

1 **Approved 05.04.2020**

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

3 **Monday, February 3, 2020**

4 **Brattleboro Area Middle School Multi-Purpose Room**

5 **109 Sunny Acres Road, Brattleboro, VT**

6 **Meeting Minutes**

7
8 VT NDCAP Members Present:

- 9 • **Josh Unruh**, *Citizen Appointee of Governor Phil Scott, Panel Chair*
- 10 • **June Tierney**, *Commissioner of Public Service, ex officio*
- 11 • **Madeline Arms**, *Representative for the Town of Vernon*
- 12 • **Chris Campany**, *Executive Director of the Windham Regional Commission (WRC)*
- 13 • **VT State Representative Sara Coffey (Guilford)**, *Citizen Appointee of Speaker of the*
- 14 *House Mitzi Johnson*
- 15 • **Corey Daniels**, *Senior ISFSI Manager, NorthStar Vermont Yankee*
- 16 • **Emily Davis**, *Citizen Appointee of Senate President Pro Tempore Tim Ashe*
- 17 • **Dr. William (Bill) Irwin**, *Designee for the Secretary of Human Services*
- 18 • **Bob Leach (Brattleboro)**, *Citizen Appointee of Governor Phil Scott*
- 19 • **David Pearson**, *Vice-President and Regional Manager, NorthStar Group Services*
- 20 • **VT State Representative Laura Sibilis**, *Member of the House Committee on Energy &*
- 21 *Technology*

22
23 The following NDCAP members were connected to the meeting via teleconference:

- 24 • **Emily Boedecker**, *Commissioner of Environmental Conservation, designee for the*
- 25 *Secretary of Natural Resources*
- 26 • **Bob Gustafson**, *Assistant Planning Chief, Radiological Emergency Preparedness, New*
- 27 *Hampshire Emergency Management and Homeland Security, representing the Towns of*
- 28 *Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, NH, interim appointee of*
- 29 *the NH Governor's Office*

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

- 32 • **Lissa Weinmann (Brattleboro)**, *Citizen Appointee of Senate President Pro Tempore Tim*
- 33 *Ashe, Panel Vice-Chair*
- 34 • **Derrick Jordan (Putney)**, *Citizen Appointee of Speaker of the House Mitzi Johnson*
- 35 • **Brett Long**, *Deputy Commissioner of Economic Development, Designee for the Secretary*
- 36 *of Commerce and Community Development (newly appointed)*
- 37 • **VT State Senator Mark MacDonald**, *Member of the Senate Committee on Natural*
- 38 *Resources & Energy*

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

4
5 One position on the Panel is currently vacant.
6

7 With 11 Panelists present at the meeting site and 2 Panelists connected via teleconference, a
8 quorum was present (10 Panelists required). Approximately 12 members of the public were
9 present.
10

11 The meeting was called to order at 6:02 PM; a video recording of the meeting is available online
12 at <http://publicservice.vermont.gov/electric/ndcap> and at
13 [https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-](https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-2320-mtg)
14 [2320-mtg](https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-2320-mtg).
15

16 **Welcome, Opening Remarks & Overview of Meeting Agenda:**

17 The Chair, Josh Unruh, welcomed everyone for the meeting and briefly outlined tonight’s
18 agenda, noting that intent of tonight’s meeting was to have an open discussion on Panel
19 expenditures and potential changes to the Panel’s funding source.
20

21 **Amendments to the Meeting Agenda:** No additions to the meeting agenda were discussed or
22 made.
23

24 **Introduction of Panelists:** Panel members briefly introduced themselves.
25

26 **Approval of Meeting Minutes:** State Nuclear Engineer Tony Leshinskie noted that, due to a
27 logistics error, hard copies of the January 13, 2020 draft meeting minutes were not available.
28 The minutes draft could be viewed online from the NDCAP website
29 (<http://publicservice.vermont.gov/electric/ndcap>), if review was needed. Chairman Unruh
30 asked whether any of the Panelists saw a “burning need” to approve the minutes. If not, his
31 suggestion was to table approving the minutes until the Panel’s next meeting. After no
32 objections were heard, approval of the January 13, 2020 meeting minutes was tabled to the
33 next Panel meeting.
34

35 **Discussion on Panel Operating Costs and Potential Funding Options**

36
37 The Panel’s discussion opened with Representatives Laura Sibia and Sara Coffey outlining their
38 legislative proposal for NorthStar to cover the Panel’s administrative expenses. The draft for
39 this proposal is available from the Panel’s website at:
40 <https://publicservice.vermont.gov/electric/ndcap> in the “Meeting of February 3, 2020”
41 materials section. Additional background on how the proposal was created is available in an
42 accompanying cover note (available from this same Panel website section).
43

1 Representative Sibia outlined the proposal and some of the background that factored into it.
2 The proposal provides for coverage of Panel administrative expenses, staff to address panel
3 administration and communications, as well as an increase in the meeting per diem for eligible
4 Panel members to \$100. The proposal does not cover making experts available to the Panel.
5 Legislative attorneys are currently reviewing the proposal. Feedback on the proposal from
6 other Panelists and the public is being sought tonight.

7
8 Representative Coffey added that the proposal attempted to provide a funding source option
9 without significantly altering the Panel creation legislation. Representative Sibia noted that a
10 Legislation change for funding does get rather involved.

11
12 Public Service Commissioner June Tierney briefly discussed the summary of NDCAP
13 expenditures that the Public Service Department compiled for FY2014 through FY2019. This
14 summary is available from the Panel’s website at:
15 <https://publicservice.vermont.gov/electric/ndcap> in the “Meeting of February 3, 2020”
16 materials section, noting some of the details that have factored into the Panel’s costs during
17 her tenure on the Panel. She also noted that the Public Service Department (PSD) Staff and
18 Agency Meeting Attendance costs included in Sections II and III of the Summary were ineligible
19 for billback to Northstar. She added that she was seeking Panel & public feedback on Panel
20 cost coverage, including that for making experts available to the Panel. In response to Panelist
21 questions, it was noted that significant changes to PSD expenditures would likely not vary
22 significantly without changes in PSD-related legislation.

23
24 Panel discussion on the Sibia / Coffey proposal focused on how it would work. Some concern
25 was raised whether the proposal was workable, since some of it delegated PSD responsibilities
26 (under current NDCAP-related legislation) to an outside authority (NorthStar). Representative
27 Sibia noted that attorneys for the Legislature were available to assess the legalities of the
28 proposal. Timing to “iron out” details for a legislative proposal was also a concern.
29 Representative Sibia noted that while there was a limit on what could be achieved during one
30 Legislature session, it was still possible for shifting administrative cost responsibilities (items
31 currently assigned to PSD in 18 VSA §1700(g)(6) Panel Legislation) to NorthStar. Commissioner
32 Tierney noted that PSD would pursue this option in the future if no action occurred during the
33 current Legislature session.

34
35 Additional Panel discussion covered whether the PSD staff support for the Panel was being used
36 effectively, whether there was still significant public interest in the Panel’s activity, what could
37 be done to more effectively publicize Panel meetings and whether an annual cap on Panel
38 support expenditures was warranted or useful.

39
40

1 **Public Questions and Input on Panel Costs & Funding Options / Early General Public Comment**
2 **Period**

3
4 Chris Williams (Citizens Awareness Network, Hancock, VT) noted that NorthStar should assume
5 the “less controversial” meeting logistics costs for the Panel. He requested that future Panel
6 meetings center more on Vermont Yankee onsite activities instead of Panel operations.
7

8 Anne Darling (East Hampton, MA) asked that the Panel do something to assure that
9 Massachusetts has continued representation on the Panel. She also requested better meeting
10 publicity. Publishing information on the Panel’s website was not enough. Regular postings in
11 local media would be useful. Public education topics at Panel meetings were needed.
12

13 Clay Turnbull (New England Coalition, Brattleboro, VT) outlined the written comments that Ray
14 Shadis provided to the Panel on behalf of New England Coalition. These comments may be
15 viewed at the NDCAP website via the following link:

16 <https://publicservice.vermont.gov/content/new-england-coalition-comments-panel-funding-practices>

17 Clay also requested that more public education on decommissioning topics be provided at
18 Panel meetings.
19

20 The Panel took a short break before resuming the meeting proceedings.
21

22 **Additional Panel Discussion on Operating Costs & Funding Options**

23
24 Commissioner Tierney proposed a wording change to 18 VSA §1700 part(g)(6), which was
25 provided to the Panel and interested members of the public through a handout. The proposed
26 change follows (revised wording is underlined):
27

28 (6) hire experts, contract for services, and provide for materials and other reasonable
29 and necessary expenses of the Panel as the Commissioner may consider appropriate on
30 request of the Panel from time to time. Funds for this purpose shall come from the
31 owners of the VYNPS as the Commissioner of Public Service may consider appropriate.
32 By June 30 annually, the Commissioner of Public Service shall render to the owners of
33 VYNPS a statement detailing the amount of money expended or contracted for the
34 Commissioner of Public Service to hire experts, contract for services and provide for
35 materials and other reasonable and necessary expenses of the Panel, which statement
36 shall be paid withing 30 days by the owners of the VYNPS into the special fund
37 established pursuant to 30 V.S.A. § 22 for the purpose of maintaining the Department of
38 Public Service and the Public Utility Commission. Such monies paid into the special fund
39 by the owners of the VYNPS shall be paid solely to the Department. The owners of the
40 VYNPS may petition the Public Utility Commission to review and determine, after
41 opportunity for hearing, the necessity and reasonableness of such expenses, and may
42 amend or revise such cost estimates.
43

1 Panel discussion initially focused on whether an annual limit on this funding was needed and
2 when the obligation for the funding would end. Clarifications on what the funding could
3 potentially cover were discussed. It was noted that the funding would NOT cover costs
4 included in Sections II or III of PSD's NDCAP expense summary provided for tonight's meeting.
5 Additional Panel discussion indicated that the funding should cover panel promotion / public
6 engagement and decommissioning public education costs as well. Several potential endpoints
7 for the funding obligation were discussed, including 1) for as long as the Panel continues to
8 exist or 2) until such time as NorthStar submits its partial license termination application to the
9 Nuclear Regulatory Commission (NRC), noting that this includes completion of
10 decommissioning / decontamination and site restoration.

11
12 A consensus developed that the \$35,000 annual limit (included in the Sibilialia / Coffey proposal)
13 seemed reasonable. Including public engagement and public education activities in this funding
14 was appropriate. Continuing the funding obligation through the NRC license termination / site
15 restoration submittal (which was also included in the Sibilialia / Coffey proposal) seemed
16 reasonable. During this discussion, NorthStar was asked whether they were amenable to these
17 conditions. Greg DiCarlo, NorthStar General Counsel (who was in the audience), indicated that
18 what was being discussed was a potentially workable solution. However, he would have to
19 review this further and report back to the Panel.

20
21 The Panel then voted to endorse the proposed change 18 VSA §1700 (g)(6) wording, provided it
22 includes wording specifying the recommended \$35,000 annual limit on the funding obligation.
23 The endorsement was approved as follows:

24
25 Madeline Arms, Yes
26 Emily Boedecker, Yes
27 Chris Company, Yes
28 Sara Coffey, Yes
29 Corey Daniels, Abstain
30 Emily Davis, Yes
31 Bob Gustafson, Yes
32 Bill Irwin, Yes
33 Bob Leach, Yes
34 David Pearson, Abstain
35 Laura Sibilialia, Yes
36 June Tierney, Yes
37 Josh Unruh, Yes

38
39 The Panel then voted to include language in the proposed change 18 VSA §1700 (g)(6) wording
40 to assure that public engagement and public education expenses are specifically noted as
41 potential uses for the \$35,000 annual funding as follows:

42
43 Madeline Arms, Yes
44 Emily Boedecker, Yes

- 1 Chris Company, Yes
- 2 Sara Coffey, Yes
- 3 Corey Daniels, Abstain
- 4 Emily Davis, Yes
- 5 Bob Gustafson, Yes
- 6 Bill Irwin, Yes
- 7 Bob Leach, Yes
- 8 David Pearson, Abstain
- 9 Laura Sibia, Yes
- 10 June Tierney, Yes
- 11 Josh Unruh, Yes

12

13 The Panel then discussed how the final wording for the approved changes to the 18 VSA §1700
14 (g)(6) wording will be finalized. Jim Porter, Vermont Public Service Department Director of
15 Public Advocacy, noted that this could be completed through consultation between PSD,
16 NorthStar and Legislative Council, and then provide the results to the Panel. Additional
17 discussion on the end point of funding obligation ensued. Greg DiCarlo noted that his earlier
18 comment assumed that the obligation would end when NorthStar submits its partial license
19 termination application to the NRC. After additional discussion clarifying when the Panel felt
20 that release of the funding obligation was appropriate, namely the time horizon noted in Part 3
21 of the Sibia / Coffey proposal (submittal of Partial License Termination to the NRC after
22 completion of decommissioning / decontamination and site restoration), the Panel voted to
23 approve ending the funding obligation once this point was reached as follows:

- 24
- 25 Madeline Arms, Yes
 - 26 Emily Boedecker, Yes
 - 27 Chris Company, Yes
 - 28 Sara Coffey, Yes
 - 29 Corey Daniels, Abstain
 - 30 Emily Davis, Yes
 - 31 Bob Gustafson, Yes
 - 32 Bill Irwin, Yes
 - 33 Bob Leach, Yes
 - 34 David Pearson, Abstain
 - 35 Laura Sibia, Yes
 - 36 June Tierney, Yes
 - 37 Josh Unruh, Yes

38

39 The Panel then discussed next steps related to the Panel receiving and potentially reviewing the
40 final language of the 18 VSA §1700 (g)(6) change. The general consensus was that the final
41 language worked out between PSD, NorthStar and the Legislative Council can be posted to the
42 NDCAP website and that the Panelists be notified when this is done. It was agreed that an
43 additional meeting to approve the final language was not necessary. Individual Panelists or
44 members of the public participating through the normal legislative process can support or

1 express concern over the finalized language negotiated by PSD, NorthStar and the Legislative
2 Council. The bill associated with the NDCAP changes discussed and approved in the December
3 2019 and January 2020 Panel meetings is currently available online at:
4 <https://legislature.vermont.gov/bill/status/2020/H.740>
5 Comments can be posted on the bill electronically or through PSD’s website. Changes to 18
6 VSA §1700 (g)(6) resulting from tonight’s meeting will be added to this bill. It is expected that
7 final language for the 18 VSA §1700 (g)(6) change will be available prior to Town Meeting Day
8 (first week of March). The Panel then voted to approve the overall 18 VSA §1700 (g)(6) change
9 concept with the additional recommendations previously endorsed this evening to allow PSD,
10 NorthStar and the Legislative Council to finalize the language consistent with the Panel
11 endorsements as follows:

- 12
- 13 Madeline Arms, Yes
- 14 Emily Boedecker, Yes
- 15 Chris Campany, Yes
- 16 Sara Coffey, Yes
- 17 Corey Daniels, Abstain
- 18 Emily Davis, Yes
- 19 Bob Gustafson, Yes
- 20 Bill Irwin, Yes
- 21 Bob Leach, Yes
- 22 David Pearson, Abstain
- 23 Laura Sibilica, did not vote (had to leave meeting before this final vote)
- 24 June Tierney, Yes
- 25 Josh Unruh, Yes

26

27 **Additional Public Input on Panel Costs & Funding Options**

28 No public comments were received at this time.

29

30 **General Public Comments to the Panel**

31 No public comments were received at this time.

32

33 **Meeting Wrap-Up and Adjourn**

34 No explicit announcement for the date of the Panel’s next meeting was made. Based on
35 consensus at prior Panel meetings, the next full Panel meeting will be held Monday,
36 May 4, 2020.

37

38 **MEETING ADJOURNED AT 8:44 PM.**