

1 **Approved – 6.25.2015**

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

3 **Thursday, May 28, 2015**

4 **Brattleboro Union High School, Multipurpose Room, Brattleboro VT**

5 **Meeting Minutes**

6 NDCAP Members Present:

- 7 • Christopher Recchia, Commissioner of Public Service, ex officio
- 8 • Chris Campany, Executive Director of the Windham Regional Commission (WRC)
- 9 • David Mears, Commissioner of Environmental Conservation, designee for the Secretary
- 10 of Natural Resources
- 11 • Dr. William Irwin, designee for the Secretary of Human Services
- 12 • Pat Moulton, Secretary of Commerce and Community Development, ex officio
- 13 • Stephen Skibniowsky, representing the Town of Vernon
- 14 • Kate O’Connor (Brattleboro), citizen appointee of Governor Shumlin
- 15 • Martin Langeveld (Vernon), citizen appointee of Governor Shumlin
- 16 • James Matteau (Westminster), citizen appointee of Senate President Pro Tempore John
- 17 Campbell
- 18 • Derrick Jordan (Putney), citizen appointee of Speaker of the House Shap Smith
- 19 • Christopher J. Wamser, Site Vice-President, Entergy Nuclear Vermont Yankee (VY)
- 20 • T. Michael Twomey, Vice-President External Affairs, Entergy Nuclear Vermont Yankee
- 21 • David Andrews, International Brotherhood of Electric Workers (IBEW); representing
- 22 present & former employees of Vermont Yankee
- 23 • James Tonkovich (of Wilder), citizen appointee of Senate President Pro Tempore John
- 24 Campbell
- 25 • Michael Hebert (Vernon), VT State Representative, member of the House Committee on
- 26 Natural Resources and Energy
- 27 • David Deen (Westminster), VT State Representative, citizen appointee of Speaker of the
- 28 House Shap Smith
- 29 • Diane Becker, Chief of Technological Hazards, New Hampshire Emergency Management
- 30 and Homeland Security

31  
32 No NDCAP members were connected to the meeting via teleconference (GoToMeeting.com)

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34 The following NDCAP members were absent from the meeting:

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

39  
40 **Meeting called to order at 6:09 pm**

41

1 **INTRODUCTIONS**

2 Panelists introduced themselves. David Mears, Commissioner of Vermont Department of  
3 Environmental Conservation, introduced Chuck Schwer, Director Waste Management and  
4 Prevention Division. Tony Leshinskie noted that Erica Bornemann, Chief of Staff for the  
5 Vermont Division of Emergency Management and Homeland Security, was listening via  
6 teleconference.

7  
8 **UPDATE ON ACTION ITEMS**

9 Chair gave an update on coordinating a tour of Connecticut Yankee, targeted for June 26, 2015.  
10 Millstone and Maine Yankee are still on the list of other possible tour sites. NDCAP Website  
11 remains a goal.

12  
13 **APPROVE MINUTES FROM MAY 26, 2015 MEETING**

14 Chair read changes that had been incorporated since the first draft was distributed. There were  
15 no questions or comments.

16 **Motion by Chris Recchia to approve the minutes from May 26, 2015. Second by: Dr. William**  
17 **Irwin. Motion carried 15-0-2.** (Aye: Christopher Recchia, Chris Company, David Mears, Dr.  
18 William Irwin, Pat Moulton, Stephen Skibniowsky, Kate O'Connor, Martin Langeveld, James  
19 Matteau, Derrik Jordan, Chris Wamser, T. Michael Twomey, David Andrews, James Tonkovich,  
20 Diane Becker. Abstaining: Mike Hebert, David Deen)

21  
22 **ENTERGY UPDATE ON DECOMMISSIONING ACTIVITIES**

23 *Joe Lynch, Government Affairs Manager, Entergy Vermont Yankee, gave an update on recent*  
24 *activities.* Fifty two systems on site will be "laid up" for long-term dormancy, seven are  
25 complete and twenty-two are currently in process. Security modifications at the site include  
26 increased signage and notifications. Seven buildings have been removed from the site; a color  
27 coded map of the current site plan was given to the panelists. Next milestone is the Certificate  
28 of Public Good (CPG) for the second Interim Spent Fuel Storage Installation (ISFSI). Entergy, the  
29 three states, FEMA and the NRC recently completed a successful hostile action based exercise.  
30 Entergy and the State have exchanged letters, met and conducted a tour the site waste storage  
31 areas. A number of issues were identified and added to the site corrective action program.  
32 Entergy's continuing local outreach includes public meetings, select stakeholder site tours, a  
33 public access cable show "SAFSTOR Matters" via BCTV, and [www.vydecommissioning.com](http://www.vydecommissioning.com).

34  
35 Questions and comments: Chris Recchia interjected that the State feels the NRC should  
36 recognize hostile action as a consideration in the elimination of the EPZ.

37  
38 **STATE OF VERMONT UPDATE ON DECOMMISSIONING ACTIVITIES**

39 *Anthony Leshinskie, Vermont State Nuclear Engineer, gave an update on the recent*  
40 *decommissioning activities by the State.* The Public Service Department and the Attorney  
41 General's office are involved in a number of appeals including the State's objections to  
42 Entergy's application to reduce the emergency planning zone, questions about the use of the

1 Nuclear Decommissioning Trust (NDT) and the discontinuation of the Emergency Response Data  
2 System (ERDS), which the State utilizes for radiological monitoring and meteorological data. He  
3 noted the State's recent and upcoming interactions with the NRC on those issues and on a State  
4 level the CPG process on the second ISFSI is moving forward with a public hearing on June 4,  
5 2015 and the deadline to be named an intervener is June 11, 2015.

6  
7 *David Mears, Commissioner of Environmental Conservation, gave an update on ANR's activities.*  
8 He noted the Department of Environmental Conservation, Waste Management and Prevention  
9 Division had requested information from Entergy regarding activities performed at the site,  
10 deemed the information inadequate and conducted a site visit that identified important and  
11 significant issues with waste characterizations.

12  
13 Leshinskie noted that the State published the NDCAP 2014 Annual Report, with one small  
14 modification to the referencing of SAS figures. The final report was issued to the Vermont  
15 House of Representatives, Senate and Governor. The report and other NDCAP related  
16 information is available at <http://publicservice.vermont.gov/topics/electric/nuclear>

#### 17 18 **ENTERGY PRESENTATION ON CPG APPLICATION**

19 *Joe Lynch, Government Affairs Manager, Entergy Vermont Yankee, gave an overview of*  
20 *Entergy's CPG application.* Currently, there is a permitted ISFSI onsite with a capacity of 36  
21 casks. Thirteen dry casks are currently on the first pad. Fifty-eight casks will be needed to store  
22 all the fuel from VY's operating life so the proposal before the PSB is to build a second pad,  
23 adjacent to the first, to hold 22 casks. The planned construction schedule, based on obtaining a  
24 CPG by early May 2016, will meet the goal of having all fuel in dry storage by 2020. The design  
25 option chosen was the best fit based on soil analysis, security plans, the same  
26 earthquake/flooding analysis and efficiencies created by the proximity to the existing ISFSI.  
27 Estimated cost of delaying the project is \$1.7 million/month. Full presentations can be found at  
28 <http://vydecommissioning.com/document-library/#1419194556212-2-9>

29  
30 Questions and Comments: David Deen asked how the \$1.7 million in delay costs were  
31 calculated. Answer (Joe Lynch): Security, staffing and costs of maintaining the spent fuel pool.  
32 Dr. Irwin requested copies of the records of the assessment, characterization, removal and  
33 excavation of the planned north warehouse radiological control area demolition. Chris Wamser  
34 suggested it would be more appropriate to make that request during the CPG process. Derrick  
35 Jordan asked if this CPG application relies on the same flood elevation used for the first pad -  
36 for a 1,000 year flood - and where does that number come from. Joe Lynch answered that the  
37 1,000 year elevation was used in the original site design and transferred to the dry casks. Chris  
38 Recchia answered that the 1,000 year flood is based on NOAA data. David Deen explained that  
39 we do not know what a 1,000 year flood looks like so, that flood line is imaginary. Mike  
40 Twomey circled back to Dr. Irwin's request for future records of the north warehouse  
41 demolition. He asked Dr. Irwin to formalize that request in a letter from the Department of  
42 Health so it can be captured and acted upon when the time comes. Jim Tonkovich asked when  
43 the first pad was put in operation. Answer (Chris Wamser): 2006-2007. Martin Langeveld asked

1 if the barrier wall will surround just the generator. Answer (Joe Lynch): Yes, the barrier is  
2 specific to the generator. Chris Recchia asked if potential new NRC and/or Homeland Security  
3 regulations for dry casks will impact design. Answer (Joe Lynch): New regulations would be  
4 factored in. Jim Matteau asked if the panelists could attend the PSB site visit. Answer (Joe  
5 Lynch): PSB noticed the tour, but the deadline to sign up has passed. Jim Matteau asked if  
6 Entergy had used any NDT funds to pay taxes. Mike Twomey answered, Entergy has not yet  
7 taken any money out of the fund for property taxes. The way the fund works is that money is  
8 spent and then reimbursement is sought. Entergy believes that property taxes are an  
9 appropriate item to be recovered from the trust fund. Using the trust fund to pay for property  
10 taxes is fully consistent with NRC practices. When the trust fund was established and funds  
11 were collected from customers, the Vermont utilities made a list categorizing what the funds  
12 could be used for in the future – property taxes were included on the list. Jim Matteau stated  
13 he agreed with the State’s point of view that the NDT should not be used to pay property taxes.  
14 Mike Twomey and Chris Recchia both agreed there will be more to come on this matter. Derrik  
15 Jordan asked about using an earth berm in place of the wooden fence currently on the north  
16 and east sides. Answer (Joe Lynch): The NRC requires no additional berm or barrier for safety.  
17 There is nothing in the current design for an additional berm.

18 **STATE OF VERMONT OVERVIEW OF THE CPG PROCESS**

19 *Aaron Kisicki, Staff Attorney, Department of Public Service, gave an overview of the § 248 CPG*  
20 *process for the second ISFSI. Note: The Public Service Board is the three person deciding panel*  
21 *that reviews the application and all evidence presented in the proceedings. It is a separate*  
22 *entity from the Department of Public Service who is a party to the proceeding. The Board will*  
23 *consider the project’s impacts on orderly development, economics, the environment and public*  
24 *health/safety. The Board must also find there is adequate financial assurance and commitment*  
25 *to move spent fuel to certified long-term storage in the Entergy spent fuel management plan.*  
26 *The process is currently in the discovery phase, it will move through testimony, rebuttal*  
27 *testimony, cross examination, briefing, review and finally decision. The process is designed to*  
28 *create a robust record. Public comments are for context, not part of the evidentiary record. To*  
29 *get on the record parties should request to be named an intervener. To receive copies all filings*  
30 *request to be named an interested party.*

31 **STATE OF VERMONT AGENCY OF NATURAL RESOURCES PRESENTATION ON CGP PROCESS.**

32 *David Mears gave an overview of the Agency’s involvement in the CPG process. ANR is an*  
33 *automatic party or statutory party to the process and also has independent permitting*  
34 *authority. The PSB must find that the project will not negatively affect the environment or use*  
35 *of natural resources. The agency has no conclusions yet, will participate in discovery and*  
36 *hearings looking specifically at river corridor issues like inundation risks and erosion, along with*  
37 *storm water capture/treating and other water quality issues. Will look closely, along with the*  
38 *Department of Health, at the process for removing of the north warehouse. The state geologist*  
39 *will be reviewing the seismic analysis. There may be additional issues that come up.*

40 Questions and Comments: Jim Tonkovich asked why the process takes a year. Mike Twomey  
41 answered, due process; including evidence, briefings and hearings. He noted this is why

1 Entergy applied for the permit well in advance of when the ISFSI is needed. Aaron Kisicki  
2 concurred, stating the long discovery schedules are built to allow parties to present a complete  
3 and well-rounded record. David Mears added the public deserves a thoughtful and deliberative  
4 process. David Deen noted that many NGOs are intervening pro-se, relying upon volunteers so,  
5 they need the time. Chris Campany stated the Windham Regional Commission has petitioned  
6 for party status. Recommends that other NGOs and surrounding towns get familiar with the  
7 very formal process even if they don't decide to become interveners in this matter as the  
8 process is the same for other energy projects. Jim Matteau pointed out that intervenor status  
9 does not mean you oppose the project; it is the only way to become an official party for or  
10 against.

11 **PUBLIC COMMENT AND QUESTIONS**

12 Chair's note: There are official proceedings unfolding, some specific questions may not be  
13 answered.

14 *Guy Page, Barre VT, Vermont Energy Partnership, questioned if the State is requesting bill back*  
15 *for staff time, will this be precedent setting for future energy developers? Chris Recchia*  
16 *reserved the right to do so, but noted they have not in the past, do not currently plan to bill back*  
17 *for staff, with the exception of consultants. Staff time is covered by the gross receipts tax and*  
18 *already established budget. David Mears explained that energy developers are billed back in*  
19 *complex permitting cases to facilitate and speed up the process. Chris Recchia clarified that the*  
20 *term bill back refers to a funding stream used to get additional expertise and charge the*  
21 *applicant. David Deen reminded the Panel that the length of time for permitting raises broader*  
22 *public access/fairness questions. Chris Campany added that towns do not have bill back ability*  
23 *and said it is not to be taken lightly.*

24  
25 *Deb Katz, Citizen's Awareness Network, feels it is dangerous to set a precedent by using NDT*  
26 *funds to pay taxes. Referred to an Entergy parent company MOU to pay for any shortfall. Taxes*  
27 *should be considered a shortfall; NDT is not Entergy's money. Fuel should not be transferred to*  
28 *dry casks when students are in Vernon or Hinsdale New Hampshire schools. The existing*  
29 *wooden fence doesn't protect casks or eliminate shine, there should be a berm covered in sod.*

30  
31 *Dan Jeffries, Brattleboro, has no concerns about the fuel stored in the pool and on the pad at*  
32 *Vermont Yankee. No concerns about the planned reduction of the EPZ.*

33  
34 *Leslie Sullivan Sachs, Brattleboro, Safe and Green Campaign, has concerns about the proposed*  
35 *diesel generator. Public can follow along and individuals can comment multiple times*  
36 *throughout all phases of the CPG process. Requests that documents related to the CPG process*  
37 *be posted to the eventual NDCAP Website or in the meantime to the DPS site as the only current*  
38 *location is vydecommissioning.com. Typically, the CPG is granted with conditions and one of the*  
39 *most important considerations is economic development. Urged the Panel to speak for the*  
40 *State and the citizens by making creative recommendations to the legislature and the PSB.*

41

1 Susan Lantz, Northampton MA, asked where the money for the second pad is coming from.  
2 Mike Twomey replied that in order to avoid taking money from the NDT, Entergy has taken two  
3 loans to cover the cost of the pad and moving the fuel. Entergy expects to recover the funds by  
4 suing the federal government for breach of contract. Following up, Lantz asked the Panel who  
5 paid for the first pad, noted federal money comes from taxpayers. Twomey answered Entergy  
6 paid for the first pad and was reimbursed. Agreed that everyone pays fees on electric bills  
7 yielding hundreds of millions of dollars yet the federal government has yet to provide the long-  
8 term storage promised. Urged people to call their senators and representative in D.C. Lantz  
9 asked the Panel to suggest that the NRC develop regulations for decommissioning plants. Chris  
10 Recchia noted the State has urged the NRC to develop rules for decommissioning plants. He  
11 confirmed that Entergy has established lines of credit to avoid paying for the first round of fuel  
12 storage from the NDT. Added he feels it was irresponsible that the federal government  
13 accepted responsibility for the fuel and then failed to come up with a solution. Dave Andrews  
14 added historical context that the government accepted responsibility when fuel reprocessing  
15 was banned. Agrees the problem lies in Washington.

16  
17 Frances Crowe, Northampton MA, feels that data on the radioactive isotopes, cancers and  
18 deaths in Windham County should be made available to the committee. Dr. Irwin stated that  
19 the Vermont Department of Health provides that data online. Noted the data indicates no  
20 statistically significant difference from the numbers available for the state, region and nation.  
21 Confirms his department will continue to collect and share data. David Deen suggested cross  
22 linking the data with the future NDCAP Website.

23  
24 Betsy Williams, Westminster West VT, feels there is a lot of risk from storing nuclear fuel.  
25 Requests the committee hold Entergy accountable in this process. Wants a berm and 24/7  
26 monitoring, more robust casks made to the highest technical standard of the highest possible  
27 quality.

28  
29 Clay Turnbull, Townshend, VT, New England Coalition, no matter how frustrating, the NRC has  
30 final authority, so the Panel should take concerns to the NRC. Suggests linking the future  
31 NDCAP Website to the public comments page on the CPG. Chris Campany agreed, explained  
32 that he is advocating for host communities to have a role in federal rulemaking, has been in  
33 contact with Senator Leahy. Campany feels the NDCAP should also advise the State on  
34 recommendations for possible negotiations with Entergy. Chris Recchia says the State's goal is  
35 to have the site cleaned up as soon and safely as possible, recommends the whole nuclear  
36 industry incorporate the cost of fuel management into the cost of doing business in order to  
37 survive. Dave Andrews recommends the Panel keep the Vermont Yankee fuel risks in  
38 perspective as compared to other risks in the State of Vermont.

39  
40 Howard Schaffer, Northfield NH, politics are to blame for the lack of federal nuclear fuel  
41 storage. Wonders if there are really two nuclear trust funds, the site specific NDT and the  
42 federal money. Notes that nuclear energy, unlike other unregulated industries, did not develop

1 *in the free market. Mike Twomey clarified there is definitely one NDT to be used for the site*  
2 *decommissioning project; federal money is not exactly a trust fund.*

3  
4 *Bert Picard, Brattleboro VT, appreciates the good panel discussion. In response to Dave*  
5 *Andrew's comments on keeping risks in perspective, just because something else is a mess,*  
6 *doesn't mean this should be ignored.*

7  
8 **PANEL DISCUSSION**

9 Dr. Irwin noted that a number of public comments call for the Panel to make specific  
10 recommendations and requirements for dry fuel transfer and storage. Chair suggested  
11 beginning that discussion at the June meeting. Jim Matteau agreed and noted that there may  
12 be 6-9 members of the Panel who might be unable to ratify recommendations, but the statute  
13 that established the committee called for an advisory role. Chris Recchia stated some might  
14 abstain from voting on recommendations, but they could still participate in rigorous  
15 discussions. David Deen suggested having Dr. Irwin lay out an agenda of issues and possible  
16 recommendation options to frame discussion. Chair suggests including what the process might  
17 look like for making recommendations. Dr. Irwin agreed to take the lead and referenced  
18 Nuclear Energy Institute (NEI) as a resource. Dr. Irwin acknowledged their role as a lobbyist for  
19 the nuclear industry, added that they have a good record of taking a balanced position for  
20 stakeholders. Chris Wamser concurred that NEI is a good resource, creates templates for best  
21 practices. Pat Moulton thanked Dr. Irwin for taking the lead, said the Panel may not speak with  
22 one voice, but should weigh in. Chair noted she has also found a resource in the chair of a  
23 similar advisory committee in San Diego, CA. Tony Leshinskie noted that in addition to NEI the  
24 Nuclear Energy Insider decommissioning summit also represents a good cross section of the  
25 industry and stakeholders. Chris Company suggests an NEI workgroup should look at giving  
26 host communities a role in federal rulemaking and the Panel should inform the National  
27 Association of Development Organizations of concerns and any specific policy  
28 recommendations.

29  
30 **WRAP UP AND ADJOURN**

31 Reminder, next meeting: Thursday, June 25, 2015.

32 Taking July and August off, Date for September 2015 meeting will be announced at the June  
33 meeting.

34  
35 **MEETING ADJOURNED AT 9:00pm**

36  
37 Action Items:

38 Next meeting is June 25<sup>th</sup>

39 September Meeting Date will be established at the June 25<sup>th</sup> Meeting.

40 Dr. Irwin will compile a list of issues and possible recommendations for discussion

41 Panel will continue setting up a website

42  
43 NOTE: Video of meeting will be available at [brattleborotv.org](http://brattleborotv.org)