

MEETING MINUTES

(as approved 1/28/2015)

Meeting Minutes for the Fourth
Vermont Nuclear Decommissioning Citizens Advisory Panel (NDCAP) Meeting
December 18, 2014
Brattleboro Union High School
Multi-Purpose Room

NDCAP Members Attending the Meeting:

- Christopher Recchia, Commissioner of Public Service, ex officio; Panel Chair
- Chris Campany, Executive Director of the Windham Regional Commission (WRC); Panel Vice-Chair
- David Mears, Commissioner of Environmental Conservation, designee for the Secretary of Natural Resources
- Pat Moulton, Secretary of Commerce and Community Development, ex officio
- Dr. William Irwin, designee for the Secretary of Human Services
- VT State Senator Mark MacDonald, member of the Senate Committee on Natural Resources and Energy
- Stephen Skibniowsky, representing the Town of Vernon
- Kate O'Connor (Brattleboro), citizen appointee of Governor Shumlin
- Martin Langeveld (Vernon), citizen appointee of Governor Shumlin
- James Matteau (Westminster), citizen appointee of Senate President Pro Tempore John Campbell
- James Tonkovich (of Wilder), citizen appointee of Senate President Pro Tempore John Campbell
- VT State Representative David Deen (Westminster), citizen appointee of Speaker of the House Shap Smith
- Derrik Jordan (Putney), citizen appointee of Speaker of the House Shap Smith
- Christopher J. Wamser, Site Vice-President, Entergy Nuclear Vermont Yankee (VY)
- T. Michael Twomey, Vice-President External Affairs, Entergy Nuclear Vermont Yankee
- David Andrews, International Brotherhood of Electric Workers (IBEW); representing present & former employees of Vermont Yankee
- MA State Representative Paul W. Mark (Peru, MA), representing the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts.
- Molly Connors of NH Governor's Office attending in lieu of NH State Senator Molly Kelly (Keane, NH), representing the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire.

The following NDCAP member was absent from the meeting due to illness:

- VT State Representative Michael Hebert, member of the House Committee on Natural Resources and Energy

Note: A video recording of this meeting is available through Brattleboro Community Television (BCTV) at the following web address:

<http://brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-121814-mtg>

This video may also be accessed via a link at:

http://publicservice.vermont.gov/topics/electric/nuclear#nuclear_issues

All items noted in these Minutes as being available online at the Public Service Department (PSD) website may be found at this web address.

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Panel introductions were made, during which it was noted that Molly Connors of the NH Governor's Office was attending in lieu of NH State Senator Molly Kelly. Chairman Recchia also noted that Diane Becker of NH Emergency Management & Homeland Security was also in attendance this evening.

November Meeting Minutes were approved via yeas and nays, with no nays heard and 2 abstentions.

Committee Requirements from Legislature, Etc.:

- The Panel's Annual Report is due to the Governor's Office and the VT Legislature's Energy Committees on January 15. After a brief discussion, the Panel agreed to request a delay delivering the report to February 15. Several members of the Panel who are also VT Legislators noted that many committee reports are received late; hence an objection to the delay was unlikely.
- The need to describe if the Panel is properly constituted and charged appropriately was also noted.
- January meeting of NDCAP should contain agenda item(s) to discuss this and the governance of group. Does there need to be report from the Governance subcommittee?

Funding and Support Needs of NDCAP and Subcommittees:

- The Panel has had Catherine Morris of the Consensus Building Institute (CBI) consulting on a Stakeholders' survey and on the development of a Governance Charter for the Panel. Funding for CBI's support to date is through a foundation (one time grant for 2014) and the Public Service Dept. (per legislation charged with providing support)
- Tony Leshinskie (State Nuclear Engineer) is doing some administrative work supporting the Panel, but should be focused on providing subject matter expertise for VY's Decommissioning.
- It would also be helpful to have "independent consultants" provide information to the Panel for several key subjects – which would help to exhibit the Panel's neutrality / independence.
- Since all of these activities require funding to support, the next question is where does such funding come from? Through legislation? Through the plant owner, as was done with Maine Yankee? State Agency budgets (e.g. Public Service Department)? Would legislation in all 3 states be required?
- A committee to work on these issues was suggested, with an additional suggestion to reach out to other utilities that have completed decommissioning (e.g. Maine Yankee & Connecticut Yankee) and other current decommissioning advisory panels (e.g. Keweenaw, San Onofre) and see what resources they have / are using. (Chairman Recchia, Vice-Chair Campany, Commissioner Mears, and Kate O'Connor volunteered to work on this). **While reviewing the December meeting minutes, it was asked whether the "Funding & Support Needs" committee created at the December meeting had met. Chairman Recchia indicated that it had not.**
- State Senator Mark MacDonald noted that since "we are helping out the Legislature we should seek funds from them"
- It was also suggested that support for the Panel should be built into an Agency budget going forward.

Status of VY Site Assessment Study (SAS) / Post Shutdown Decommissioning Activities Report (PSDAR) Review by VT State Agencies

- Chairman Recchia reported that, in compliance with the December 2013 Settlement Agreement, the VT Public Service Department (PSD), the Agency of Natural Resources (ANR) and the Department of Health (DOH) have reviewed the SAS and draft PSDAR that Entergy Issued in mid-October. The comments from these 3 agencies were compiled by PSD and delivered to Entergy on December 13. Public comments on the SAS & PSDAR received by PSD through that date were also forwarded to Entergy. (This entire "package" of comments is available on the PSD website, in the "Reports & Resources" section of the NDCAP webpage.)

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- Overall, the 3 Agencies (PSD, ANR, DOH) are mostly pleased with the SAS / draft PSDAR and their level of detail. It was subsequently noted that the SAS was a first of a kind effort. Entergy was thanked for making this effort.
- The overall theme of the comments focus on funding decommissioning & site restoration efforts and requests for clarification from Entergy on a number of specific items. There are still many unknowns: what will the site restoration cost overall? Have all necessary activities been identified? What is the planned site use? (Total clean-up cost will be largely based upon what the site will be used for in the future.) It was also noted that the comments represent a first attempt in understanding the VY decommissioning & site restoration efforts. If more detail is sought, which is an expansion of the process, the cost and time to complete decommissioning & site restoration will also be expanded and “we do not necessarily want that.”
- There will be additional opportunity for commentary through the NRC-sponsored PSDAR Public Hearing and the 90-day Public (open) Comment period on the PSDAR. PSD, ANR and DOH will participate in this process.
- The Decommissioning Trust Fund has three columns currently – but may need a fourth related to “Operational” issues discovered during Decommissioning.
- Commissioner Mears stated that the Agency of Natural Resources (ANR) was generally comfortable with the report. The core document used many items identified “before Entergy purchased the property.” ANR is interested in what “potentially impacted area” means and how fully that was evaluated. ANR also wants more information regarding the underground storage area (is it “officially closed?”) and the hazardous materials there (have they been properly sampled and monitored?). The potential future uses of the site will likely drive the clean-up process, so “we need to come to some accordance” on what that use will be.
- Dr. Bill Irwin summarized the Department of Health (DOH) comments on the SAS & PSDAR draft. The DOH comments express concern in three areas:
 - Continuing engagement with Entergy as partners to determine any health issues.
 - Periodic site inspections by DOH.
 - Comprehensive monitoring by DOH to assure protection of the environment.
- Dr. Irwin expressed concern about the lack of detail on what will happen during the 5 years beginning in January 2015 (time in which used VY fuel will be stored in the Spent Fuel Pool) and the times of the dismantling and decontamination at the plant. When decontamination and dismantling occurs, it will be one of the largest movements /areas of radioactive equipment and waste in the country.
- As such, Dr. Irwin questioned the following:
 - What steps are being taken for the shielding of the radioactive materials during the process?
 - What monitoring will remain in place? Such monitoring needs to be verified by independent sources. (Subsequently noted that concern for continued monitoring is due to the proximity of the Vernon, VT & Hinsdale, NH Elementary Schools to the VY Site.)
 - Is there adequate space for decontamination and dismantling at the site with the electrical infrastructure that will remain there, which may not be surveyable? How will surveys in these areas be done?
 - Dr. Irwin is also concerned about lack of full characterization of radioactive materials; Entergy seems to be using a “broad brush” using classifications as they are (1,2, or 3). Does Entergy have a comprehensive inventory of isotopes?
 - Concerning groundwater protection – implementing NEI recommendations brought about the Tritium discovery several years ago. Monitoring should be continued throughout the entire decommissioning period, continuing for decades from now.
 - Has there been verification of the space available at the Low Level Waste Compact site in Texas? It was also noted (by Vice-Chair Campany) that the Low Level Waste Compact

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Commission typically meets twice a year in Vermont; however these meetings have never been held in this part of the State (i.e. Windham County / Brattleboro vicinity). In response, Chairman Recchia indicated he would contact the Compact Commission and see whether one of its meetings could be held in this geographic area.

- Dr. Irwin also noted that he has heard that the Low Level Waste Compact site operators (WCS) are interested in expanding into high level waste. Since Vermont is already a Low Level Waste Compact partner, the State may be given priority for high level waste storage. Hence this may be an available option for many of the dismantled VY pieces.
- What about asbestos and lead surveys for the site? No inventory of this was provided by Entergy in the SAS.
- Entergy (Mike Twomey) provided the following initial response regarding the Agency comments:
 - Entergy intends to provide responses to the (over 200) comments provided. Those comments (roughly 44) that directly affect the PSDAR will (have) resulted in modifications to the PSDAR draft that will be submitted to the NRC. (The Agency comments themselves will not be included in the PSDAR submittal.)
 - An overall “comment response” document will be provided back to the Agencies, although some responses will make reference to other documents for the provided answer.
 - Entergy did not set a schedule for when this comment response document will be available, largely because of the upcoming holidays and the changes at VY related to its imminent shutdown.
- Vice-Chair Campany indicated that he was impressed with the thoroughness of the Agencies’ review comments.

Next Steps in the PSDAR Process

- Entergy (Mike Twomey) indicated that the VY PSDAR will be submitted to the NRC tomorrow (December 19).
- NRC receipt of a PSDAR starts “the 90 day clock” for the Public Comment Period on the PSDAR. The NRC’s public meeting on the PSDAR also takes place during this time.
- The NRC’s planned date for the PSDAR Public Meeting is January 28, 2015. (Meeting site will be in the Brattleboro area.)
- Chairman Recchia noted that PSD would be requesting that the PSDAR Public Meeting be delayed (probably to mid-February) to allow the Panel and the Agencies (PSD, ANR, DOH) more time to learn how to effectively work within the PSDAR public comment process.
- Decommissioning activities may begin after the 90 day public comment period.
- Several Panelists expressed concern that the overall PSDAR process was unclear. Mike Twomey indicated that Joe Lynch of Entergy (VY Government Affairs Manager) can provide a summary of the process to help the Panel understand the requirements / next steps in the PSDAR process.
- A related Panel question also inquired whether the Panel could receive guidance in effectively participating in the PSDAR process. Retaining independent experts for such activities would be useful. This goes back to identifying resources (human & monetary) for the Panel. It was also noted that the Panel will be essential when differences in possible Decommissioning approaches are identified.
- The Panel also questioned whether the VT Department of Public Safety has been part of “this whole process.” Chairman Recchia replied that he has been working with Public Safety separately on VY issues, and has included the similar departments from NH and MA in these discussions.

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NEXT MEETINGS OF NDCAP:

January 22, 2015 was set as a firm date for the next NDCAP meeting, with February 26 and March 26 selected as tentative dates to be revisited at the January meeting. Teleconference or webinar access will be made available for Legislators on the Panel who will likely be in Montpelier, Concord, NH and Boston, MA on these dates. Meeting locations will be determined, but will continue to be in the Vernon/Brattleboro area.

PUBLIC COMMENTS:

1. Citizens Awareness Network: requested more specifics on what and how things will be done in decommissioning the site; expressed concerns about the potential exposures to children at the nearby schools. (Submitted written comments are available on the PSD website.)
2. Howard Shaffer: discussed the Basis for Low-Level Radiation Exposure limits; noted that there are people who do not want X-rays because of the fear of nuclear technology. This started from the fear of nuclear war. (Submitted written comments are available on the PSD website.)
3. Fairewinds: requested transparency in the financials. Does not want Spent Fuel Management funding coming from the decommissioning fund. Also concerned for Worker Radiation Safety and Exposure and the potential for mud getting into ventilation system of the dry casks. Wants \$1-\$2 million of Trust Fund to go to Emergency Preparedness. (Submitted written comments are available on the PSD website.)
4. It was noted that the Town of Gill, MA has submitted a letter the MA's Congressional and local State Representative delegations, the NRC Chair, the MA Emergency Management Agency and VT PSD requesting the continuation of funding for the current VY Emergency Planning Zone (EPZ) and opposing the States' notification time limit increasing from 15 to 60 minutes as proposed in VY Licensing Exemption Request.
5. It was noted that the Town of Greenfield, MA has resolution similar to the Gill, MA resolution that will be considered at their January 2015 Selectboard meeting.
6. In response to Items 4 & 5, Chairman Recchia noted that the State of Vermont will continue to oppose the reduction of the current EPZ.
7. It was requested that the Public Service Department website / NDCAP webpage include contact information for submitting written comments / questions to the NDCAP. Chairman Recchia indicated that such comments can always go to the State Nuclear Engineer (Tony Leshinskie), but that such information will be added the webpage as soon as possible.

Final comments: It was noted that Vermont Yankee will be shutting down (ceasing power generation operations) in 11 days (December 29). Several Panelists expressed thanks to Vermont Yankee for its years of power generation and for Entergy's support of the local communities over the years.

Meeting adjourned at ~8:20 PM.