

MEETING MINUTES

(as approved 2/26/2015)

Meeting Minutes for the First 2015 Meeting of the
Vermont Nuclear Decommissioning Citizens Advisory Panel (NDCAP)
January 28, 2015
Quality Inn & Conference Center, "Autumn" Meeting Room
(1380 Putney Road, Brattleboro, VT 05301)

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
- David Mears, Commissioner of Environmental Conservation, designee for the Secretary of Natural Resources
- Dr. William Irwin, designee for the Secretary of Human Services
- 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
- Derrik 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 (arrived late).

The following NDCAP members were absent from the meeting (due to the VT Legislature being in session):

- VT State Senator Mark MacDonald, member of the Senate Committee on Natural Resources and Energy
- VT State Representative David Deen (Westminster), citizen appointee of Speaker of the House Shap Smith

The following NDCAP member was connected to the meeting via teleconference (GoToWebinar.com)

- Pat Moulton, Secretary of Commerce and Community Development, ex officio

The following NDCAP member joined the meeting late (after 8 PM) via teleconference (GoToWebinar.com); however he was unable to actively participate in the meeting due to connectivity issues:

- VT State Representative Michael Hebert, member of the House Committee on Natural Resources and Energy

Note: A video recording of this meeting is available through Brattleboro Community Television (BCTV) at the following web address:

<http://www.brattleborotv.org/vt-nuclear-decommissioning-citizens-advisory-panel/vt-ndcap-12815-mtg>

JANUARY 28, 2015 NDCAP Meeting MINUTES

(as approved 2/26/2015)

This video may also be accessed via a link at:

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.

Panel introductions were made, during which it was noted that Pat Moulton had joined the meeting remotely. It was also noted that Catherine Morris of the Consensus Building Institute (CBI) would be making presentations remotely this evening. (Her flight from Washington, DC was cancelled due to weather.)

REVIEW OF DECEMBER MEETING MINUTES

While reviewing the December meeting minutes, it was asked whether the “Funding & Support Needs” committee created at the December meeting had met. Chairman Recchia indicated that it had not. Additionally, it was asked whether the Low Level Waste Compact Commission had been approached about holding one of its 2 yearly meetings in Vermont within the Windham County / Brattleboro vicinity. Chairman Recchia indicated that this also had not occurred. It was commented that perhaps future meetings should include an agenda item to capture meeting action items and assure their follow-up.

Bill Irwin requested a correction to one of his comments noted in the December minutes. After correcting the radiological material classifications to “1, 2, or 3” (from “1,2,3,4”), the meeting minutes were approved via yeas and nays (no nays or abstentions heard).

NRC PRESENTATION ON PSDAR PROCESS

Several NRC representatives attending the meeting, led by Bruce Watson (Chief of the Reactor Decommissioning Branch), presented an overview of the process that the NRC uses in reviewing a Post-Shutdown Decommissioning Activities Report (PSDAR). Additional process details were provided by Doug Broadus and Marc Ferdis. The NRC’s presentation slides are available online at the PSD website. Key points from the presentation (some in response to Panelists’ questions):

- Decommissioning activities are covered by the “safety envelope” established through the operating license process.
- A plant’s operating license includes provisions for decommissioning the plant. This is a major reason why the NRC does not approve the PSDAR prior to the start of “significant” decommissioning activities, although the NRC reviews the PSDAR and can request additional information on specific decommissioning activities.
- The PSDAR is regarded as a “living” document. If VY revises its decommissioning plans, the PSDAR must be revised. Changes are subject to NRC review.
- While the NRC does not approve the PSDAR, it does have the option through enforcement actions to halt some or all decommissioning activities at any time.
- The NRC’s formal receipt of a PSDAR begins a 90-day open comment period on the PSDAR. At the end of the 90 day period, major decommissioning activities can begin. After the 90-day period, NRC enforcement actions can be used to address issues raised by the NRC during its review or issues identified through comments submitted to the NRC.
- The subsequent License Termination Process, which begins when decommissioning activities are almost or have been completed, requires NRC approval (and issuance of a Safety Evaluation Report) since it releases the licensee from further regulatory commitments.
- NRC oversight requires an annual update to the decommissioning cost estimates required as part of the initial PSDAR submittal. These updates are typically completed at the end of March.

JANUARY 28, 2015 NDCAP Meeting MINUTES

(as approved 2/26/2015)

PANELIST QUESTIONS ON PSDAR PROCESS

Questions from the Panelists focused on how the NRC regulates decommissioning activities if the PSDAR is not approved and major decommissioning activities can begin immediately after the 90-day open comment period concludes. Additional Panel questions inquired on how Site Restoration Standards (radiological and non-radiological / industrial) have been set at other decommissioning sites; also whether single unit power plant sites have had different “release for use” criteria than multi-unit sites. The NRC’s reply indicated that the “base” restoration criteria is 25 millirem/year from all sources, but that states can set a lower criteria. The NRC also noted that As Low As Reasonably Achievable (ALARA) principals are also used in site restoration. The NRC did not discuss non-radiological clean-up criteria, as this is outside of its regulatory purview. Additional details of the questions and answers may be obtained by reviewing the video recording of this meeting available through BCTV and the PSD website.

PUBLIC QUESTIONS / COMMENTS ON PSDAR PROCESS

Public questions and comments on the PSDAR process raised concerns in the following areas:

- Concern that much of the regulations being used for decommissioning now will be “swept away” as more plants begin decommissioning.
- The definition of on-site safety used in this process (NRC response: ALARA principles combined with worker, transportation, and industrial safety rules).
- The apparent contradiction between the Generic Environmental Impact Statement (GEIS) and regional economic impact studies regarding VY’s decommissioning (to which the NRC noted that environmental impact review of a PSDAR does account for economic impacts).
- How are safety significance public comments handled within the PSDAR process (to which the NRC noted that public comments in general are reviewed and summarized as much as possible; NRC responses can then be issued through several means: written response to the summarized comments or through a variety of public meetings, including webinars).
- What happens if Entergy is not solvent to complete decommissioning (to which the NRC noted that Entergy accepted a “Common Defense Clause” when it took ownership of VY; Entergy’s successors or assigns assumes this responsibility).

Additional details of the public comments / questions and NRC answers may be obtained by reviewing the video recording of this meeting available through BCTV and the PSD website.

CURRENT STATUS OF VERMONT YANKEE

Panelist and Vermont Yankee Site Vice-President Chris Wamser provided a short presentation on the current status of Vermont Yankee. The presentation slides are available online at the PSD website. Key points from the presentation:

- After 633 consecutive days of generating electricity, VY shutdown on December 29, 2014 for the last time.
- Final defueling and certification of permanent cessation of power operations was completed on January 12, 2015.
- Staff reductions (528 to 343) reflecting VY final shutdown and transition to SAFSTOR occurred on January 19. Of the released staff, all but 6 have either retired or found other jobs. Current VY staffing will remain stable through mid-2016.
- Off-Site Emergency Plans are fully funded through the end of 2015.
- The focus is now on transitioning the site to long-term storage (SAFSTOR) of plant facilities prior to final decommissioning / dismantling, continued compliance with federal regulations and Settlement Agreement with the State, completion of second spent fuel storage (ISFSI) pad and establishment of Site Restoration Standards (last item by end of 2015)

JANUARY 28, 2015 NDCAP Meeting MINUTES
(as approved 2/26/2015)

PANELIST COMMENTS / QUESTIONS ON VERMONT YANKEE STATUS

Details of the questions and answers may be obtained by reviewing the video recording of this meeting available through BCTV and the PSD website. Highlights from these include:

- What are the plans for the VY “corporate” buildings located on Ferry Road (in Brattleboro)? In response, it was stated that one of these buildings, the Training & Emergency Operations Facility (EOF), was currently almost empty. The EOF would be maintained through April 2016. Subsequent plans were still being worked on.
- It was also asked what were the off-site monitoring and response funding plans subsequent to 2015. **Discussion followed.**
- It was also noted that with the myriad of proposed VY licensing changes and their technical content, it would be difficult for the Panel to keep track and sometimes understand the changes occurring at the VY site. In response to this, the State Nuclear Engineer (Tony Leshinskie) noted that understanding these changes on behalf of the general public and the Panel was part of his job description.
- At the conclusion of the VY Status discussion, Chairman Recchia noted his thanks to VY for its years of power generation.

STATE AGENCY COMMENTS ON VY EMERGENCY PLANNING ZONE CHANGE LICENSE AMENDMENT REQUEST

After a brief Panel discussion regarding the lateness with which this item was added to the Agenda (barely 24 hours in advanced of the meeting), the Panel agreed to not discuss this issue at this meeting.

PANEL GOVERNANCE CHARTER DISCUSSION

On behalf of the Governance Committee, Catherine Morris of CBI remotely presented highlights of the development of the current Panel Governance Charter draft. Her presentation available online at the PSD website; details of the discussion may be obtained by reviewing the video recording of this meeting available through BCTV and the PSD website. The Charter draft highlights the Panels intentions to:

- Comply with the Statutory Charge of the Panel and meet in accordance with Open Meeting Law requirements.
- Whenever possible, reach decisions that “everyone can live with” rather than simply voting on decisions (as permitted by the statutes establishing the Panel). Minority opinions will be included in the public record for the Panel.
- Consult the entire Panel in creating meeting agendas; last minute items can be added to meeting agendas, but decisions on these meetings should be deferred to a later date whenever possible.
- Consider the Panel’s diversity in creating subcommittees (which are subject to Open Meeting Law) and include non-Panelists as necessary.
- Establish a 1-day notification requirement for Emergency Meetings.
- Engage the public through opportunities for oral and written comments at every Panel meeting and subsequently demonstrate a response to those comments.

After a brief discuss of these Charter points, NH Senator Molly Kelly motioned to have the Governance Committee add the items from tonight’s discussion to the Charter. Motion seconded by Chris Campany. An amendment was then proposed by Jim Matteau to accept the proposed changes as-is, which was not seconded.

Subsequently, Dr. Bill Irwin noted that a clarification to the Panel’s Public Record described in the Charter was required: It currently states that all e-mail between Panelists is part of the Panel’s Public Record, but Bill noted that he frequently has e-mail exchanges with other Panelists on matters completely unrelated to Vermont Yankee. A clarification is necessary to assure that the Panel’s Public Record does not include email unrelated to Vermont Yankee’s decommissioning.

JANUARY 28, 2015 NDCAP Meeting MINUTES

(as approved 2/26/2015)

Secretary Pat Moulton requested that meeting language in the Charter note that Panel meetings could take place electronically.

It was also noted that Representative David Deen's request from previous meetings that the Panel require that its Chair and Vice-Chair be citizen members of the Panel rather than State or State Agency officials. The Panel agreed to table this discussion until the next meeting.

The Kelly / Company motion to accept the Charter changes discussed this evening was then approved via yeas and nays with no nays or abstentions heard (and a short electronic delay for Pat Moulton's vote to be heard).

ELECTION OF PANEL CHAIR & VICE-CHAIR FOR 2015

Nominations for Chair & Vice-Chair were opened. Current Chairman Chris Recchia nominated Kate O'Connor for Panel Chair. David Andrews nominated Martin Langeveld for Vice-Chair. Both nominations were moved and seconded. After a brief discussion, both nominations were approved by yeas and nays with no nays or abstentions heard. It was agreed that the incoming Chair and Vice-Chair would assume their new duties at the next Panel meeting (February 26, 2015).

DEVELOPMENT OF 2014 ANNUAL REPORT DISCUSSION

Through a contract with the VT Public Service Department, Catherine Morris of CBI has been charged with creating the first NDCAP Annual Report. She briefly presented and discussed an outline for the proposed report, highlights of which are noted below. Details of the discussion may be obtained by reviewing the video recording of this meeting available through BCTV and the PSD website. The annual report was proposed to include:

- A description of the Statutes establishing the Panel
- Brief summaries of the 4 Panel meetings held in 2014, including Panel decisions made
- The Panel Governance Charter
- References to the presentations and written comments provided to the Panel
- Panel treatments of VY draft PSDAR and Site Assessment Study
- Expected Panel resource and funding needs for 2015
- Anticipated Panel work scope for 2015

After a brief discussion, the Panel accepted the proposed content of the Annual Report and requested that the Report be drafted (target availability date of February 15) to allow Panelists review prior to the February 26 meeting. The Panel agreed to discuss and comment on the Annual Report draft at the February meeting to allow finalizing and formal submittal of the Report without significant additional delay.

OPEN COMMENTS PERIOD:

Comments provided during the Open Period may be obtained from the video recording of this meeting available through BCTV and the PSD website.

Meeting adjourned at ~9:10 PM.