

## MEETING MINUTES – Approved 11/20/2014

Meeting Minutes for Second  
Vermont Nuclear Decommissioning Citizens Advisory Panel (NDCAP) Meeting  
Vernon Elementary School Cafeteria (Multi-Purpose Room),  
381 Governor Hunt Road, Vernon, VT  
October 30, 2014

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
- 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
- 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
- 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
- NH State Senator Molly Kelly (Keane, NH), representing the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire.
- Jon Groveman, General Counsel for Agency of Natural Resources, representing David Mears, Commissioner of Environmental Conservation, designee for the Secretary of Natural Resources

The following NDCAP member was absent from the meeting, but connected to the meeting via teleconference (GoToMeeting.com):

- Dr. William Irwin, designee for the Secretary of Human Services

The following NDCAP members were absent from the meeting:

- David Andrews, International Brotherhood of Electric Workers (IBEW); representing present & former employees of Vermont Yankee
- VT State Senator Mark MacDonald, member of the Senate Committee on Natural Resources and Energy
- MA State Representative Paul W. Mark (Peru, MA), representing the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts.

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-103014-mtg>

This video may also be accessed via a link at:

[http://publicservice.vermont.gov/topics/electric/nuclear#nuclear\\_issues](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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### 1. Welcome & Overview of the Agenda

Commissioner Recchia welcomed the Panelist & the Public to the meeting. Each Panelist present then briefly introduced themselves. Jon Groveman noted that he was attending in lieu of Commissioner David Mears, who was unavailable this evening. NH State Senator Molly Kelly did not make an introduction since she arrived several minutes after the start of the meeting.

Chairman Recchia acknowledged several VT state officials in attendance:

- Joe Flynn, Director, Department of Public Safety
- Erica Bornemann, Planning Chief, Department of Public Safety
- Aaron Kisicki, Special Counsel, Public Service Department
- Tony Leshinskie, State Nuclear Engineer, Public Service Department

### 2. Approval of September Meeting Minutes

Chairman Recchia noted that the Panel is required by VT state law to post Draft Meeting Minutes online within 5 business days of the meeting. Minutes will be available on the NDCAP web page on the VT Public Service Department (PSD) website (currently the usual repository for NDCAP-related material, as noted earlier in these minutes). Approved Minutes are not available until after the next Panel meeting to allow for changes and approval of the Minutes.

A Motion to approve the Minutes of the last meeting was made by Chairmen Recchia and seconded by Rep. Mike Hebert.

Secretary Pat Moulton inquired whether or not Panel members who did not attend the previous meeting could vote to approve minutes. (Secretary Moulton did not attend the September meeting.) Chairmen Recchia stated that the law did allow previously absent members to vote to approve meeting minutes. However, he noted that he would prefer that the Panelists abstain from such votes.

A question from the audience was received regarding the minutes: The draft minutes on the website noted public comments that would be “added later.” How will this be addressed? Chairman Recchia noted that the minutes are prepared by the State Nuclear Engineer (Tony Leshinskie). The Chairman indicated that he would prefer that Tony minimize his time in preparing meeting minutes. Meeting details such as public comments are available via the contracted video recording of the NDCAP meetings. The meeting minutes will focus on decisions made by the Panel.

The posted meeting minutes were approved by yeas and nays with 3 abstentions (Secretary Moulton, Martin Langeveld & Jon Groveman) and no nays heard.

### 3. Presentation of Draft NDCAP Charter & Interim Meeting Groundrules

Catherine Morris of the Consensus Building Institute (CBI) made a presentation outlining a charter detailing how the Panel will function at future meetings. While the law establishing the Panel identified several duties for the panel, established Chair & Vice-Chair positions and required the Panel to vote by simple majority, a need has been recognized for additional rules regarding items such as 1) garnering public opinion, 2) encouraging greater consensus than simple majorities, 3) dealing with the Press (Panelists speaking on behalf of the Panel), 4) opportunity to note majority and dissenting opinion on some matters, 5) establishing subcommittees to examine certain issues in detail (and report back to the rest of the Panel), 6) whether subcommittee meetings need to be open to the public, 7) the ability to call an emergency meeting of the Panel, 8) whether the VT Department of Emergency Management & Homeland Security should be added as one of the Agencies supporting the Panel, 9) the use of alternates on the Panel and 10) the end date for the Panel.

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The slides for this CBI Presentation are available online at the PSD website. Details of the presentation are available from the video recording of the meeting.

### 4. Discussion of Draft Charter & Groundrules Process and Timeline for Finalizing Charter

- a. Jim Matteau: How do subcommittees meet without running afoul of VT public meeting laws? Catherine Morris noted that these do not need to be formal meetings; panelists could use representatives in some cases. Record keeping of such sessions should be encouraged. Subcommittee findings would then become input to full Panel meetings.
- b. Chairman Recchia also noted that the Panel could also hold meetings focused on a specific subject. The Chairman then suggested that the Panel review CBI's presentation and Charter material for "a more robust discussion" at a later meeting, with the recommendation that ideas / comments be sent to Catherine for her to incorporate in
- c. Kate O'Connor inquired whether it might be better for members of the Panel to further discuss the charter rather than having Catherine "distill" what the Panel needs through comments sent to her (comments could become confusing).
- d. Vice-Chair Campany suggested that a small committee be formed to discuss different attributes of the Charter. In response, Chairman Recchia asked for a show of hands from the Panelist to see who would be interested in working on such a committee.
  - i. Mike Twomey volunteered to be on the committee, noting that it might take more than a month to really complete work on the Charter.
  - ii. NH State Senator Molly Kelly noted that since the primary purposed of the Panel is to advise the Governor of VT, she would be relaying Panel information to the Governor of New Hampshire. She also noted that New Hampshire is conducting its own informational meetings on Vermont Yankee's Decommissioning on a regular basis. She hopes to bring information from these meetings to the Panel. (These are duties she would be taking on, even though they are not specifically discussed in the Charter.)
  - iii. By a show of hands, the following Panelists volunteered to be on the Charter / Governance Committee: Mike Twomey, Martin Langeveld, Chris Campany, Mike Hebert, and Jim Tonkovich.
- e. Vice-Chair Campany also noted that the Panel should consider the possibility that all three states around Vermont Yankee could wind up having their own Decommissioning Advisory Panels. In response, Chairman Recchia offered "to be helpful" in bringing information to New Hampshire and Massachusetts as well as Vermont.

### 5. Entergy Presentation on Site Assessment Study

Entergy provided a presentation on the Vermont Yankee Site Assessment Study that was recently issued on October 17. Panelist Mike Twomey was the lead presenter, with assistance from Panelist Chris Wamser. Also available to answer questions on the Site Assessment Study was Barrett Green, Entergy Wholesale Commodities CFO and Vermont Yankee Decommissioning Project Executive. The slide presentation for the Site Assessment Study is available online at the PSD website. Additional details of this discussion are available from the video recording of the meeting. The Site Assessment Study is available online at <http://vydecommissioning.com/document-library>. (A link to this Study is available at the PSD website in the "Reports & Resources" subsection.) Hard copies of the Site Assessment Study, a 60 page booklet of the main body with an attached CD for its several appendices, were provided to all Panelists present. The majority of this presentation described what is included in the Site Assessment Study, namely:

- a. A site description & its history (including previous radiological & non-radiological site surveys dating from the time of Entergy's purchase of Vermont Yankee)
- b. A first draft of the Post Shutdown Decommissioning Activities Report (PSDAR)

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- i. PSDAR to be submitted to the NRC no earlier than 60 days following the release of the Site Assessment Study (i.e. December 17)
  - ii. Noted that the submitted PDSAR will be a very “pro-forma” document (done to meet NRC requirements). The Site Assessment Study as a whole will be closer to Entergy’s intended Decommissioning Plan.
- c. A summary of environmental clean-up needs on-site.
  - d. The current plans for Spent Fuel Storage on-site.
  - e. Entergy’s current submittal to the VT Public Service Board (PSB) for a Certificate of Public Good (CPG) to construct a second Independent Spent Fuel Storage Installation (ISFSI) pad (for additional dry cask spent fuel storage) at the Vermont Yankee Site. (Entergy also noted that it anticipates a PSB decision on this CPG application in 12 to 18 months.)
  - f. Information on the Site Restoration Fund created as part of the Vermont Yankee Settlement Agreement reached in December 2013.
  - g. Several cost estimates for completing Vermont Yankee’s Decommissioning
  - h. Relevant Current Permits, Liability Insurance Policies and Related Documents.

Entergy also noted that it is pursuing a funding strategy for decommissioning that would rely on use of the federally mandated Decommissioning Trust Fund and additional lines of credit. The presentation also emphasized that portions of the Site Assessment Survey were draft documents. More would be learned about the required site clean-up after the plant was shut down and as the clean-up process began. (This last idea was echoed by Chairman Recchia: Mike Twomey noted that some tests required for clean-up could not be done while the plant was operating. Chris Wamser also noted that as several of the “non-nuclear” structure onsite were taken down, move site surveys could be done.)

General Information on Vermont Yankee’s Decommissioning may be found at:

<http://vydecommissioning.com>

(A link to this site is available at the PSD website in the “Reports & Resources” subsection.)

### 6. Panel Discussion of Site Assessment Study

Details of the Panelists questions and the answers provided by Entergy representatives Mike Twomey, Barrett Green and Chris Wamser are available from the video recording of the meeting. The following are noted as highlights of these questions and answers:

- a. Panelist Derrick Jordan expressed concern that staffing reductions at Vermont Yankee would result in a loss of institutional memory; in response, it was noted that the historical surveys included in the Site Assessment Survey contains information collected through interviews of current and previous Vermont Yankee employees.
- b. Representative Deen questioned whether filing the PSDAR within 60 days will allows enough time for the Panel to comment and Entergy to respond those comments. Mike Twomey stated that the Settlement Agreement stipulates that Entergy will file the PSDAR no sooner than 60 days after the issuance of the Site Assessment Study.
- c. Representative Deen also asked how lawsuits against the DOE would affect the bottom line cost of decommissioning. Mike Twomey replied previous Spent Fuel Management costs have been recovered through the lawsuits. The Decommissioning Trust Fund receives recovered money. If the proposed line of credit concept is implemented money recovered from the DOE would be paid to the banks supplying the credit. In subsequent questioning, Mike Twomey also stated that Spent Fuel Management costs have not impacted contributions to the Decommissioning Trust Fund.
- d. Panelist Martin Langeveld asked that, in the event that the Line of Credit approach is used, can the DOE be sued to recover interest charges incurred? In response, the answer is no. The DOE, as part of the Federal Government, cannot be sued to recover interest charges.

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- e. NH State Senator Molly Kelly inquired what dictates delivery of the PSDAR and who actually produces the PSDAR. Mike Twomey responded that Entergy, as the plant owner, creates the PSDAR. NRC requirements specify that the PSDAR must be submitted no later than 2 years subsequent to the final shutdown of a plant (formal declaration of permanent defuel). Entergy intends to deliver the PSDAR to the NRC by the end of 2014, subject to resolution of comments received during the 60 day period from State Agencies, the Panel and the public. Comments on other portions of the Site Assessment Study are not subject to the 60 day period, so comments should initially focus on the PSDAR.
- f. In subsequent discussion, Chairman Recchia noted that State Agencies were targeting delivery of comments on the PSDAR by the end of November. It was then suggested that the November 20 NDCAP meeting focus on Panel commentary for the PSDAR. It was also noted that written comments on the PSDAR could be submitted through the State Nuclear Engineer.

### 7. Public Questions / Comments on Site Assessment Study

Details of the Public questions and the answers provided by Entergy representatives and other Panelists are available from the video recording of the meeting. The following are noted as highlights of these questions and answers:

- a. In response to a public question on how the plant is protected against drone and other air-borne attacks, Entergy Panelist Mike Twomey regrettably noted that the answer involves Plant Security and Safeguards data, the details of which are on a need to know basis and cannot be discussed.
- b. In response to a public question on whether the Spent Fuel Management figures quoted this evening were strictly for moving all fuel to dry cask storage, Barrett Green of Entergy noted that the stated costs included the cost of overseeing the fuel while it remained in the Spent Fuel Pool.
- c. In response to a public question on what provisions were in place to assure that decommissioning would still occur if Entergy no longer exists in 2053, Entergy Panelist Mike Twomey noted that the Decommissioning Trust Fund system was originally created to assure that funds to decommission a former power reactor site are available regardless of whether Entergy (or some other former plant owner) still exists.
- d. Chairman Recchia noted that the State of Vermont does not necessarily agree with all of the Entergy positions stated in this evening's meeting.
- e. At the end of this Public Comment period, Clay Turnbull of the New England Coalition expressed concern over what is driving the schedule for the Panel to make decisions on the documents being discussed. His overriding concern was that Entergy was dictating the schedule (as evidenced by publishing the Site Assessment Study early).

### 8. Update Regarding Emergency Planning Zone (EPZ) & Offsite Emergency Response Organization (ERO) Changes

- a. Mike McKenney, Vermont Yankee Emergency Planning Manager provided a brief presentation on the proposed EPZ & ERO changes that have been submitted as Licensing Amendment Requests (LARs) that are currently under review by the NRC. This slide presentation is available online at the PSD website. Additional details of this discussion are available from the video recording of the meeting. Key points:
  - i. The minimum staffing for the ERO would be reduced reflect the reduced range of potential accidents that could occur at a permanently shut down nuclear power plant versus those at an operational plant.
  - ii. The 10 mile radius EPZ would initially remain in place. 15.4 months following permanent plant shut down, the EPZ would reduce to the Vermont Yankee property line. This change reflects the reduced risk of the potential for a zirconium-water interaction-

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induced fire in the Spent Fuel Pool. Subsequent to this time, Entergy's support of offsite emergency response functions would be phased out.

- iii. Concurrent with the EPZ reduction, the Emergency Action Levels would reduce to Unusual Event and Alert declarations. (Site Area Emergency and General Emergency Action Levels would be eliminated.)
- b. Chairmen Chris Recchia noted that the State has taken the following actions related to Entergy's submitted LARs:
  - i. The State has joined New York State in actions challenging the Waste Confidence Rule, which concluded that storing spent fuel in a Spent Fuel Pool is as safe as dry cask storage.
  - ii. As part of the NRC's public comment period for the on-site ERO portion of the LARs, the State has filed a Petition to Intervene and Request for a Hearing to assure that discussions on these concerns take place. (Public comment periods for the remaining LARs have yet to occur.) Scheduling and prehearing proceedings related to these actions are ongoing, with the hearing potentially occurring in either November or December.

### 9. Panel & Public Q&A on the Status of EPZ / ERO Changes

Details of this questions and answers period are available by viewing the video recording of the meeting.

The following are noted as highlights of these questions and answers:

- a. Panelist Jim Matteau inquired whether NRC regulations allowed keeping the Site Area Emergency and General Emergency Action Levels. Mike McKenney replied that Vermont Yankee's LAR filings were consistent with those for other decommissioning power plants. As to whether Vermont Yankee was required to eliminate these levels, Mike McKenney indicated that he could not answer that.
- b. Vice-Chair Chris Company inquired whether Homeland Security had an opinion on "all this." VT DEMHS Planning Chief Erica Bornemann provided comments in response, noting that the Federal Emergency Management Agency (FEMA), a part of Homeland Security, has not commented on NRC guidance on Emergency Planning. She also noted that FEMA's responsibility is for off-site planning. FEMA had been asked to comment on the Entergy LAR (that was open to public comment) and indicated that it had no issues with the proposed changes.
- c. In response to a public question on how much maintaining the current ERO / EPZ levels of protection would cost, Entergy Panelist Mike Twomey indicated that the cost would be over \$100 Million for the period through 2020. It is difficult say whether any of these costs could be recovered (e.g. through legal action against the DOE) since the NRC has determined that the proposed changes in ERO / EPZ levels are appropriate (at other decommissioning power plants). Additionally FEMA has not objected to these types of changes.

### 10. Review of Decisions, Input on 3-Month Work Plan, & Future Agenda Items

State Nuclear Engineer Tony Leshinskie provided a brief presentation on potential future agenda items for the Panel to consider. These topics resulted from several "brainstorming" discussions between Tony, Chairman Recchia, Vice-Chair Company and Catherine Morris of CBI. The slides for this presentation are available online at the PSD website. Details of the presentation are available from the video recording of the meeting.

1. Chairman Recchia noted that the items included on Slide #2 could be considered by the Charter subcommittee.
2. The last item on the last slide of this presentation noted that a meeting venue for November 20 was still needed. (This was also true for the December 18 meeting, but a likely venue had been located earlier that afternoon.) Secretary Pat Moulton recommended contacting the Marlboro College Graduate Center (in Brattleboro) for a potential meeting location.

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This slide presentation is available online at the PSD website. Details of ensuing discussion are available from the video recording of the meeting.

### 11. Open Comment Period

- a. Public Comment: It was suggested that a link to Entergy's [www.vydecommissioning.com](http://www.vydecommissioning.com) website be added to the PSD / NDCAP website. The State Nuclear Engineer (Tony) commented that currently the PSD / NDCAP website does have links to specific items now available on the vydecommission.com site, however a general link to the Entergy site was a good idea.
- b. Howard Schaffer, PE (Enfield, NH & former Start-Up Engineer at VT Yankee) requested to have several items he previously presented to the VT State Nuclear Advisory Panel (VSNAP) regarding Spent Fuel Pool safety. Mr. Schaffer requested and was granted permission by Chairman Recchia to have this material included in the Public Record of the meeting. Mr. Schaffer then briefly discussed the material. Mr. Schaffer's material is available online at the PSD website. Details of his discussion are available from the video recording of the meeting.

### 12. Closing Comments

- a. Chairman Recchia noted that both he and Vice-Chair Campany are not available for the November 20 NDCAP Meeting. Panelist David Mears has volunteered to Chair the November 20 meeting. (Chairman Recchia noted this would be appropriate since Commissioner Mears department has significant involvement in reviewing the PSDAR, which will be the primary focus of this meeting.)
- b. Representative David Dean reminded the Panel that he was also unavailable for the November 20 meeting. Chairman Recchia indicated that arrangements were being made to assure that Panelists could remotely access the November meeting. (The State Nuclear Engineer notes that this will likely occur via GoToMeeting.com or GoToWebinar.com.)

Meeting adjourned at ~9:05 PM.