierney added that the Public Service Department has discretion to provide funds through  
18 gross receipts not only bill-back process. The Public Service Department has to be very  
19 considerate on what funds are provided and cannot be based on hypothetical circumstances.  
20 The decision to allocate funds for this panel is a very serious one and detail is needed of what  
21 you need help with and what are you trying to achieve.

## 22 23 **UPDATES/OTHER BUSINESS**

24  
25 Kate O'Connor gave an update on the status of the legislation to change the composition of the  
26 panel. The bill passed out of the House and is now in the Senate Finance Committee. Senator  
27 MacDonald, member of this panel, is Vice Chair of that committee. Kate will keep the panel  
28 updated. Because we don't know when NRC is coming please keep April, May, June meetings  
29 until we find out when the PDSAR is filed.

## 30 31 **COMMENTS OR QUESTIONS FROM THE PUBLIC**

32  
33 Henry, student at University of Vermont: I want to express appreciation for the panel and role  
34 you are playing in this process. Are there any plans for financial remediation to assist town of  
35 Vernon in what it will lose?

36  
37 Answer from Steve Skibniowski: Entergy has funded efforts to restore and improve in  
38 Windham County and has been supportive of Vernon's problems with respect to taxes. Jack  
39 Boyle added there is a Memorandum of Understanding and that there is a fund for site  
40 restoration that came solely from Entergy at \$5M a year for five years.

41  
42 Gary Sachs of Brattleboro, spoke about months and months of discovery to end up with a back  
43 room deal and how it is painful as a citizen to see the happen every time. He appreciates  
44 comments from Public Service Department regarding need for expert, but feels this panel does

1 not have teeth. Kate gets great press. If there is a need for experts, make sure they get to the  
2 Public Service Department, please.

3

4 **WRAP UP AND ADJOURN:**

5

6 Next meeting: April 27, 2017; May 25, 2017 and June 22, 2017

7

8 **MEETING ADJOURNED AT 9:00 pm**

9

10 NOTE: Video of meeting will be available at [brattleborotv.org](http://brattleborotv.org). Slides of all presentations are  
11 available at [vydecommissioning.com](http://vydecommissioning.com) or [www.publicservice.vermont.gov](http://www.publicservice.vermont.gov).