

MEETING MINUTES – Approved 10/30/2014

Meeting Minutes for Inaugural
Vermont Nuclear Decommissioning Citizens Advisory Panel (NDCAP) Meeting
September 25, 2014
Brattleboro Union High School
Multi-Purpose Room

NDCAP Members Attending the Meeting:

- Dr. William Irwin, designee for the Secretary of Human Services
- David Mears, Commission of Environmental Conservation, designee for the Secretary of Natural Resources
- Christopher Recchia, Commissioner of Public Service, ex officio
- Deputy Secretary Lucy Leriche, attending on behalf of Pat Moulton, Secretary of Commerce and Community Development, ex officio
- VT State Representative Michael Hebert, member of the House Committee on Natural Resources and Energy
- Chris Campany, Executive Director of the Windham Regional Commission (WRC)
- Stephen Skibniowsky, representing the Town of Vernon
- Kate O'Connor (Brattleboro), citizen appointee of Governor Shumlin
- James Matteau (Westminster), citizen appointee of Senate President Pro Tempore John Campbell
- James Tonkovich (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
- Derrick 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
- NH State Senator Molly Kelly (Keane, NH), representing the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire.
- MA State Representative Paul W. Mark (Peru, MA), representing the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts.

The following NDCAP members were absent from the meeting:

- VT State Senator Mark MacDonald, member of the Senate Committee on Natural Resources and Energy
- Martin Langeveld (Vernon), citizen appointee of Governor Shumlin

Note: A video recording of this meeting is available through a link at the following website:
<http://publicservice.vermont.gov/topics/electric/nuclear#NDCAP>

Items noted as being available online at the Public Service Department (PSD) website may also be found at this web address.

1. Welcoming Remarks

Commissioner Recchia welcomed the public and introduced State Nuclear Engineer Tony Leshinskie to the Panelists. Each Panelist then briefly introduced themselves. Deputy Secretary Lucy Leriche noted that she was attending in lieu of Pat Moulton (Secretary of Commerce and Community Development). It was also noted that Panelist Martin Langeveld and State Senator Mark MacDonald were not in attendance this evening.

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2. Brief Discussion of NDCAP Mission

VT State Nuclear Engineer Tony Leshinski provided a brief summary of the mission and responsibilities of the NDCAP, as specified in VT State Law. Also discussed were potential resources for the Panel (The Public Service Department & other State Agencies, Entergy, Outside Consultants and other Decommissioning Public Engagement Panels, past and present.) The slide presentation used for this discussion is available online at the Public Service Department (PSD) website.

3. Brief Description of Settlement Agreement

Commissioner Recchia provided a verbal summary of the Settlement Agreement reached between Entergy Vermont Yankee and the VT Public Service Board regarding the closure of the plant at the end of 2014 and the plant's subsequent decommissioning.

- a. Agreement reached 12/23/2013
- b. Lays out a schedule for the Site Assessments & Post-Shutdown Decommissioning Activities Report (PDSAR) by the end of 2014.
- c. Calls for good faith effort to establish site restoration standards following radiological decommissioning of the VY site. (Entergy working closely with Commissioner Mears & Dr. Irwin to establish these standards.)
- d. The Settlement recognizes that there will be issues on which Entergy and the State of Vermont will not agree. (Such will be discussed by the Panel in the future.)
- e. The Settlement identifies a number of commitments that Entergy agreed to make by specific calendar dates; so far, Entergy has met all calendar deadlines specified in the Settlement.
- f. One key commitment met by Entergy: \$10 Million contribution to site restoration fund.
- g. The State of Vermont continues to pursue the remaining issues regarding Vermont Yankee's decommissioning.

Note: The Settlement Agreement is available for reading online at the Public Service Department website.

4. Questions / Comments on Settlement Agreement

- a. Panelist Comments:
 - i. WRC Director Chris Campany: Requested that Windham Regional Economic Development Funds related to VY decommissioning be reported as appropriate.
 - ii. Representative David Dean inquired about website and printed material availability of the documents discussed tonight. Commissioner Recchia responded that all NDCAP material will be available online at the PSD website. Printed material can be made available to Panelists upon request. Mike Twomey of Entergy also noted that Entergy will establish a website that will contain "the majority" of material that Entergy presents at NDCAP meetings. Rollout date of this website is uncertain.
 - iii. Dr. Bill Irwin noted what the Site Assessment "ought to be" should be discussed somewhat to assure that the Site Assessment meets expectations.
- b. Public Comments:
 - i. Leo Schiff (of Brattleboro): Is it within the scope of the Panel to discuss / advise on any matters of safety (question directed to Commissioner Recchia); Response noted that nuclear power plant safety is the purview of the US Nuclear Regulatory Commission (NRC). The Panel can discuss such matters, but whether such comments have impact must be "sorted out" between state and federal interests. Commissioner Recchia did note that the Public Service Department is "fully engaged" with the NRC in providing comments on all aspects of VY's decommissioning.
 - ii. Frances Crow (of Northampton, MA): When will spent fuel be moved to dry casks and where do you plan to bury the dry casks (not on the flood plain)? Commissioner Recchia

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deferred a response to this question since Entergy's presentation for this meeting will include a status discussion on dry cask storage.

- iii. Mike Mulligan (Hinsdale, NH – also noted self as a fired Entergy VY employee): How will information from the plant be independently obtained? (Underlying concern is that, at least in the past, VY's bureaucracy prevented accurate evaluations from appearing in documentation.) Commissioner Recchia replied that the State Nuclear Engineer is on-site most of the time. Additionally, the NRC has resident inspectors on-site. These sources can feed back information to the Panel. It was also noted that the State Nuclear Engineer has access to anything that the NRC is allowed to see.

5. VY Decommissioning & Stakeholder Engagement Assessment Findings

A summary presentation by Catherine Morris of the Consensus Building Institute of an assessment commissioned by the Public Service Department several months ago. The slide presentation & the report itself are both available online at the PSD website. Questions of interest & concerns from survey:

- a. Where do you want to turn for information?
- b. How do you pay for decommissioning?
- c. How quickly can decommissioning be done?
- d. How clean is clean enough for decommissioning?
- e. When will independent verification be done?
- f. Disposition of fuel:
 - i. How fast to dry cask?
 - ii. Permanent storage options?
 - iii. What is potential for long term storage pilot project?
- g. Concern over location of on-site dry cask storage
- h. Loss of trust in plant operator
- i. NRC needs to reestablish trust; there is concern that they are the only, final authority on nuclear safety decisions.
- j. Panel focus concerns:
 - i. Panel needs to look at its responsibilities & rule of engagement
 - ii. Work decisions to consensus
 - iii. People need to understand how information is used (Transparency+)

6. Questions / Comments on Engagement Assessment

- a. Panelist Comments:
 - i. Request from Commissioner Mears to engage CBI for establishing meeting agendas; consider engaging other Decommissioning Panels; use experience from EPRI report on Maine Yankee Decommissioning.
- b. Public Comments
 - i. Susan Lance (Northampton, MA): Inquired whether CBI will continue working with the Panel. This could ease concern / trust issues.
 - ii. Beth Fox (City of Keane, NH): How can Panel keep people outside of VT informed? Suggested from panel: online signup for notifications, review of the PSD website or similar websites.

7. Entergy Presentation: Summary of Current Decommissioning Activities

This slide presentation is available online at the PSD website. Additional VY clean-up info will also be available at safecleanandreliable.com. VY wants to put as much decommissioning info online as possible.

- a. Planning Construction of second on-site Dry Cask pad is moving slower than expected due to additional moisture content discovered in soil evaluation of Pad #2 site.

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- b. Site Assessment underway – this study is unique to VY; part of settlement with Public Service Board / PSD.
- c. Wet Fuel Hot Management Phase
- d. Wet Fuel Cool Management Phase, starting late 2016
- e. Staffing levels will change
- f. Within 120 days of adequate funding determination in Decommissioning Trust Fund, decommissioning will begin
- g. Video presentation demonstrating VY site physical changes as decommissioning progresses: This video is available at www.safeandcleanreliable.com (a link to the video may also be found at the PSD website)

8. Questions / Comments on Entergy Presentation

- a. Panelist Comments:
 - i. NH Senator Kelly noted that she has a number of questions, but will defer them until a later date; She did later ask whether NRC representation on the Panel was appropriate; Panel response was that the NRC could be invited as a guest at subsequent meetings.
 - ii. MA Representative Mark inquired whether the Vermont Yankee site could be seen by the Panel; Entergy representatives indicated that a site tour for the Panel was possible before winter really sets in.
- b. Public Comments:
 - i. Priscilla Lynch: Monetary contributions from Entergy are plus or minus \$100,000. Concern that a company such as Entergy, “which has a fleet of plants,” would be unable to continue these contributions at some point in the future, especially considering that the community will be storage nuclear waste for the company for years to come (until the Department of Energy, i.e. the people of the United States, takes over the cost). Panelist Mike Twomey of Entergy provided clarification: Entergy provides (charitable) contributions in each community in which it has a power plant. The statement made in the presentation was an indication that, since Vermont Yankee will no longer be an operating power plant, the contributions will reduce. Entergy intends to continue to be part of this community, however, the level of contributions has yet to be determined.
 - ii. Hockey Weyland (Northampton, MA also noted as “downstream”): Expressed concern about spent fuel and its move to dry cask storage. Entergy’s presentation indicated that spent fuel cools down in 5 years to allow transfer to dry cask storage. Yet, there is a large amount of spent fuel from years of operation that “could have been moved yesterday.” Why haven’t more fuel moves occurred? Panelist Mike Twomey of Entergy provided clarification: 1) the spent fuel is safely stored in a spent fuel pool. 2) Interspersing older spent fuel between newer (more recently used) fuel assemblies, which is called a “checkerboard” pattern, is beneficial for the newer fuel. The expectation is that all spent fuel will be moved to dry cask by the end of 2020. The current fuel storage is “very safe.” Panelist Chris Wamser of Entergy added that there is “an energy assumption in the dry cask storage system” that requires the spent fuel to reside in a spent fuel pool for several years before it can be moved to a dry cask.
 - iii. Hockey Weyland follow-up: Expressed concern that this checkerboard design is an overload of the spent fuel pool, also raised concern that the current approach is being used because other solutions are more expensive. Panelist Mike Twomey of Entergy replied: While there is more fuel in the spent fuel pool than originally planned, the pool is not overloaded. While some fuel has been in the pool “for 10 years” it is beneficial for it to be there; the spent fuel is safe where it is. In an additional follow-up, Ms. Weyland again inquired whether part of the rationale is the cost. Mike Twomey responded noting that this was “a complicated issue,” in part because the Department of Energy has yet to

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act on its responsibility to take possession of spent fuel, but that there are a number of factors in this issue. Mr. Twomey also noted that Entergy is in “almost constant litigation” to recover the costs of added spent fuel management due to the DOE’s failure to act on its spent fuel responsibilities. The expectation is that the cost of moving fuel to dry cask storage is “about the same” whether it is deferred or done more immediately. Deferring the move does not modify the conditions under which the litigation is considered. Chris Recchia added that the State of Vermont recognizes this is a complicated issue and is satisfied that doing the fuel moves as proposed by Entergy appears to be expeditious and safe within the design of dry cask storage systems.

- iv. Clay Turnbull (New England Coalition on Nuclear Pollution): Noted that in terms of the transparency discussed this evening, it is important that the stakeholders come to an agreement as to what the end state (of the Vermont Yankee site) will be. Expressed concern that clean-up such that the “site is available for another industrial application” will be settled for as acceptable, when in fact, the site should be cleaned-up to any possible use. Also expressed concern that Entergy discussion with State Agencies on what will be in the Site Assessment Study does not meet the standard of transparency discussed here. Essentially, what is the criteria for the Site Assessment Study and how will the “end vision” for the site be determined? (No Panel Response provided at this time.)
- v. Mike Mulligan (Hinsdale, NH; second time at podium): Several questions: 1) what will be done with fuel that has leaks; 2) Vermont Yankee provides all of its “internal loads” (i.e. its own electricity demands) from its own turbine “95% of the time.” It will be “a big deal” to transfer these loads to offsite sources. 3) regarding transparency: given the pervasiveness of the internet, there are a myriad of means for this (Vermont Yankee’s) decommissioning process to become “the most transparent” decommissioning project “the world has ever seen.” (No Panel Response provided at this time.)
- vi. Annika Corbett (Florence, MA): In a follow-up to the previous “end state” comments, it should be noted that if photovoltaics (i.e. solar panels) were proposed for the site, the switchyards on-site would likely be kept rather than dismantled. Panelist Mike Twomey noted that there are currently no plans to remove the on-site substations. Chris Recchia added that this is because Entergy does not own these. Ms. Corbett then asked whether it would be a good gesture for Entergy to use its cooling towers rather than the Connecticut River for cooling the plant through 2020. Panelist Mike Twomey responded by noting that the Public Service Board had determined that Vermont Yankee’s use of the Connecticut River for cooling had no impact on the river’s environment. He then noted that once Vermont Yankee shutdown at the end of the year, the plant’s demand for water from the river “would be miniscule.” Hence, the cooling towers will not be need after the plant is shut down. Panelist David Deen (also a member of the river steward organization & a State Representative) disputed Mr. Twomey’s statement that the Public Service Board had determined that Vermont Yankee’s use of river water had no impact on its environment. Mr. Deen further noted that the release permit process with the Agency of Natural Resources was ongoing.
- vii. Lori Cartwright (Brattleboro, VT): Thanked Entergy for deciding to close Vermont Yankee. Expressed concern that 2 panelists of the NDCAP are not present at this meeting. Also thanked Entergy for agreeing to move spent fuel to dry cask storage expeditiously, and urged the Panel to consider remediating the site to a green field standard rather than a less rigorous “other industrial use.” Also requested that one of the top panel discussions be the radiation levels to be deemed acceptable onsite once plant operations cease. Lastly requested that second ISFSI (dry cask) pad be situated to assure protection from “land, sea or air” attacks and possible flooding. In response, Chris

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Recchia noted that the agreement for the Site Assessment requires decommissioning the site to an “unlimited use” standard (and not an industrial use one). Also noted that the NRC standard for radiological clean-up is for unrestricted use of the site.

- viii. Panelist Mike Herbert requested that the Town of Vernon, which has hosted Vermont Yankee all these years and has a vested interest in the site, be invited to the NDCAP meetings so that the town’s concerns can be explicitly discussed at one of these meetings. Reminded Panel that Vermont Yankee is a piece of private property, so the panel cannot simply dictate how the land can be used.
- ix. Panelist Chris Company asked Entergy to discuss whether it is known how many post-shutdown workers at Vermont Yankee would be contractors vs. Entergy employees (and likely local residents). Windham Regional Commission is interested in this to “get a feel for the level of exodus” and its regional economic impact. Panelist Chris Wamser replied that in the first transition, all remaining Vermont Yankee employees would be Entergy employees rather than contractors.

9. Election of NDCAP Chair & Vice-Chair

- a. Jim Matteau & Chris Recchia nominated as Co-Chairs
 - i. Jim expressed concern that he could not devote enough time to Panel to successfully Co-Chair
 - ii. During discussion of this nomination, it was suggested that since Panel is a Citizen’s Advisory Panel, the Chair should be one of the citizens on the panel rather than an elected official.
 - iii. Ultimately, this nomination was not seconded
- b. A motion was then made to table the Chair election until January 2015
 - i. Proposed Chris Recchia to continue as Chair
 - ii. The rationale for motion being that the Panelists may want a different Chair once the Panelists have more experience working with each other.
 - iii. Commissioner Recchia noted that VT Law establishing the Panel required Chair & Vice-Chair elections at first meeting.
 - iv. Ultimately, this motion was not seconded
- c. Based on previous motion, a modified motion was made and seconded to nominate Chris Recchia as Chair through the end of 2014 calendar year. The motion was passed unanimously by yea / nay vote.
- d. A motion was made and seconded to nominate Chris Company as Vice-Chair through the end of 2014 calendar year. The motion was passed unanimously by yea / nay vote.

10. Open Public Comments & Questions

- a. Comments from the Public:
 - i. Lyssa Weinmann (Brattleboro): Asked Entergy to reconsider changing the Emergency Planning Zone since there is wide-spread disagreement on whether fuel storage in spent fuel pools is safe. Also expressed concerns over high burn-up fuel (we don’t know how quickly high burnup fuel corrodes) and the fact that spent fuel pools are holding much more fuel than what they were originally designed. Lastly expressed concern that the Town of Vernon’s ability to respond to a plant emergency has been compromised with the disbanding of its police force.
 - ii. In response to this last concern, Panelist Mike Herbert noted that the Town of Vernon has contracted with the Windham County Sheriff’s Department for police coverage; Mike regards this coverage as being better than what was recently provided by the former Vernon Police Department.
- b. The Panel requested the following material be made available for their review:
 - i. PowerPoint Presentations from tonight’s meeting

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- ii. Settlement Agreement
- c. Department of Emergency Management & Homeland Security Deputy Commissioner Ross Nagy was introduced to Panel; Deputy Commissioner Nagy noted that an Emergency Drill would be conducted at VY on October 8; focusing on FEMA exercise requirements.
- d. Aaron Kisicki, Special Counsel for the Public Service Department was introduced to the Panel (frequently works on VY-related issues).

11. Scheduling of Next Panel Meeting

After review of Panel member schedules, the next 3 meeting dates were set as follows:

- Thursday, October 30, 2014
- Thursday, November 20, 2014
- Thursday, December 18, 2014

Meeting locations and agendas will be determined at a later date.

- a. Bill Irwin noted that he would be out-of-state on business on October 30 & November 20.
- b. David Dean indicated he was likely unavailable on November 20.
- c. Call-in (teleconference) capability for meetings was requested; believed to be possible via cellphone provided meeting location has a descent public address system.

Meeting adjourned at ~8:50 PM.