1	Approved 05.08.2023			
2	Vermont Nuclear Decommissioning Citizens Advisory Panel (VT NDCAP)			
3	Monday, December 12, 2022			
4	Zoom Webcast			
5	Meeting Minutes			
6				
7	VT NDCAP Members Present (via webcast):			
8 9	• <b>Emily Davis</b> , Citizen Appointee of former Senate President Pro Tempore Tim Ashe, Panel Chair			
10	June Tierney, Public Service Commissioner, ex officio			
11	Lissa Weinmann (Brattleboro), Citizen Appointee of former Senate President Pro			
12	Tempore Becca Balint, VT NDCAP Federal Nuclear Waste Policy Committee Chair			
13	Todd Amato, Second Representative for the Town of Vernon (not present for entire)			
14	meeting due to connectivity issues)			
15	Chris Campany, Executive Director of the Windham Regional Commission (WRC)			
16	Corey Daniels, Senior ISFSI Manager, NorthStar Vermont Yankee			
17	Bill Irwin, Radiological & Toxicological Sciences Program Chief, Designee for the			
18	Secretary of Human Services			
19	Bob Leach, Citizen Appointee of Governor Phil Scott			
20	David Pearson, Vice-President and Regional Manager, NorthStar Group Services			
21	Marvin Resnikoff, Citizen Appointee of former Speaker of the House Mitzi Johnson			
22	VT State Representative Laura Sibilia, Member of the House Committee on Energy &			
23	Technology			
24	• Steve Skibniowsky, Citizen Appointee of Governor Phil Scott (newest appointee to the			
25	Panel)			
26				
27	The following NDCAP members were absent from the meeting:			
28	Madeline Arms, First Representative for the Town of Vernon			
29	• Trish Coppolino, Department of Environmental Conservation (DEC) Waste Management			
30	and Prevention Division Environmental Program Manager, Designee for the Secretary of			
31	Natural Resources			
32	Brett Long, Deputy Commissioner of Economic Development, Designee for the Secretary			
33	of Commerce and Community Development			
34	<ul> <li>VT State Senator Mark MacDonald, Member of the Senate Committee on Natural</li> </ul>			
35	Resources and Energy			
36				
37	There are currently three vacancies on the Panel (one Vermont House Speaker Citizen-Appointee and			
38	the two optional representatives from Massachusetts and New Hampshire, respectively).			
39 40	The meeting was called to order at 6:02 DM; a recording of the meeting websect is available action at			
40	The meeting was called to order at 6:02 PM; a recording of the meeting webcast is available online at			

- http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap
   and at
- 3 <u>https://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-121222-</u> 4 mtg.

- (Due to a recent Public Service Department website migration, all NDCAP meeting materials and video recordings that were previously available online at <a href="http://publicservice.vermont.gov/electric/ndcap">http://publicservice.vermont.gov/electric/ndcap</a> are now available online at:
- http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap.)

## Welcome, Opening Remarks & Overview of Meeting Agenda:

Panel Chair Emily Davis briefly welcomed everyone to the meeting and outlined the planned agenda (mostly status reports on Vermont Yankee's decommissioning activities). A Panel Roll call was conducted to confirm a quorum. The Panelists present briefly introduced themselves during the roll call. Steve Skibniowsky, the newest appointee to the Panel, reintroduced himself, noting that he was previously one of the Panel's original members. He also outlined his experiences working at Vermont Yankee and serving on several Town of Vernon boards, including its Select Board. With 12 Panelists initially connected to the Zoom webcast, a quorum was present (9 Panelists required).

Approximately 13 members of the public (not including 3 Panel Staff members) connected to the webcast.

Amendments to the Meeting Agenda: A copy of the meeting agenda is available at <a href="https://publicservice.vermont.gov/document/meeting-agenda-12-12-2022-0">https://publicservice.vermont.gov/document/meeting-agenda-12-12-2022-0</a>
No changes to the meeting agenda were offered or made.

**Review and Approval of Meeting Minutes:** This segment begins at 0:07:16 on the meeting video. The September 19, 2022 draft meeting minutes were reviewed. State Nuclear Engineer Tony Leshinskie requested several corrections on Pages 6 and 7 of the draft. These requests resulted in the following changes being made:

- On Page 6, Line 7, change "that" to "than" near end of the line

 On Page 6, Line 12, change "looking new" to "looking for new" at the beginning of the line
 On Page 6, Line 17, change "and" to "at" before "VT NDCAP meetings"

 - On Page 7, Line 12, reword "IBEW's comments the NRC decommissioning rulemaking" to "IBEW's comments on the NRC's decommissioning rulemaking."

No other changes to the draft minutes were requested by the Panelists present. Bob Leached moved to approve the September 19 meeting minutes as corrected. Lissa Weinmann seconded the motion. The motion was approved by yeas and nays. No nays or abstentions were heard (12-0 vote with no abstentions).

**NorthStar Update on VY Site Decommissioning Activities:** *NorthStar's presentation begins at 0:11: 10 in the meeting video.* 

Panel Member Corey Daniels, NorthStar Senior ISFSI (spent fuel storage) Manager at Vermont Yankee, presented a summary of recent site decommissioning activities. The slides for this presentation are available at: <a href="http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap">http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap</a> in the "Meeting of December 12, 2022" section.

NorthStar has worked over 1.4 million hours without an OSHA Recordable Lost Time Accident since starting VT Yankee's active decommissioning in January 2019. The Nuclear Regulatory Commission (NRC) has issued no cited violations during this time. The project remains ahead of schedule. Progress on dismantling the Reactor Building (RB) components and the demolition of other onsite structures was described. Reactor Vessel segmentation has completed. However, demobilizing RV segmentation equipment continues. The cannister containing VY's Greater-Than-Class-C (GTCC) Low Level Radioactive Waste has been moved to the Spent Fuel Storage pad (ISFSI). Final drain-down and cleaning of the Spent Fuel Pool (SFP) has begun. SFP water is being shipped to Waste Control Specialists (WCS) facilities in Andrews, Texas via tanker railcar. The 8<sup>th</sup> such shipment left site today (12/12/2022). The SFP is about half-drained.

Downsizing and removal of the Torus structure continues; roughly 1/16<sup>th</sup> of the entire structure has been removed. The monorail system construction reported previously is complete. The monorail is fully functional and is being used to move Torus structure pieces. Clearing of RB systems components continues; current efforts are clearing Recirculating Water System (RWS) components, including the RWS pumps. The primary task in the Turbine Building is cable clearing, which will continue for some time. Demolition of the Control Block Building (which housed the Control, Computer, and Cable Spreading Rooms) is complete. Additionally, demolition of the Containment Access Building and the Horizontal Transfer Storage modules are complete. Demolition of the RB Airlock is nearing completion. Essentially, the Reactor and Turbine Buildings are the only onsite structures from the operating plant still standing.

 NorthStar continues to average 3 to 4 radioactive waste shipments per week. Just over 120 radioactive waste shipments will have occurred this year. The site's 500<sup>th</sup> radioactive waste shipment since the start of decommissioning will leave site this week. NorthStar continues to meet with State Agencies on a biweekly basis to discuss project status. The Department of Environmental Conservation is being consulted for developing the post-demolition groundwater monitoring program for the site.

#### State Agencies' Updates on VY Decommissioning:

These presentations begin at 0:29:30 in the meeting video.

#### Agency of Natural Resources (ANR) / Department of Environmental Conservation (DEC):

Graham Bradley from ANR / DEC Waste Management Division provided this update. The slides for this presentation are available at: <a href="http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap">http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap</a> in the "Meeting of December 12, 2022" section.

DEC's ongoing interactions with VT Yankee were outlined (bi-weekly status calls, permit reviews, and corrective action plan reviews). Sampling programs for non-radiological contaminants continue to show no significant contamination issues at the VY site. No unexpected site contaminations have been identified thus far. ANR/DEC continues to work closely with NorthStar's remediation contractor, Haley

& Aldrich, and DEC's consultant, Atlas, on plans for addressing potential contaminant issues in VT Yankee site's previously identified Areas of Concern (AOCs). Due to ongoing structure demolitions onsite, DEC's groundwater monitoring program has suspended to avoid inadvertently destroying sampling wells. The monitoring program has collected well over three years of data without identifying new causes for concern. Minor PFAS (per- and polyfluoroalkyl substances) and Volatile Organic Compounds (VOCs) contaminations have been identified onsite but are not expected to be a significant issue. DEC will continue to work with NorthStar on developing the post-demolition groundwater monitoring plan.

Corrective Action Plans for addressing contaminations in onsite AOC #5 and AOC #7 have been approved. These address soil contaminations resulting from equipment fuel spills. Contaminate soil from the AOCs will be used as ballast for radwaste shipments to WCS. The statuses of several additional site monitoring programs were outlined. No contaminants have been found from soil surveys conducted at Spray Pond and the Interim Off-Gas System locations.

### **Public Service Department (PSD):**

This presentation begins at 0:41:05 in the meeting video. Eric Guzman, PSD Special Counsel made this presentation. Nick Capik of Four Points Group (FPG), PSD's consultants for overseeing the financial and technical details of VT Yankee's Decommissioning, was also present to provide additional details as needed. The slides for this presentation are available at: <a href="http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap">http://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap</a> in the "Meeting of December 12, 2022" section.

PSD's financial and technical oversight role was outlined, which includes receiving updates on work completed versus work remaining and project expenditures versus funds remaining. PSD coordinates with other State Agencies and FPG to assess project status and whether decommissioning trust fund reimbursement requests are consistent with the work completed. PSD also meets with NorthStar regularly to conduct any follow-up necessary on NorthStar's self-reporting. Regular site visits by FPG are conducted to observe completed work. The most recent visit was on September 29. Like previous site visits, the observed project progress was consistent with that described in NorthStar's most recent (July and August 2022) status reports.

Updates on the Decommissioning and Site Restoration Trust Funds were provided. As of November 30, the projected cost to complete Decommissioning and License Termination is \$190 million, but the current value of the Nuclear Decommissioning Trust (NDT) is \$188.3 Million. The NDT is invested in US Treasury Bonds. The NDT value reflects the current worth of these bonds. If the bonds are held to maturity, which is usually the case, their value will be \$193.3 million, which is sufficient to cover the current cost of decommissioning. PSD will continue to monitor the fund values. NorthStar continues to remain on track to complete the project on schedule with the currently available funding.

**Additional Agency Reports:** This summary begins at 0:49:40 on the meeting video. Panel Member Bill Irwin, Radiological & Toxicological Sciences Program Chief, added that Vermont Department of Health continues to be pleased with the NorthStar's progress and the reporting it has provided to date.

## 

# Panelist Questions on NorthStar and State Agencies' Reports:

Panelist questions on these presentations begin at 0:50:50 on the meeting video.

<u>Bob Leach</u> asked several questions regarding the cancellation of DEC permits at the VT Yankee site. Corey Daniels provided responses indicating that the only cancelled permits thus far were for items that dated back to when VT Yankee was still producing power. Bill Irwin provided additional information supporting Corey Daniels' answers.

<u>Bob Leach</u> then asked whether the site's GTCC radwaste was likely to decay down to Class C radioactive waste within our lifetimes. Corey Daniels indicated that the short answer is no. The GTCC radwaste includes several very long-lived isotopes, that will keep the waste above Class C level for well over one hundred years. In responses to follow-up questions from Bob Leach, Corey Daniels reported that much of the remaining power block buildings no longer required the stringent radiological controls access required during plant operation or shortly after VT Yankee's closure.

<u>Steve Skibniowsky</u> asked whether there was still measurable tritium levels in onsite groundwater. Corey Daniels indicated that the tritium levels have progressively dropped off since the plant closed. The remaining observed groundwater tritium levels is leeching from onsite concrete.

Marvin Resnikoff asked whether NorthStar's requests for Department of Energy (DOE) reimbursements (for spent fuel storage costs) are comparable to that for other utilities. Corey Daniels indicated that no real standard exists for DOE cost recovery. Reimbursements are evaluated individually. NorthStar currently plans to litigate for cost recoveries from DOE but noted that some utilities have opted to reach settlements with the DOE for these costs. It was further noted that NorthStar has yet to formally file for a DOE reimbursement. Vermont Yankee's most recent DOE reimbursement was filed while the plant was still owned by Entergy.

<u>Marvin Resnikoff</u> then asked whether, due to recent drops in US Treasury Bond values, whether there was still enough Decommissioning Trust funds to complete Vermont Yankee's decommissioning. <u>Eric Guzman</u> replied that PSD is closely tracking this question. The Decommissioning Trust fund is currently well above the required fund value provided that the Treasury Bonds are held to their maturity.

<u>Lissa Weinmann</u> requested details on how VT Yankee's radiation workers are monitored. Corey Daniels responded that Vermont Yankee is still subject to NRC requirements for radiological dose tracking. Individual radiological doses are assessed weekly. Risk of radiological exposures are spread through the work force to keep the doses received by individuals low. It was also noted that Vermont Yankee is "running out" of dose sources as decommissioning work progresses. Additionally, Lissa Weinmann thanked NorthStar for its efforts and progress on VT Yankee's decommissioning to date.

#### Public Questions on NorthStar and State Agencies' Reports:

Public questions on these presentations begin at 1:06:50 on the meeting video.

<u>Schuyler Gould</u> (New England Coalition, Brattleboro) noted that underground pipes can be kept in place if they are shown to have limited contamination. How are these pipes surveyed? Corey Daniels replied

that pipes must be held in a stable condition, such as already encased in concrete, to be left in place. Sampling in and around such piping would be done as needed to demonstrate compliance with site release criteria. Graham Bradley added that detailed non-radiological assessments would also occur. The surveys would determine Corrective Actions / remediations to remove any identified contaminants. Post demolition surveys would also be done to demonstrate compliance with site release criteria.

Ann Darling (Citizens Awareness Network, Easthampton, MA) asked whether any legislative efforts were underway to allow GTCC radioactive waste shipments. Corey Daniels replied that there had been an effort several years ago to allow States to regulate facilities storing GTCC waste. However, it didn't result in any regulatory changes. State Nuclear Engineer Tony Leshinskie added that the NRC held several meetings in 2015 discussing regulatory changes for GTCC waste, but they did not result in any regulatory proposals.

**Early General Comments:** Comments begin at 1:15:20 on the meeting video.

<u>Ann Darling</u> (Citizens Awareness Network) reiterated her comments at previous meetings that the Panel needs more public outreach.

**Potential Endorsement of IBEW Decommissioning Rulemaking Comments:** *This discussion begins at 1:16:15 on the meeting video.* 

Following-up on an item proposed at the Panel's September 19 meeting, the Panel considered whether it would endorse comments filed by the International Brotherhood of Electrical Workers (IBEW) on the NRC's proposed rulemaking on reactor facility decommissioning. The IBEW comments discussed by the Panel are available at: <a href="https://publicservice.vermont.gov/document/ibew-comments-proposed-nrc-decommissioning-rules">https://publicservice.vermont.gov/document/ibew-comments-proposed-nrc-decommissioning-rules</a>.

A motion for the Panel to endorse the IBEW comments was made by Chris Campany and seconded by Steve Skibniowsky. Panelists then discussed whether endorsing the comments was within the scope of the Panel's charge, since it was not directly related to VT Yankee's decommissioning. Corey Daniels noted that the IBEW comments would address decommissioning tasks that are largely complete at VT Yankee. Several Panelists (Lissa Weinmann, Laura Sibilia, Marvin Resnikoff) made statements supporting the comments. Bob Leach suggested that individual Panelists could submit their own comments on IBEW's comments. The Panel itself may not need to act. State Nuclear Engineer Tony Leshinskie reminded the Panel that the NRC's most recent comment period on decommissioning rulemaking had closed. What would the Panel want done should it endorse the IBEW comments? Several Panelists suggested that a letter reporting the endorsement should be sent to the NRC, noting that additional details are available from the Panel's minutes and meeting recording.

The Panel briefly took public comments. Schuyler Gould noted that he supported the IBEW comments and added that the Panel is charged with advising Vermont's government and the public on decommissioning matters. It therefore seems appropriate for the Panel to comment on the IBEW's positions. Panelist Lissa Weinmann noted that in her experience with the NRC and the Congressional Research Service, any public feedback on rulemaking is appreciated. Endorsing the IBEW comments would be helpful feedback. Bill Irwin asked whether State Agencies would need to recuse on a vote

regarding the IBEW comments (since the State had already filed comments on the rulemaking). Panelist (and Public Service Commissioner) June Tierney indicated that she saw no need for recusal.

A motion to bring the IBEW comments endorsement to a vote was made by Lissa Weinmann, with Marvin Resnikoff seconding. The voice vote results were as follows:

7	Todd Amato,	not present for this vote
,	road / tillato,	not present for this vote

8 Chris Campany, Yes
9 Corey Daniels, NO
10 Emily Davis, Yes
11 Bill Irwin, Yes
12 Leach, Bob NO

13 David Pearson, ABSTAIN

14 Marvin Resnikoff, Yes 15 Laura Sibilia, Yes 16 Steve Skibniowsky, NO 17 June Tierney, NO 18 Lissa Weinmann, Yes

The endorsement passed 6-4, with one abstention. State Nuclear Engineer Tony Leshinskie was directed to send a letter to the NRC reporting the endorsement and referencing the voting record.

## **Update on Federal Nuclear Waste Policy (FNWP) Committee Activities:**

This discussion begins at 1:37:28 on the meeting video.

FNWP Committee Chair Lissa Weinmann provided a verbal summary of recent Committee activities. The Committee met on December 5 to review the summaries of its 2022 activities included in the Panel's draft annual report. The Committee then discussed its potential activities for 2023. The Committee will continue to meet on a quarterly basis, with meeting dates set for March 6, June 5, September 11, and December 4. Lissa Weinmann will continue to Chair the Committee. For the March 6 meeting, the Committee will invite two speakers who will provide opposing views on DOE's proposed Consolidated Interim Spent Fuel Storage facilities.

## **Review of Panel Annual Report:**

This discussion begins at 1:45:20 on the meeting video.

State Nuclear Engineer Tony Leshinskie outlined the status of the Panel's Annual Report. The first draft (December 1 version) of the Annual Report was circulated to the Panel for comments and review. This version was also posted to the Panel website (<a href="https://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap">https://publicservice.vermont.gov/vermont-nuclear-decommissioning-citizens-advisory-panel-vt-ndcap</a>), in the December 12, 2022 Meeting Materials section, for public review. Several Panel members provided comments, as did one member of the public. Additionally, the FNWP Committee discussed the draft at its December 5 meeting, which resulted in several additions and minor changes to the draft. Incorporation of these several comment sets resulted in the December 8 version of the draft, which has also been posted to the December 12 Meeting Materials section of the Panel website.

 Tony noted that several sections of the report are not in final form, since End of Year data for VT Yankee activities will not be available until after December 31. Additionally, a summary of tonight's meeting will need to be incorporated into the report. Tony also asked whether the Panel had any specific items to be added to the Meeting Priorities discussion in Section XII. After some discussion, the Panel agreed that Section XII should simply note its selected meeting dates for 2023 and that it would continue working on its existing priorities. The Panel will notify the Legislature should a change in current priorities become necessary. Chris Campany added that the Panel may want to consider evolving (i.e., modifying) the report's publication date to align with the March 31 PUC reporting requirements.

A motion to approve the current draft of the 2022 Annual Report was made by Bob Leach and seconded by Corey Daniels. The voice vote results were as follows:

13	Todd Amato,	not present for this vote
14	Chris Campany,	Yes
15	Corey Daniels,	Yes
16	Emily Davis,	Yes
17	Bill Irwin,	Yes
18	Leach, Bob	Yes
19	David Pearson,	Yes
20	Marvin Resnikoff,	Yes
21	Laura Sibilia,	Yes
22	Steve Skibniowsky,	Yes

June Tierney,

Lissa Weinmann,

Approval of the Annual Report passed 11-0, with no abstentions. State Nuclear Engineer Tony Leshinskie was directed to publish the Annual Report once Vermont Yankee End of Year data becomes available, but no later than the report deadline of January 15.

## **Election of Panel Officers for 2023:**

Officer elections begin at 2:03:40 on the meeting video.

Yes

Yes

For the purposes of electing the Panel Officers for 2023, Public Service Commissioner June Tierney assumed the Panel Chair duties. After thanking Emily Davis for her work as Chair in 2022, Commissioner Tierney noted that legislation establishing the Panel allows for the Public Service Commissioner to serve as a default Panel Chair. But she made it clear that she does not want to serve as the Panel Chair for 2023. Nominations for Panel Chair were opened with an opportunity for self-nominations. Hearing no self-nominations, the Panel continued to general nominations. Laura Sibilia nominated Emily Davis to continue as Panel Chair for 2023. Commissioner Tierney seconded the nomination. Emily Davis declined the nomination, stating a need to step back from the Panel Chair position.

Bob Leach then nominated Steve Skibniowsky, which was seconded by Chris Campany. Steve Skibniowsky indicated that he was willing to serve as Panel Chair. He noted his prior experience on the Panel and his prior experience on the Town of Vernon Selectboard as reasons for serving. He added that he had worked full-time at Vermont Yankee between 1972 and 2015 and subsequently worked part-

time through 2019. With no other nominations offered, the Panel conducted a voice vote to elect Steve
 Skibniowsky as Panel Chair for 2023 as follows:

4 Todd Amato, not present for this vote 5 Chris Campany, Yes 6 Corey Daniels, Yes 7 Emily Davis, Yes 8 Bill Irwin, Yes 9 Leach, Bob Yes

David Pearson, YesMarvin Resnikoff, Yes

12 Laura Sibilia, Yes

13 June Tierney, Yes (noted with gratitude)

14 Lissa Weinmann, Yes15 Steve Skibniowsky, Yes

16

Nominations for Panel Vice-Chair were then opened with an opportunity for self-nominations. Hearing no self-nominations, the Panel continued to general nominations. Laura Sibilia nominated Lissa Weinmann as Panel Vice-Chair for 2023, assuming that Lissa was willing to serve. Lissa Weinmann responded that she was familiar with the Vice-Chair's duties (have served previously) and was willing to serve again. Commissioner Tierney then seconded Lissa's nomination.

22 23

With no other nominations offered, the Panel conducted a voice vote to elect Lissa Weinmann as Panel Vice-Chair for 2023 as follows:

24 25

26 Todd Amato, not present for this vote 27 Chris Campany, Yes 28 Corey Daniels, Yes 29 Emily Davis, Yes 30 Bill Irwin, Yes 31 Leach, Bob Yes 32 David Pearson, Yes 33 Marvin Resnikoff, Yes 34 Laura Sibilia, Yes 35 Steve Skibniowsky, Yes

Yes

Yes

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June Tierney,

Lissa Weinmann,

Following the conclusion of elections, Steve Skibniowsky assumed the Panel Chair duties for the remainder of the meeting. He thanked Emily Davis for her service and indicated that he would discuss recent Chair duties with her to assure an orderly transition.

41 42 43

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1 **General Public Comments to the Panel:** None.

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## Meeting Wrap-Up:

- 4 Wrap-up begins at 2:18:30 on the meeting video.
- 5 During the meeting wrap-up, the Panel agreed to meet on the following dates in 2023: May 8,
- 6 September 18, and December 11. These dates were approved by voice vote, with no nays or
- 7 abstentions heard. Several Panelists thanked Emily Davis for her time as Panel Chair. Steve Skibniowsky
- 8 thanked Emily again and noted he was looking forward to working with Panel members in the coming
- 9 year.

10

### 11 MEETING ADJOURNED AT 8:29 PM.