

# The Establishment and Short History of the Vermont Nuclear Decommissioning Citizens Advisory Panel (VT NDCAP)

## I. Creation of VT NDCAP

The 19-member Vermont Nuclear Decommissioning Citizens Advisory Panel (VT NDCAP) was established in Act 178 of the 2014 State of Vermont legislative session. The legislation establishing VT NDCAP is contained in Title 18 of Vermont Statutes Annotated, Chapter 34, Sections 1700 through 1702 (18 V.S.A §1700 - §1702). A link to this Legislation is available here:

<https://legislature.vermont.gov/statutes/chapter/18/034>

VT NDCAP replaced the seven member Vermont State Nuclear Advisory Panel (VSNAP) that had been in place ~~since the sale of the Vermont Yankee Nuclear Power Station (VYNPS) to Entergy Corporation in 2002 through prior Vermont Legislation.~~ VT NDCAP includes six citizen members, two each to be appointed by the Vermont Governor, the Vermont Senate Pro-Tempore and the Vermont House Speaker. With Vermont Yankee's announced closure by the end of 2014, the Vermont Legislature and Governor believed an advisory panel with more citizen representation that focused specifically on decommissioning and site restoration issues facing Vermont Yankee would be helpful in ensuring timely and relevant information is gathered and shared with the local and state communities.

## II. Composition of VT NDCAP

Based on research conducted through the Vermont Department of Public Service (PSD), the full composition of VT NDCAP attempts to capture a broad scope of Vermont Yankee Nuclear Power Station (VYNPS) decommissioning stakeholder representation. Stakeholders and appointing authorities for individual VT NDCAP Members are as follows:

- (1) The Vermont Secretary of Human Services, ex officio, or designee. (A cognizant designee from the Vermont Department of Health typically serves in this position.)
- (2) The Vermont Secretary of Natural Resources, ex officio, or designee. (The Assistant Secretary of Natural Resources, the Vermont Commissioner of Environmental Conservation or a cognizant designee ~~from the Vermont Department of Environmental Conservation~~ typically serves in this position.)
- (3) The Vermont Commissioner of Public Service, ex officio, or designee. (The Vermont Public Service Commissioner or Deputy Commissioner typically serves in this position.)
- (4) The Vermont Secretary of Commerce and Community Development, ex officio, or designee. (The Secretary or the Vermont Commissioner of Housing and Community Development typically serves in this position.)
- (5) One member of the House Committee on Energy and Technology, chosen by the Speaker of the House.
- (6) One member of the Senate Committee on Natural Resources and Energy, chosen by the Committee on Committees.

(7) One representative of the Windham Regional Commission (WRC) or a designee, selected by the Regional Commission. (The Executive Director of the WRC typically serves in this position. The Windham Regional Commission-WRC conducts county government planning functions for Windham County, Vermont - the immediate vicinity of the VYNPS site; there are no county governments in Vermont.)

(8) One representative of the Town of Vernon, Vermont or a designee, selected by the legislative body of that town. (A Vernon town official typically serves in this position. VYNPS is located ~~with~~in Vernon, VT.)

(9) Six members of the public (as noted previously), two each selected by the Vermont Governor, the Vermont Speaker of the House, and the President Pro Tempore of the Vermont Senate. Under this subdivision, each appointing authority initially appointed one member for a three-year term and a second member for a four-year term. Subsequent appointments under this subdivision are appointed to four-year terms. (All current citizen appointees have been appointed to four-year terms.)

(10) Two representatives of VYNPS management selected by the VYNPS ownership.

(11) A representative of the International Brotherhood of Electric Workers (IBEW) selected by the IBEW who is a present or former VYNPS employee (representing VYNPS workers).

(12) One member collectively representing the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, selected by the Governor of New Hampshire at the invitation of the Vermont Commissioner of Public Service.

(13) One member collectively representing the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, selected by the Governor of Massachusetts at the invitation of the Vermont Commissioner of Public Service.

### **III. Overview of VT NDCAP Duties**

VT NDCAP serves in an advisory capacity. The duties of VT NDCAP (based on 18 V.S.A. §1701) are:

- To hold a minimum of four public meetings each year for the purpose of discussing issues relating to the decommissioning of VYNPS. The Panel may hold additional meetings as deemed necessary.
- To advise the Vermont Governor, the Vermont General Assembly, Vermont State Agencies, and the public on issues related to the decommissioning of the VYNPS. A written report is provided annually to the Governor and to the Energy Committees of the Vermont General Assembly. (These Annual Reports are available at the VT NDCAP website: <https://publicservice.vermont.gov/electric/ndcap>).
- To serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of the VYNPS and to receive written reports and presentations on the decommissioning of the Station at its regular meetings.
- To periodically receive reports on the Decommissioning Trust Fund and other funds associated with the decommissioning of or site restoration at the VYNPS site, including fund balances, expenditures made, and reimbursements received.

- To receive reports regarding the decommissioning plans for the VYNPS, including any site assessments and post-shutdown decommissioning assessment reports, and provide a forum for receiving public comment on these plans and reports.
- To provide comment on the VYNPS decommissioning and site restoration plans and reports as the Panel may consider appropriate to State Agencies and / or the VYNPS owner and in the Annual Report.

Additionally, VT NDCAP is charged with assessing whether further changes to the Panel's membership or duties are appropriate and shall include recommendations on such further changes in the Annual Report to the Governor and Energy committees of the Vermont General Assembly.

VT NDCAP created and approved a Charter in early 2015 that provides additional guidance for executing these duties. The current approved version of the VT NDCAP Charter is available at:

<https://publicservice.vermont.gov/sites/dps/files/documents/NDCAP/Amended%20NDCAP%20Charter%20%28Adopted%202016.05.26%29.pdf>

#### **IV. Overview of Topics Discussed at VT NDCAP Meetings**

In compliance with Vermont's Open Meeting Law, all VT NDCAP meetings and all special meetings of committees created by VT NDCAP action are open to the public. Agendas for all meetings are noticed at least 48 hours in advanced; the purpose of committee special meetings are noticed at least 24 hours in advanced. In most cases, all meeting notices and agendas are made available to the public at least one week in advanced.

VT NDCAP routinely receives reports from the VYNPS owners and the several Vermont State Agencies responsible for overseeing the VYNPS decommissioning and site restoration on topics relevant to VT NDCAP's statutory duties. These include:

- Summaries of recent decommissioning activities at VYNPS authorized by VYNPS ownership, including:
  - the transition of VYNPS from an operating electrical generating station to a long-term spent nuclear fuel storage facility
  - the demolition of onsite structures
  - ~~onsite~~ construction ~~and~~ associated with the long-term storage of spent nuclear fuel at ~~the VYNPS site~~
  - the monitoring and transfer of VYNPS spent nuclear fuel to onsite, long-term spent fuel storage
  - changes to VYNPS infrastructure ~~for supporting resulting from~~ onsite demolitions and ~~transitioning to~~ long-term spent fuel storage
  - Estimated rates of offsite water intrusions into the VYNPS Turbine Building; the volume of Turbine Building intrusion water shipped for offsite disposal; overview of efforts to reduce / eliminate offsite water intrusions.
- Brief overviews of upcoming onsite activities
- Changes in staffing associated with VYNPS' transition from an operating electrical generating station to a long-term spent nuclear fuel storage facility
- VYNPS requests for reimbursements from the VYNPS Decommissioning Trust and Site Restoration Funds

- VYNPS reimbursements for onsite spent nuclear fuel storage resulting from litigation against the US Department of Energy
- Overall value and fiscal status of the VYNPS Decommissioning Trust and Site Restoration Funds
- Summaries of VYNPS Reactor Operating License filings to the US Nuclear Regulatory Commission (NRC), the Vermont Public Utilities Commission (VPUC) and the several Vermont State Agencies responsible for VYNPS oversight.
- Vermont State Agencies responses to VYNPS Reactor Operating License filings before the NRC and VPUC.
- Vermont State Agencies filings regarding NRC and other relevant Federal Agency regulations pertaining to VYNPS
- Vermont State Agencies filings regarding proposed NRC and other Federal Agency rulemakings relevant to VYNPS
- Agreements and Memorandums of Understand (MOUs) reached by VYNPS Ownership and Vermont State Agencies in VPUC proceedings

A variety of in-depth special topics have also been discussed at VT NDCAP meetings. Many of these presentations were made at the specific request of Panel members. Several have resulted from public comments or requests received at public meetings. These include:

- An overview of VYNPS Post Shutdown Decommissioning Activities Reports and the related filing process
- An overview of the Vermont PUC filing process
- Several high-level presentations on NRC oversight and regulation during the VYNPS transition to decommissioning and the onset of active decommissioning
- Overviews of relevant federal and state laws governing radiological and hazardous materials clean-up at VYNPS
- Background information on radioactive waste storage, transportation and disposal policies
- Spent Fuel Dry Cask Storage System design
- Summaries of relevant NRC meetings
- US Department of Energy (DOE) planning for spent nuclear fuel transportation and disposal

Guest presenters from the NRC, DOE, nuclear industry vendors (e.g. Holtec International, WCS, Orano and Burns & McDonnell), the Texas Low-Level Radioactive Waste Compact Commission and other, relevant industry experts have presented at VT NDCAP meetings on an as-needed basis.

Representatives from the Vermont Congressional Delegation routinely present updates on decommissioning-related bills introduced in Congress.

#### **V. VT NDCAP Practices of Potential Interest**

- Meeting agendas are typically created by a specific committee comprised of several NDCAP members. This committee is called the Issues Committee.
- Additional VT NDCAP committees have been created on an as-needed basis.
- All meetings of the full Panel are recorded by Brattleboro Community Television (BCTV) for later cable-access broadcast. These recordings are also available at BCTV's website (<https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel>) for online, on-demand viewing.

- All meeting presentations, meeting agendas, meeting minutes and meeting video recordings are available at the VT NDCAP website:  
<https://publicservice.vermont.gov/electric/ndcap>)
- Multiple public comment periods are typically included throughout a VT NDCAP meeting. Several of these comment periods will be for comments or questions on specific meeting agenda items. A general public comment period is typically scheduled near the end of the meeting.