

1 **Approved 5.20.2019**

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

3 **Thursday, January 31, 2019**

4 **Vernon Elementary School Cafeteria / Auditorium,**

5 **381 Governor Hunt Rd, Vernon, VT**

6 **Meeting Minutes**

7  
8 NDCAP Members Present:

- 9 • **Chris Campany**, *Executive Director of the Windham Regional Commission (WRC), Panel*
- 10 *Chair*
- 11 • **Lissa Weinmann** (*Brattleboro*), *citizen appointee of Senate President Pro Tempore Tim*
- 12 *Ashe, Panel Vice-Chair*
- 13 • **June Tierney**, *Commissioner of Public Service, ex officio (arrived late)*
- 14 • **Peter Walke**, *Deputy Secretary, Agency of Natural Resources, designee for the Secretary*
- 15 *of Natural Resources*
- 16 • **Dr. Bill Irwin**, *Radiological and Toxicological Sciences Chief, designee for the Secretary of*
- 17 *Human Services*
- 18 • **VT State Senator Mark MacDonald**, *member of the VT Senate Committee on Natural*
- 19 *Resources & Energy (arrived late)*
- 20 • **Michael Root**, *representing the Town of Vernon, VT*
- 21 • **Bob Leach** (*Brattleboro*), *citizen appointee of Governor Phil Scott*
- 22 • **Derrick Jordan** (*Putney*), *citizen appointee of House Speaker Mitzi Johnson*
- 23 • **Corey Daniels**, *Director of Decommissioning, NorthStar Vermont Yankee (VY)*
- 24 • **Dave Pearson**, *Vice-President and Regional Manager, NorthStar Group Services (VY*
- 25 *representative appointed to NDCAP effective January 11, 2019)*

26  
27 The following NDCAP members were connected to the meeting via teleconference:

- 28 • **Bob Gustafson**, *Assistant Planning Chief, Radiological Emergency Preparedness, New*
- 29 *Hampshire Emergency Management and Homeland Security, representing the Towns of*
- 30 *Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, NH, interim appointee of*
- 31 *the NH Governor's Office*

32  
33 The following NDCAP members were absent from the meeting:

- 34 • **Katie Buckley**, *Commissioner, Department of Housing and Community Development,*
- 35 *designee for the Secretary of Commerce and Community Development*
- 36 • **VT State Representative Sara Coffey** (*Guilford*), *citizen appointee of House Speaker Mitzi*
- 37 *Johnson*
- 38 • **VT State Representative Laura Sibilgia**, *member of the VT House Committee on Energy &*
- 39 *Technology*

- 1 • **MA State Representative Paul W. Mark** (*Peru, MA*), representing the Towns of  
2 *Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts,*  
3 *appointee of (former) MA Governor Deval Patrick*

4  
5 Three positions on the Panel are currently vacant.

6  
7 Meeting called to order at 6:08 PM; a video recording of the meeting is available online at  
8 <http://publicservice.vermont.gov/electric/ndcap> and at  
9 <https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-13119-mtg>

10  
11 **Welcome, Opening Remarks & Overview of Meeting Agenda:**

12 The Chair (Chris Campany) briefly described the meeting agenda and welcomed members of  
13 the public and the Panel to the meeting. It was noted that one Panel member, Bob Gustafson,  
14 was attending the meeting via webcast.

15  
16 With 12 Panel members present (in person, with two expected to arrive soon and one  
17 telephonically), there is a quorum.

18  
19 **Amendments to the Meeting Agenda:** No additions to the meeting agenda were discussed or  
20 made.

21  
22 **Introduction of Panelists:** Panel members briefly introduced themselves. One new Panel  
23 member in attendance, Dave Pearson (representing NorthStar Group Services), introduced  
24 himself for the first time.

25  
26 **Approval of Meeting Minutes:** Draft meeting minutes for the Panel's December 6, 2018  
27 meeting were reviewed and approved by voice vote as below:

28  
29 Chris Campany, Yea  
30 Corey Daniels, Yea  
31 Bob Gustafson, Yea  
32 Dr. Bill Irwin, Yea  
33 Derrik Jordan, Yea  
34 Bob Leach, Yea  
35 Mark MacDonald, absent for this vote  
36 Dave Pearson, Yea  
37 Michael Root, Yea  
38 June Tierney, absent for this vote  
39 Peter Walke, Yea  
40 Lissa Weinmann, Yea

41  
42 **NorthStar Update on VY Site Decommissioning Activities:**

43 Panelist Corey Daniels, VY Director of Decommissioning, provided a verbal update of recent  
44 activities at the VY site. Removal and decontamination of Spent Fuel Storage racks from VY's

1 (fully defueled) Spent Fuel Pool has commenced. Removal and decontamination of the first  
2 rack is complete; preparations to remove the second rack have begun. Preparations for the  
3 segmentation of VY's reactor vessel continue; planning for the eventual removal of the reactor  
4 vessel and other large components from site is underway. Strategies for abating onsite non-  
5 radiological hazardous materials (e.g., asbestos and lead) are being investigated. NorthStar is  
6 hiring back former Entergy / VY employees for these project phases. The number of employees  
7 onsite will fluctuate, as needed, to assure the safety and quality of the project as the active  
8 decommissioning progresses.

9  
10 **Summary of January 9 NRC Pre-Decisional Enforcement Conference (PEC) on Holtec Dry Cask**

11 **Design:** Tony Leshinskie, VT State Nuclear Engineer, provided a brief summary of this NRC-  
12 sponsored meeting, which discussed two NRC-identified apparent regulatory violations in  
13 Holtec's Dry Cask Design Control practices. In this conference, Holtec acknowledged that its  
14 actions in implementing a Dry Cask component design change delivered to several nuclear  
15 power plant sites (including VY) violated NRC regulations. During the PEC, Holtec outlined its  
16 investigation into the design error, its impact on delivered dry cask components and its  
17 corrective actions to assure that similar violations will not occur in the future. Holtec's  
18 presentation indicated that VY's dry casks and their spent fuel are not adversely impacted by  
19 the improper design change. The NRC indicated that no enforcement action decisions have  
20 been made yet. These decisions will be made between 30 to 60 days after the January 9, 2019  
21 PEC.

22  
23 The presentation slides for this summary are available at  
24 <http://publicservice.vermont.gov/electric/ndcap>

25  
26 **PANEL QUESTIONS AND COMMENTS: On NorthStar and State Reports**

27 Panelist questions and discussion on the PEC summary revealed although there are 35 dry casks  
28 at VY that used the design being investigated by the NRC, each cask and its components were  
29 individually inspected on site before use. The NRC currently has no immediate safety concerns  
30 with the dry cask design. Corey Daniels agreed to provide a schedule of the expected VY  
31 decommissioning activities for the next few months.

32  
33 **PUBLIC QUESTIONS AND COMMENTS: On NorthStar and State Reports**

34 Of the 35 casks subject to the NRC's investigation (the PEC), how many were loaded before the  
35 design concern was discovered? (16 casks were loaded.)

36  
37 **State of Vermont Role in VT Yankee Decommissioning**

38 Allison Bates-Wannop of the Vermont Public Service Department presented an overview of the  
39 US Nuclear Regulatory Commission (NRC) and the VT Public Utility Commission (PUC) decisions,  
40 approving VT Yankee's (VY's) sale to NorthStar Group Services. The NRC authorized VY's license  
41 transfer to NorthStar with a limitation that NorthStar could not use more than \$20 million at  
42 any one time for spent fuel management. Several additional checks were put in place to track  
43 decommissioning project progress and to avoid over-spending on specific project tasks. The  
44 PUC approved NorthStar's purchase of VY on December 6, 2018.

1  
2 State Agency officials then discussed the roles of the several State Agencies that will oversee  
3 VY's active decommissioning. Allison Bates-Wannop outline the Vermont Public Service  
4 Department's role in tracking progress and expenditures during VY's decommissioning and  
5 plans for publicly available project status information.  
6

7 Justin Kolber, Vermont Assistant Attorney General in the Environmental Protection Division,  
8 outlined the Attorney General's role. The Attorney General's Office has been involved in VY-  
9 related litigation since 2012, but currently, there are no legal proceedings involving the plant.  
10 The Attorney General's Office is available to provide legal advice to agencies and review  
11 financial documents during decommissioning. The Attorney General's Office will assure that  
12 State Agencies "speak as one voice" when formal positions are necessary.  
13

14 Panelist Peter Walke, Deputy Secretary for the Agency of Natural Resources, outlined ANR's  
15 oversight role in VY's non-radiological remediation and site restoration activities. Additional  
16 details on these activities were provided by Jordan Gonda, Staff Attorney for ANR in the  
17 Department of Environmental Conservation.  
18

19 Panelist Dr. Bill Irwin, Vermont Department of Health, described surveillances that the  
20 Department conducts at the VY site (and all in-state radioactive material user sites) and  
21 outlined the Department's authority established by the Vermont Radiological Health Rule.  
22 Surveillance results are available on the Department of Health's website.  
23

24 The slides for this combined State Agencies presentation are available at:  
25 <http://publicservice.vermont.gov/electric/ndcap>  
26

27 State Agency websites that provide Vermont Yankee-related information include:  
28

29 <http://publicservice.vermont.gov/electric/ndcap>

30 <https://publicservice.vermont.gov/publications-resources/consumers>

31 (accepts public comments on VY matters; comments may also be emailed to  
32 PSD.NDCAP@vermont.gov)

33 <https://ago.vermont.gov/nuclear-matters>

34 <https://anr.vermont.gov/Vermont%20Yankee%20Decommissioning>

35 <http://www.healthvermont.gov/health-environment/radiological-health/vermont-yankee>  
36

### 37 **PANEL QUESTIONS AND COMMENTS: On State's Decommissioning Role**

38 Several Panelist questions concerning the tracking and adequacy of decommissioning funding  
39 were asked:

- 40 • What is the tipping point in the Memorandum of Understanding for determining  
41 whether sufficient funds remain to complete VY site clean-up?
- 42 • What remedy is available if funding is insufficient?
- 43 • Who has the authority to act?
- 44 • Where would additional funding come from?

- 1 • Who pays (who “is left holding the bag”) if decommissioning funding is insufficient?  
2 • A historical concern was also raised that the Public Service Department and Department  
3 of Health would not report VY site issues properly or in a timely manner. What checks  
4 are in place to assure that these do not occur?

5 Several Panelist questions on implementing State Agency oversight for the VY decommissioning  
6 project were also asked:

- 7 • Have the financial analyst and nuclear projects expert noted in the Public Service  
8 Department’s portion of the presentation been hired?  
9 • Will testimony from these experts be made available to the Panel?  
10 • Is NorthStar obligated to report adverse project changes?  
11 • Will the annual project disclosure specified in the MOU (due by March 31) be available  
12 this year?

13 Responses to several Panelist questions differentiated between Phase 1 and Phase 2 of the  
14 Agency of Natural Resource’s expected evaluation of the VY site.

15

### 16 **PUBLIC QUESTIONS AND COMMENTS: On State’s Decommissioning Oversight Plan**

17 Questions from members of the public included:

- 18 • When can the public expect to see ANR’s report(s) on the VY site characterization?  
19 • Who is monitoring for radiological contamination in site groundwater and soil?  
20 • What mechanisms are in place for making VY site reports available to the public?  
21 • What non-releasable information is available to State Agencies?  
22 • Does the Panel have authority to require reporting from NorthStar or State Agencies?  
23 • Will State Agency oversight activities (at VY) be summarized for public consumption?  
24 • Do ANR and the Department of Health have estimates of the volume of hazardous  
25 wastes that have already left the VY site?  
26

26

### 27 **Finalization & Approval of Annual Report to the VT Legislature:**

28 The Panel discussed the draft 2018 NDCAP Annual Report that was circulated to Panelists for  
29 review earlier this month. The current draft incorporates several comments that were provided  
30 by Panelists at the December 2018 Panel Meeting.

31 This revised version of the draft report is available at

32 <http://publicservice.vermont.gov/electric/ndcap> in the “Meeting of January 31, 2019”  
33 documents section.

34

35 Two minor changes were requested by Panelist comments and were incorporated into the draft  
36 made based on Panelist comments, namely:

- 37 • The parenthetical sentence “(This discussion begins at 52 minutes & 18 seconds into the  
38 meeting recording.)” on Page 3, Line 85 was deleted.  
39 • On Page 3, Line 87, the spelling of “manor” was changed to “manner.”  
40

40

41 Panelist Mark MacDonald, State Senator, asked whether the Annual Report includes a Panel  
42 opinion on who will be responsible for funding the VY site clean-up if the current

1 decommissioning funds are spent and NorthStar declares bankruptcy prior to completion of the  
2 clean-up.

3  
4 A motion to approve the amended January 2019 draft of the Panel’s Annual Report was  
5 approved by roll call vote as below:

- 6  
7 Chris Campany, Yea  
8 Corey Daniels, Yea  
9 Bob Gustafson, Yea  
10 Dr. Bill Irwin, Yea  
11 Derrick Jordan, Yea  
12 Bob Leach, Yea  
13 Mark MacDonald, NO!  
14 Dave Pearson, Yea  
15 Michael Root, Yea  
16 June Tierney, Yea  
17 Peter Walke, Yea  
18 Lissa Weinmann, Yea

19  
20 Panel Chair Chris Campany will pursue meeting with one or more Vermont legislative  
21 committees to present the 2018 Annual Report to the Legislature.

22  
23 **Reconstitution of the NDCAP Issue Committee**  
24 The Panel discussed reforming the Issues Committee, which was created in 2015 to make  
25 recommendations on topics for discussion at Panel meetings, an essential part of creating Panel  
26 meeting agendas. Reformation of the Committee is necessary since all but one of its prior  
27 members (Chris Campany) no longer serves on the Panel. Chairman Campany noted that the  
28 Issues Committee allows for identifying potential Panel topics in a less formal setting than a  
29 meeting of the entire Panel. Committee meetings will be open to the Public (as is required by  
30 Vermont Open Meeting Law).

31  
32 The Committee may also need to examine Panel “procedural” items such as NorthStar’s  
33 obligations to the Panel (per the VY Sale Memorandum of Understanding), Panel participation  
34 by the New England Coalition on Nuclear Pollution’s participation on the Panel and whether the  
35 composition of the Panel should be revised. The International Brotherhood of Electrical  
36 Worker’s seat on the Panel is currently vacant; there are currently very few, if any, IBEW  
37 members at the VY site. Panelist Katey Buckley, Vermont Department of Housing and  
38 Community Development Commissioner, is leaving State Government Service (effective  
39 February 1), and is therefore also leaving the Panel.

40  
41 Panelist Peter Walke, Deputy Secretary for the Agency of Natural Resources, requested that the  
42 State Agency representatives on the Panel separately discuss participation on the Committed  
43 before volunteering.

1 The following Panel members volunteered to serve on the Issues Committee: Chris Company,  
2 Corey Daniels, Derrick Jordan, Michael Root, and Lisa Weinmann. Panelist June Tierney,  
3 Vermont Public Service Commissioner, indicated that State Nuclear Engineer Tony Leshinskie  
4 will be made available to assist the Issues Committee.  
5

6 **General Public Comments to the Panel**

7 Comments provided and questions asked during the general comment period included:

- 8 • A request for public notification and participation in Issues Committee meetings.
- 9 • Could members of the public take (radiological or hazardous material) samples at the VY  
10 site?
- 11 • A statement from New England Coalition that it intends to be a partner in VY’s clean-up;  
12 the statement also indicated that the public is left “holding the bag” whenever money  
13 runs out for nuclear-related clean-ups. The Panel should address this issue.
- 14 • A means to make meetings more understandable for citizens new to the project was  
15 needed. Perhaps a brief overview at the start of every meeting would help?
- 16 • Concern was expressed that some of the dry casks in use at the Vermont Yankee site  
17 have an admitted design flaw.
- 18 • A representative from the Town of Vernon commented that NorthStar expects some of  
19 its decommissioning tasks will complete under budget; the Town of Vernon is fairly  
20 confident that this will occur.
- 21 • While it is hoped that the decommissioning project will go as planned, has there ever  
22 been a reactor decommissioning project that stayed under budget?  
23

24 **Wrap-Up and Adjourn**

25 NorthStar’s initial Annual Report to the State on the status of the VY Decommissioning Project  
26 will be published by March 31, 2019. The Issues Committee will meet at least once before the  
27 next meeting of the full Panel. The Panel will decide at a future meeting on how often it will  
28 meet in 2019. It must meet at least 4 times a year (to comply with Vermont Statutes  
29 establishing the Panel).  
30

31 **Next Meeting:** Monday, May 20, 2019, 6 PM at a site to be determined in the Brattleboro area.  
32

33 **MEETING ADJOURNED 8:50 PM**  
34