

Notes: NDCAP Meeting of March 23, 2017

Joe Lynch (Entergy): Full page ads in newspapers state wide were paid for by Entergy's advertising budget, not the Decomm Trust Fund.

Dry Cask Storage:

- Entergy says it can move fuel from the pool earlier because of a new material will be used in the Holtec 100 canister which can hold hotter fuel. Dr. Irwin of DOH commented that there will be better shielding so an improvement in off-site and on-site radiation dose allowances. But he has concerns about criticality. The NRC still needs to approve this new system; Entergy has asked the NRC to fast-track its request use the new material at Vermont Yankee.

National:

- NRC is not required to hold a public meeting on the new PSDAR; NRC is required to hold a public meeting on the sale because it is a license amendment. NRC told Kate O'Connor it would allow public comments on the new PSDAR at its meeting on the sale. A date has not be set yet.
- NRC draft rules of decommissioning are out; public comments taken until June 13. VT state agencies submitted 90 pages of comments during pre-draft stage and are now reviewing the draft. [I was unable to find the draft rules on-line. Please send a link to Safe & Green if you can!]
- Trump says he wants to open up Yucca Mtn for nuclear waste storage but its not in his budget.

Vernon Planning Commission

- gave a presentation (Patty O'Donnell, Janet Rasmussen).
- They want to "Re-Energize Vernon"
- have met with VCRO and GMP; ideas include establishing a village center, and making Vernon a micro-grid (dam, integrated solar and small gas which would be replaced as more storage developed).
- The planning commission has filed for intervenor status on sale of VY as they are the host community.

Stephanie Hoffman, Dept. Public Service, on Public Service Board sale.

- They have hired two independent financial analysts with nuclear experience; and legal counsel who has vetted nuclear sale processes before. New Dept of Public Service Director of Finance has prior experience from San Onofre case.

Some of the issues they are looking at:

- Ownership structure of NorthStar and NorthStar's ability to pay, and the 3 partnerships
- Also looking at the assumption of Entergy's obligations
- Differences between Entergy's and NorthStar's decommissioning and site restoration plans
- CPG standard conditions
- Transaction
- Risk management
- Entergy & NorthStar's expert witnesses (their qualifications, models, criteria)
- Cost estimates & funding sources
- Economic benefits, site redevelopment
- Due diligence by Entergy in choosing NorthStar
- Testing for financial soundness

Peter Walke, Deputy Commissioner, Agency of Natural Resources

- Looking at the capacity of NorthStar to perform site restoration up to Vermont standards and that NorthStar has the financial resources to do so
- Entergy has not answered the many questions ANR submitted at the end of 2014 on the non-radioactive site assessment (in the PSDAR) and so ANR does not consider that report complete.

Kyle Landis, Attorney General's Office

- Team based approach for the PSB sale case, working with state and NGO interveners. There are significant environmental and financial issues. Their goal is to protect all Vermonters.
- \$125 million by NorthStar set aside for over-runs in the budget: will it really be there? If more is needed, who pays?
- Involved in 3 proceedings before the NRC: sale transaction, decommissioning rule making (with AGs from NY, MA, CT), environmental review of Entergy's use of the DTF for spent fuel management

Dr. Bill Irwin, Dept of Health

- Team based approach for the PSB sale case.
- DOH looking at effluent pathways, radiation samples to verify compliance

Panel Comments/Questions

- Kate O'Connor (NDCAP chair): irritated by Entergy not completing the monitoring report for ANR. Where is the leverage to get this done? Lynch (Entergy): it was in PSDAR. ANR: we asked questions, you didn't answer, we consider it incomplete.
- Jim Tonkivic: Entergy/NorthStar has a time frame. If Phase 2 study comes in too late, PSB will be undermined. Lynch: You perform Phase 1 (rad clean up) and Phase 2 (non-rad clean up) at the same time.
- Jim Matteau: the non-nuclear (implied – financial) issues are the most worrying
- Chris Campney: NorthStar's financial margins are too narrow.
  - Has a deep characterization been done? It should be. Cleaning up structures 4' below grade enough?

Public Comments/Questions:

- Deb Katz: CAN worked on Yankee Rowe & CT Yankee. Both huge cost overrun because of contamination that had not been found in the studies like out Phase 1 & 2. MA and CT charged the electricity ratepayers over many years for those cost overruns. That will not happen here because Yankee has no ratepayers. DOE will not save us.
- Chris Williams: significant concern about school children & parents' health while huge toxic industrial site is being taken down. What is the cost of transporting children to an alternative school while dismantling is taking place? That must be in NorthStar's plan.
- Rick Halster – Abnaki tribe submitted request for intervener status to PSB.
  - Connecticut River is the unifying structure for tribes for 12,000 years. The Great Bend (area where Yankee and dam are located) is sacred burial grounds. Concerns over earth disturbance; must be done with respect and awareness.
  - First NDCAP meeting & PSB hearing; doesn't know how to speak to it.
    - Tierney: Dept of Public Service represents the public. Your first step is to contact us.

- Betsy Williams: Concerned about dry casks being safe enough for long haul; should be in earth berms or buildings.
- Name not known: We have a moral obligation to clean up this waste because we made it, and we have an obligation to where it goes. Why Tennessee? Is it safe there? Dr. Irwin has info.
- Leslie: yes to decommissioning now, not leaving to our grandchildren but concerns about cost over runs. We are still paying for Lake Champlain clean up, every year the legislature has to deal with this. If NorthStar cuts corners, our descendants will pay anyway.
  - How is oversight being funded? Will state have proper resources?
- June Tierney on oversight: 2015-16 legislation allows state agencies to bill back for services related to post-closure and decommissioning.
  - My research post-meeting: In the 'big budget bill' at the end of the session, Sec. E.233 30 V.S.A. § 20. Pages 144-150. (E) "To assist in monitoring the ongoing and future reliability and the postclosure activities of any nuclear generating plant within the State."  
<http://legislature.vermont.gov/assets/Documents/2016/Docs/ACTS/ACT172/ACT172%20As%20Enacted.pdf>
  - 30 VSA § 20 now reads: "An agency may allocate such portion of expense incurred or authorized by it in compensating persons retained in the monitoring of postclosure activities of a nuclear generating plant pursuant to subsection 20(a) of this title to the plant whose activities are being monitored. Except for the Board, the agency shall obtain the approval of the Governor before making such an allocation."  
<http://legislature.vermont.gov/statutes/section/30/001/00021>

Resources for NDCAP discussed for independent experts to speak.

- Kate O'Connor: NDCAP has been frugal with state's money so far (funded by Dept of Public Service). We only hear from state and Entergy, lots of conflicting info.
- Tierney: don't want two parallel procedures – PSB & NDCAP.
  - Trust the state experts.
  - Your job isn't to get technical; it is to reflect lay public opinion to the public and state.
  - Ask me if you want money.
  - *My afterthought (not public comment): DPS, ANR have hired experts for the sale docket – could those experts present to NDCAP?*
- Campney: not wanting parallel processes but panel is responsible by its mission to weigh in; we need non-agency, non-owner information.
- Campney: After the closure announcement, during PSB docket, a Memorandum of Agreement was written between the State and Entergy with settlements negotiated without any other interveners. So Windham Regional Commission was asked to show up and smile. Will that happen again? If an MOU is negotiated, all interveners should be on it.

I left at this point, about 9:15pm, almost my bed time and three plus hours in a chair was plenty.

