



**NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL
PUBLIC SERVICE DEPARTMENT**

**Nuclear Decommissioning
Citizens Advisory Panel
Annual Report to the Governor
and the Vermont Legislature**

2014

**Submitted to the Governor of Vermont
and to the House and Senate Committees on
Natural Resources and Energy
of the Vermont General Assembly**

Published: May 2015
(Approved by the Panel on March 26, 2015)

1
2 **Nuclear Decommissioning Citizen Advisory Panel (NDCAP)**
3 **2014 Annual Report to the Governor of Vermont and the Energy Committees of the**
4 **General Assembly**
5 **Approved by NDCAP: 3/26/15**
6

7 **I. Background and Statutory Authority**

8 The nineteen member Nuclear Decommissioning Citizens Advisory Panel (NDCAP) was
9 established under 18 V.S.A. Chapter 34 passed in the 2014 legislative session, and replaces
10 the seven member Vermont State Nuclear Advisory Panel (VSNAP) that had been in place
11 since the sale of Vermont Yankee to Entergy in 2002. The new panel added six citizen
12 members, two each to be appointed by the Governor, the Senate Pro-Tem and the House
13 Speaker.

14
15 The members of the Nuclear Decommissioning Citizens Advisory Panel in 2014 were:

- 16 • the Secretary of Human Services designee; **Dr. William Irwin**
- 17 • the Secretary of Natural Resources designee; Department of Environmental
18 Conservation **Commissioner David Mears**
- 19 • the Commissioner of Public Service, ex officio; **Commissioner Chris Recchia**
- 20 • the Secretary of Commerce and Community Development, ex officio; **Secretary Pat**
21 **Moulton**
- 22 • one member of the House Committee on Natural Resources and Energy, chosen by
23 the Speaker of the House; **Representative Michael Hebert**
- 24 • one member of the Senate Committee on Natural Resources and Energy, chosen by
25 the Committee on Committees; **Senator Mark MacDonald**
- 26 • one representative of the Windham Regional Commission or designee, selected by
27 the Regional Commission; **Executive Director Chris Campany**
- 28 • one representative of the Town of Vernon or designee, selected by the legislative
29 body of that town; appointed is **Stephen Skibniowsky**
- 30 • six members of the public, two each selected by the Governor, the Speaker of the
31 House, and the President Pro Tempore of the Senate. Under this subdivision, each
32 appointing authority initially appointed a member for a three-year term and a
33 member for a four-year term: **Kate O'Connor (4), Martin Langeveld (3), Jim**
34 **Matteau (4), Jim Tonkovich (3), David Deen (4), Derrik Jordan (3)** Subsequent
35 appointments under this subdivision shall be for terms of four years.
- 36 • two representatives of the Vermont Yankee Nuclear Power Station (VYNPS or
37 Station) selected by the owner of the Station; **Christopher J. Wamser**, Site Vice-
38 President and **T. Michael Twomey**, Vice-President External Affairs, ENVY
- 39 • a representative of the International Brotherhood of Electric Workers (IBEW)
40 selected by the IBEW who shall be a present or former employee at the VYNPS;
41 **David Andrews**

- one member who represents collectively the Towns of Chesterfield, Hinsdale, Richmond, Swanzey, and Winchester, New Hampshire, when selected by the Governor of New Hampshire at the invitation of the Commissioner of Public Service; **Senator Molly Kelly, Keene, NH** and
- one member who represents collectively the Towns of Bernardston, Colrain, Gill, Greenfield, Leyden, Northfield, and Warwick, Massachusetts, appointee is MA **Representative Paul W. Mark** (2nd Berkshire District of the MA State Legislature)

II. NDCAP Statutory Duties and Other Provisions of the Charter

The Panel serves in an advisory capacity. The duties of the Panel as outlined by the statute are:

- To hold a minimum of four public meetings each year for the purpose of discussing issues relating to the decommissioning of the Vermont Yankee Nuclear Power Station (VYNPS). The Panel may hold additional meetings;
- To advise the Governor, the General Assembly, the agencies of the State, and the public on issues related to the decommissioning of the VYNPS, with a written report being provided annually to the Governor and to the energy committees of the General Assembly;
- To serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of the VYNPS;
- To receive written reports and presentations on the decommissioning of the Station at its regular meetings;
- To periodically receive reports on the Decommissioning Trust Fund and other funds associated with decommissioning of or site restoration at the VYNPS, including fund balances, expenditures made, and reimbursements received;
- To receive reports regarding the decommissioning plans for the VYNPS, including any site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and
- To provide comment on these plans and reports as the Panel may consider appropriate to State agencies, the owner of the VYNPS and in the annual report.

The Panelists drafted a governing charter which adopted the duties outlined in the statute and added additional provisions to encourage decision making by consensus, to encourage consistent attendance by designees, to allow for the appointment of committees as appropriate to develop recommendations to the NDCAP, and to recognize the possibility of minority positions when consensus is not achieved. The Charter can be found in **Appendix A.**

III. Meetings of the NDCAP

The NDCAP held four meetings in 2014 on September 25, October 30, November 20, and December 18, 2014. All meetings were open to the public and opportunities for comments

1 from the public were provided. The video recordings and minutes of each meeting can be
2 found on the Public Service Department website at
3 <http://publicservice.vermont.gov/topics/electric/nuclear>. Key decisions and topics of each
4 meeting are summarized below:

5
6 **Sept. 25th:**

- 7 • **Leadership Selection:** The panelists agreed that Public Service Commissioner
8 Christopher Recchia should continue to chair the meetings until the end of 2014,
9 when a new Chair would be elected. The panelists also elected Christopher
10 Campany, Director of Windham Regional Commission, as the co-chair of the
11 NDCAP until the end of 2014.
- 12 • **Settlement Agreement:** Commissioner Recchia provided an overview of the
13 settlement agreement signed December 2013, between the Public Service
14 Department (PSD), VT Agency of Natural Resources (ANR), the Vermont
15 Department of Health (VDH) and Entergy regarding the company's
16 commitments to close Vermont Yankee, remove the spent fuel from the unit and,
17 when the decommissioning fund is deemed adequate by the NRC, to begin
18 dismantling the plant and restore the site for reuse. (A copy of the settlement
19 agreement can be found at:
20 [http://publicservice.vermont.gov/sites/psd/files/Announcements/VY_Settlement/
21 VY_Settlement_Agreement_131223.pdf](http://publicservice.vermont.gov/sites/psd/files/Announcements/VY_Settlement/VY_Settlement_Agreement_131223.pdf)
- 22 • **Update on Site Activities:** Mike Twomey, Entergy VP of External Affairs,
23 provided an overview of the decommissioning process including timing of
24 planned decommissioning activities, management of the spent fuel, various
25 filings with NRC, and the status of the site assessment study. Mr. Twomey also
26 gave a report on the on-going site activities. The presentation can be found at:
27 [http://publicservice.vermont.gov/sites/psd/files/NDCAP%20September%2025
28 th%202014%20Presentation%20-%20Final.pdf](http://publicservice.vermont.gov/sites/psd/files/NDCAP%20September%2025th%202014%20Presentation%20-%20Final.pdf)
- 29 • **Results of Stakeholder Assessment:** Catherine Morris, Senior Mediator with the
30 Consensus Building Institute (CBI) shared the results of interviews with a broad
31 group of stakeholders conducted in early 2014 to better understand the issues of
32 greatest concern about the closure and the decommissioning process to the
33 stakeholders and the communities near the site. Ms. Morris provided the
34 recommendations that emerged from the assessment, including best practices
35 for the NDCAP to effectively engage the public and conduct its deliberations with
36 the intent to achieve consensus whenever possible. Summary of the findings and
37 recommendations can be found at:
38 [http://publicservice.vermont.gov/sites/psd/files/Final_VY_Assessment_Report_
39 20140829%20.pdf](http://publicservice.vermont.gov/sites/psd/files/Final_VY_Assessment_Report_20140829%20.pdf)

1 **October 30th**

- 2 • **NDCAP Charter:** Catherine Morris, CBI, presented a Draft NDCAP Charter for
3 discussion. A Governance Committee was appointed by Chair Recchia to review
4 the charter further and present recommendations to the full NDCAP. Members of
5 the Committee were Mike Hebert, Christopher Company, Martin Langeveld, Mike
6 Twomey, and Jim Matteau.
- 7 • **Site Assessment Study:** Entergy members of the NDCAP, Chris Wamser and
8 Mike Twomey, and Barrett Green, Entergy Wholesale Commodities CFO and
9 Vermont Yankee Decommissioning Project Executive, provided the overview of
10 the Site Assessment Study. (See the details below in Section V.) The presentation
11 can be found at:
12 [http://publicservice.vermont.gov/sites/psd/files/Entergy%20VY%20Site%20A](http://publicservice.vermont.gov/sites/psd/files/Entergy%20VY%20Site%20Assessment%20Study%20Presentation%20to%20NDCAP%20October%2030th%202014.pdf)
13 [ssessment%20Study%20Presentation%20to%20NDCAP%20October%2030th](http://publicservice.vermont.gov/sites/psd/files/Entergy%20VY%20Site%20Assessment%20Study%20Presentation%20to%20NDCAP%20October%2030th%202014.pdf)
14 [%202014.pdf](http://publicservice.vermont.gov/sites/psd/files/Entergy%20VY%20Site%20Assessment%20Study%20Presentation%20to%20NDCAP%20October%2030th%202014.pdf)
- 15 • **Emergency Planning Zone:** Mike McKenney, VY Emergency Planning Manager,
16 provided an update on the planned changes to the Emergency Planning Zone
17 (EPZ) and the Offsite Emergency Response Organization (ERO). The 10 mile EPZ
18 radius would initially remain in place, but be reduced to the VY property line
19 15.4 months after the permanent plant shut down (April 2016). In addition, the
20 minimum staffing for the ERO would be reduced to reflect the reduced risk of
21 accidents once the plant is no longer operating and the spent fuel has been
22 removed. Entergy plans to phase out its financial support of offsite emergency
23 response functions and eliminate Site Area Emergency and General Emergency
24 Action Levels at the same time. The total savings for these actions was estimated
25 to be over \$20 million through 2020.
- 26 • **State's response to planned EPZ changes:** Chairman Recchia noted that the
27 state has joined NY in challenging the Waste Confidence Rule, which concluded
28 that fuel stored in the spent fuel pool is as safe as fuel stored in dry casks. The
29 state also has filed a Petition to Intervene in Entergy's Licensing Amendment
30 Requests (LAR) to ensure VT could formally participate in discussion regarding
31 these proposed decisions.
- 32 • **Public comments:** A number of questions and comments were raised about the
33 protection of the plant from air-born attacks, the costs of overseeing the spent
34 fuel in the pool and transitioning the fuel to cask storage, and assurances that
35 decommissioning would continue as planned if Entergy no longer owned the
36 plant in the future. Howard Shaffer, PE, submitted written comments regarding
37 the safety of the spent fuel pool. See
38 [http://publicservice.vermont.gov/sites/psd/files/HCSchaffer%20Information%](http://publicservice.vermont.gov/sites/psd/files/HCSchaffer%20Information%20on%20VT%20Yankee%20Spent%20Fuel%20Pool%20Safety%20for%202014-10-20%20NDCAP%20Meeting.pdf)
39 [20on%20VT%20Yankee%20Spent%20Fuel%20Pool%20Safety%20for%20201](http://publicservice.vermont.gov/sites/psd/files/HCSchaffer%20Information%20on%20VT%20Yankee%20Spent%20Fuel%20Pool%20Safety%20for%202014-10-20%20NDCAP%20Meeting.pdf)
40 [4-10-20%20NDCAP%20Meeting.pdf](http://publicservice.vermont.gov/sites/psd/files/HCSchaffer%20Information%20on%20VT%20Yankee%20Spent%20Fuel%20Pool%20Safety%20for%202014-10-20%20NDCAP%20Meeting.pdf)
41

1 **November 20th**

- 2 • **State comments on Site Assessment Study and PSDAR:** Commissioner David
3 Mears presented a summary of the State’s review of these documents.
4 Commissioner Mears noted that in general the SAS and draft PSDAR are meeting
5 the expectations of the Agency of Natural Resources (ANR) and that based on the
6 preliminary analysis, no area on the site is deemed an imminent threat to human
7 health or the environment. Formal comments, including comments received
8 from the public will be filed with Entergy in December. See details regarding
9 formal comments in Section VI below. His presentation can be found at:
10 [http://publicservice.vermont.gov/sites/psd/files/VY%20NDCAP%20ANR%20P
12 resentation%20on%20SAS-PSDAR%20Review%202014-11-20.pdf](http://publicservice.vermont.gov/sites/psd/files/VY%20NDCAP%20ANR%20P
11 resentation%20on%20SAS-PSDAR%20Review%202014-11-20.pdf)

13 **December 18th**

- 14 • **NDCAP Funding and Support Needs:** A committee was appointed to make
15 recommendations on resource needs of the NDCAP, including administrative
16 support, independent consultants and the facilitation and governance support
17 provided by CBI. Members of the committee are Commissioner Recchia,
18 Commissioner Mears, Kate O’Connor and Christopher Company.
- 19 • **PSDAR and Site Assessment Study:** Chairman Recchia stated that the State had
20 submitted comments to Entergy on the PSDAR and Site Assessment Study on
21 Dec. 13th, and included comments from the public that had been received by that
22 date.
- 23 • Entergy responded that the Company plans to provide responses to the over 200
24 comments and questions submitted and will consider modifications to the
25 PSDAR as appropriate.
- 26 • **Public Comments:** Citizen’s Awareness Network (CAN), Fairewinds
27 Environmental Education, and Howard Shaffer submitted written comments at
28 the meeting voicing concerns about a range of issues including potential
29 radiation exposure to nearby school children and workers during
30 decommissioning activities, the transparency and accuracy of decommissioning
31 costs, the use of decommissioning funds to cover spent fuel management, the
32 quality and safety of the cask storage system, and the Company’s proposal to
33 reduce the Emergency Preparedness Zone (EPZ). The Town of Gill, MA has
34 submitted a request for continued observance and funding of the current EPZ
35 zone to NRC, VT PSD, the MA Emergency Management Agency and the MA
36 Congressional and local state Representatives. Written comments can be found
37 under the December meeting documents at
38 <http://publicservice.vermont.gov/topics/electric/nuclear>.

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40 **IV. Major Milestones and Activities at the Vermont Yankee Site**

- 41 • December 19, 2014 - PSDAR filed with NRC

- 1 • December 29, 2014 - Vermont Yankee Nuclear Power Station ceased operation and
2 began preparations for SAFSTOR dormancy
- 3 • January 12, 2015 - Removal of all spent fuel from the containment and placement in
4 the spent fuel pool. Spent fuel will remain in the spent fuel pool through 2020.
- 5 • January 19, 2015 - Workforce reduced from 538 to 343 employees
- 6 • January 20, 2015 - VY exited the NRC Reactor Oversight Process (ROP) and
7 commenced the decommissioning inspection program
- 8 • January 29, 2015 – Federal lab confirms findings of low levels of Strontium-90 in
9 water samples taken from VY monitoring wells in August 2014
- 10 • Funding for Offsite Emergency Response Organization (ERO) in VT, MA and NH
11 remains in place through FY 2015-16
- 12 • Planning ongoing for siting of new dry cask storage pad (ISFSI)

13 14 **V. Site Assessment Study (SAS)**

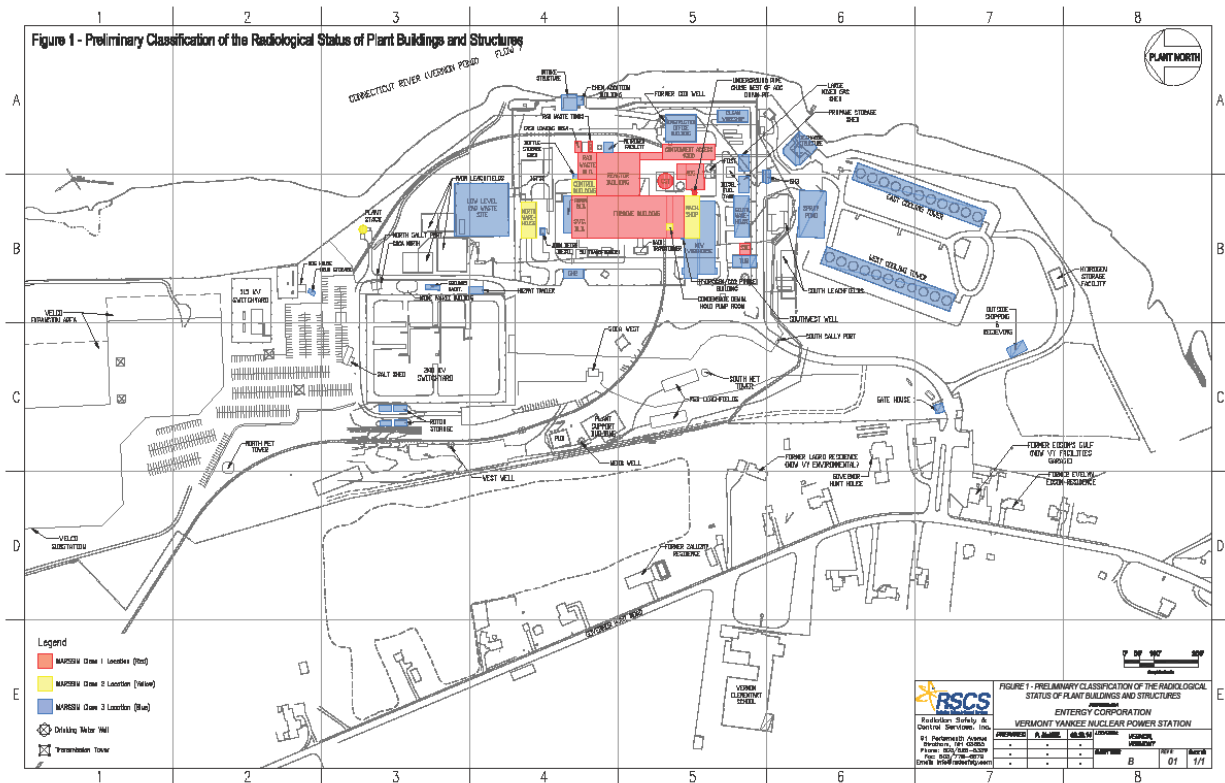
15 Entergy, in compliance with the MOU with Vermont in December 2013, prepared a Site
16 Assessment Study that was released on Oct. 17th. The Site Assessment Study includes a
17 description of the site and its history and is based in large part on site analyses that were
18 completed by Entergy in advance of its purchase of the plant and records of events during
19 Entergy's ownership.

20
21 The SAS includes:

- 22 • Description of the existing radiological and non-radiological conditions at the site
23 based on current information,
- 24 • Description of the decommissioning process,
- 25 • Strategy for management of the spent nuclear fuel, including plans for construction
26 of a second Independent Spent Fuel Storage Installation (ISFSI) pad for on-site
27 storage of the nuclear waste to be moved to dry casks,
- 28 • Decommissioning cost estimate and schedule, and
- 29 • The Post-Shutdown Decommissioning Activities Report (PSDAR) was submitted to
30 NRC in December.

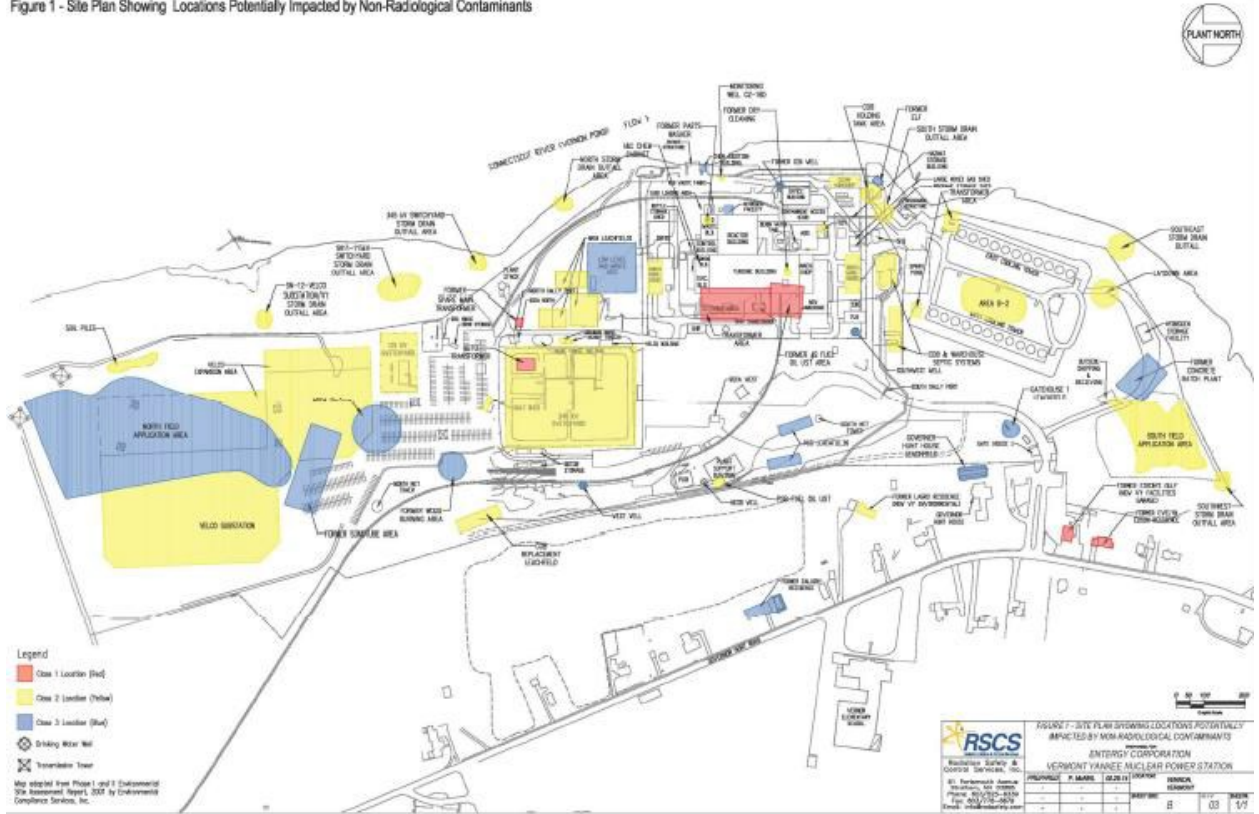
31
32 In addition, the SAS includes information on the Site Restoration Fund created as part of
33 the Vermont Yankee Settlement Agreement. The full SAS and its Appendices can be found
34 at <http://vydecommissioning.com/document-library/>

- 35
36 • The site maps below are part of the SAS and indicate the three classifications of
37 known radiological (SAS Appendix E) and non-radiological (SAS Appendix F)
38 contamination on the site. Class 1 (red) is the highest level of potential
39 contamination and greatest probability of remediation required. Class 3 (blue) are
40 areas identified with lowest contamination and are not likely to need remediation.



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Figure 1 - Site Plan Showing Locations Potentially Impacted by Non-Radiological Contaminants



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- The comments of ANR, PSD and the VDH can be found at <http://vydecommissioning.com/wp-content/uploads/2014/11/VT-Public-Service-Dept-Agency-Comments-on-SAS.pdf>). Each agency requests additional information and clarification.
- Summary of comments received from the public, as well as the comments of the Windham Regional Commission, the Town of Brattleboro, and citizen Tom Buchanan can be found at: <http://publicservice.vermont.gov/sites/psd/files/Non-agency%20Comments.pdf>

VI. PSDAR

Entergy submitted the Post-Shutdown Decommissioning Activities (PSDAR) and the Site-Specific Decommissioning Cost Estimate (DCE) to the Nuclear Regulatory Commission (NRC) on December 19, 2014. The filings can be found at: <http://pbadupws.nrc.gov/docs/ML1435/ML14357A110.pdf>

The PSDAR must be submitted within two years of the final cessation of plant operations and provides:

- A description and schedule for the planned decommissioning activities
- An estimate of the expected decommissioning costs
- A discussion that provides the means for concluding that the environmental impacts associated with the decommissioning activities will be bounded by the previously issued Environmental Impact Statements.

The NRC does not approve the PDSAR, but may notify Entergy if additional information is needed. Entergy may begin major decommissioning activities 90 days after the PSDAR has been filed with NRC. As required, the NRC provided notice that it will host a public meeting in Brattleboro on February 19, 2015, to obtain public comments on the PSDAR.

The Site Specific Decommissioning Cost Estimate, which is updated annually, must:

- Provide reasonable assurance that funds are there to perform the radiological cleanup
- If decommissioning is delayed, ensure the licensee has a means of adjusting the cost estimate and funding over the storage period
- Below is a summary of the estimated costs in Tables 3.3 – 3.6 of the DCE. Costs are reported in thousands of 2014 dollars.

| | |
|-----------------------------|-------------|
| Spent Fuel Management costs | \$ 368,347 |
| License Termination costs | \$ 817,219 |
| Site Restoration costs | \$ 57,145 |
| | |
| Total | \$1,242,712 |

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VII. Financial needs of the NDCAP

The Public Service Department will continue to provide administrative and financial support to the Panel. Entergy will continue to provide in-kind administrative support and in-kind meeting resources (i.e. audio visual equipment for presentations (laptop and projector), microphones, copies of meeting materials, etc.). The Panel is not requesting funds from the State of Vermont at this time, but reserves the right to do so if additional resources are deemed necessary for the Panel to carry out its mission.

VIII. Work plan for 2015

January 2015:

- Election of Chair and Vice-Chair
- Presentation by the NRC on the PSDAR process
- Update on the recommendations of the Governance Committee on the NDCAP Charter
- Planning for the NDCAP Annual Report to the Energy Committees of the legislature

February 2015:

- Discussion of the role and priorities of the NDCAP
- Finalization of the NDCAP Charter
- Approval of the NDCAP Annual Report
- Entergy to provide second overview of anticipated emergency plan changes and the State to provided its reactions.
- Entergy responses to State’s comments on PSDAR

Scheduled meetings in 2015 (Agenda Items to be proposed by the Issues Committee):

- March 26th
- May 28th
- June 25th
- Subsequent meetings anticipated in September, November and January (2016); dates to be determined at the May 28 meeting.

VIII. Recommendations for further changes to the NDCAP membership or duties

The NDCAP does not have any recommendations for changes at this time.

1 **Appendix A. NDCAP Charter**

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3 **Vermont Yankee Nuclear Decommission Citizens Advisory Panel Charter**
4 **Approved: February 26, 2015**

5

6 **I. Purpose**

7 The Vermont Yankee Nuclear Decommissioning Citizens Advisory Panel (NDCAP or Panel) is
8 established pursuant to Title 18 of Vermont Statutes, Chapter 34, Sections 1700 -1702.¹ The
9 NDCAP is to serve as a conduit for public information and education, to encourage open
10 communication and community involvement in matters related to the decommissioning process
11 of the Vermont Yankee Nuclear Power Station (VYNPS), and to receive written reports and
12 presentations on the decommissioning of the Station at its regular meetings. The NDCAP shall
13 advise the Governor, General Assembly, the agencies of the state, and the public on issues
14 related to decommissioning. The Panel shall serve in an advisory capacity only and shall not
15 have authority to direct decommissioning of the VYNPS. Although this charter expands on the
16 language contained in the enabling statute, it is understood that the statute remains the ultimate
17 authority.

18

19 **II. Duties:**

20 Duties shall be:

- 21 • To receive written reports & presentations on the decommissioning at its regular meetings.
22 The reports received by the NDCAP address decommissioning plans, including:
23 ○ All Site Assessments
24 ○ The Post-Shutdown Decommissioning Activities Report (PSDAR) and amendments
25 ○ Periodic reports on the Decommissioning Trust Fund and other funds associated with Site
26 Decommissioning and/or Site Restoration including fund balances, expenditures made &
27 reimbursements received.
28 ○ Any progress reports on decommissioning activities by Vermont Yankee as submitted to
29 the Panel
30 • To provide a forum for receiving public comments on Vermont Yankee Decommissioning
31 plans and reports
32 • To provide comments on plans and reports as the Panel may consider appropriate to the State
33 Agencies and the Vermont Yankee owners
34 • To provide an annual report to the Governor & Energy Committees of the General Assembly
35 due January 15, of the following year, which
36 ○ Includes comments on received Decommissioning Plans & Reports, as the Panel may
37 consider appropriate.
38 ○ Shall assess further changes to the Panel's membership or duties as appropriate.
39 ○ Shall include recommendations on such changes.

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¹ <http://legislature.vermont.gov/statutes/fullchapter/18/034>

1 **III. Organization and Membership**

2 A. Membership

- 3 • Secretary of Human Services or designee (ex officio)
- 4 • Secretary of Natural Resources or designee (ex officio)
- 5 • Commissioner of Public Service or designee (ex officio)
- 6 • Secretary of Commerce and Community Development or designee (ex officio)
- 7 • Representative of the Town of Vernon, selected by Vernon select board
- 8 • Six members of the public – two each appointed by the Governor, The Speaker, and the
- 9 Senate President Pro Tem. Under this subdivision, each appointing authority initially shall
- 10 appoint a member a three-year term and a member a four-year term. Subsequent
- 11 appointments under this subdivision shall be for terms of four years;
- 12 • One representative of the Windham Regional Commission appointed by the Commission
- 13 • Two representatives of Vermont Yankee, selected by the owner of VYNPS
- 14 • One representative of the International Brotherhood of Electrical Workers (IBEW), selected
- 15 by IBEW, who is a past or present employee at Vermont Yankee
- 16 • One member representing the towns of Chesterfield, Hinsdale, Richmond, Swanzey, and
- 17 Winchester, NH, appointed by the Governor of NH
- 18 • One member representing the towns of Bernardston, Colrain, Gill, Greenfield, Leyden,
- 19 Northfield, and Warwick, MA, appointed by the Governor of MA
- 20 • One member of the House Committee on Natural Resources and Energy, chosen by the
- 21 Speaker of the House
- 22 • One member of the Senate Committee on Natural Resources and Energy, chosen by the
- 23 Committee on Committees

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25 B. Officers

- 26 • The NDCAP shall have a Chairperson and Vice-Chairperson or Co-Chairs elected by a
- 27 majority vote of the Panelists.
- 28 • The Commissioner of the Public Service Department will serve as the Chair until the Panel
- 29 elects a Chair or Co-Chairs.
- 30 • The Chair shall perform the following duties:
 - 31 ○ Call meetings of the NDCAP
 - 32 ○ Prepare and/or approve agendas for meetings
 - 33 ○ Preside at NDCAP meetings
 - 34 ○ Submit all recommendations adopted by the NDCAP to the Governor, legislature, state
 - 35 agencies and the plant owner
- 36 • Vice-Chairperson shall perform all the duties of the Chairperson in her/his absence.
- 37 • The term for the Chairperson and Vice-Chairperson or co-chairs will be one year, or as
- 38 otherwise determined by the Panel, but not for more than one year.

39 C. Term of Membership: Ex officio members shall serve for the duration of their time in office
40 or until a successor has been appointed. Members of the General Assembly shall be appointed
41 for two years or until their successors are appointed, beginning on or before January 15 in the

1 first year of the biennium. Representatives designated by ex officio members shall serve at the
2 direction of the designating authority.

3
4 D. Designees: Certain statutory positions on the panel may be represented by designees. It is
5 understood that the preference is for designees to serve on a permanent basis, and that for the
6 purposes of continuity, the use of alternates on a meeting-by-meeting basis is to be avoided.

7
8 E. Reimbursement: Members of the NDCAP who are not ex officio members, employees of the
9 State of Vermont, representatives of the VYNPS, or members representing towns outside
10 Vermont, and who are not otherwise compensated or reimbursed for their attendance shall be
11 entitled to \$50.00 per diem and their necessary and actual expenses. Funds for this purpose shall
12 come from the monies collected under 30 V.S.A. section 22 for the purpose of maintaining the
13 Public Service Department. Legislative members shall not be entitled to a per diem under this
14 section for meetings while the General Assembly is in session.

15
16 F. Committees: Committees, sub-committees or similar working groups will be designated by the
17 Chairperson and Vice Chair or Co-Chairs as needed to carry out the work of the NDCAP and
18 may include designees who are not members of the Panel. Such committees, sub-committees or
19 working groups will serve at the discretion of the NDCAP as a whole. Every effort should be
20 made to appoint members of the committees who represent the broad interests reflected on the
21 NDCAP. Committees serve to support the NDCAP and may not themselves take action other
22 than to advise or report to the Panel. Committees may seek participation by and presentation
23 from other parties and the public. Committees of the NDCAP are likewise subject to all
24 provisions of the Vermont Open Meeting Law.

25 26 G. Administration

- 27 • The Public Service Department, the Agency of Human Services, and the Agency of Natural
28 Resources will furnish administrative support, with assistance from the owners of the
29 VYNPS as the Commissioner of the Public Service may consider appropriate.
- 30 • The Commissioner of the Public Service Department shall manage administrative support to
31 the Panel, including:
 - 32 ○ Manage administrative support including scheduling meetings and securing meeting
33 locations, providing public notice of meetings, producing minutes of meetings, and
34 assisting in the compilation and production of the Panel's annual report
 - 35 ○ Inform Panel on status of decommissioning matters
 - 36 ○ Timely notify Panel of new decommissioning information
 - 37 ○ Upon request, provide all Panel members with all relevant information within Public
38 Service Department control.
 - 39 ○ Provide workshops, training for Panel members, as appropriate.
 - 40 ○ Hire experts, contract for services, and provide for materials and other reasonable and
41 necessary expenses of the Panel as the Commissioner may consider appropriate on
42 request of the Panel from time to time.

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IV. MEETINGS

A. Frequency: The NDCAP will meet a minimum of four times a year, although additional meetings can be called at the Chair’s or Co-Chairs’ discretion or by request of a minimum of five of the NDCAP members via the Chair or Co-Chairs. Meetings will be announced a minimum of two days in advance. The Chair, Co-Chairs, or at least five Panel members may call a special meeting with a minimum of one day advance notice.

B. Agendas: The agenda will be drafted by the Chair and Vice-chair or Co-chairs with input from other members. Issues brought before the NDCAP that are not on the meeting agenda must be considered as the first item of business, and if discussed, any action should be deferred to a later meeting unless urgent.

C. Quorum: A majority of members will constitute a quorum for a meeting of the NDCAP at which a vote or other official action is to be taken. In the absence of a quorum, the NDCAP may convene the meeting and adjourn until such time as a quorum is present. No official action may be undertaken by the NDCAP at a meeting that lacks a quorum.

V. Decision-making process

A. The NDCAP will strive to reach consensus on **key** issues by conducting their deliberations through dialogue and joint learning.² **Consensus** means that the group strives to clarify disagreements and tries to work through them to reach agreement on options that everyone can “live with.”³

- B. To work towards consensus, the Panelists will:
- engage in a thoughtful, thorough deliberation
 - advocate for the interests of his/her agency or constituency
 - share relevant information with the other group members
 - keep constituencies informed and advocate within constituent organizations for support of the group’s work
 - keep the group informed about constituent perspectives
 - work to identify promising and innovative options
 - openly discuss and evaluate those options
 - refrain from undermining group recommendations and reports

² **Joint learning** means that there are opportunities for people to learn from trusted and credible sources about the science and technology and to learn about the concerns, perspectives, and needs of all interested and affected parties.

³ **Consensus does not mean** that decisions devolve to the least offensive solutions. If managed skillfully, the process of building consensus can generate a better understanding of alternative perceptions of the problem, identify options for solving the problem that are innovative and have not been considered before, and create more value for all stakeholders involved.

1 C. However, if consensus cannot be achieved on **key issues** within a reasonable timeframe as
2 determined by the Chair or Co-chairs, the Panel shall act by majority vote of its entire
3 membership & only at meetings called by the Chair, Co-Chairs or by any 5 Panelists.
4

5 D. Minority reports will be part of the NDCAP record.
6

7 E. Roberts Rules of Order will govern all NDCAP meetings.

8 **VI. Public Engagement and Transparency**

9 A. All NDCAP meetings will be open to the public.
10

11 B. Comments will be solicited from the public in attendance at least once during the meeting
12 and more often at the discretion of the Chair and Co-Chairs.
13

14 C. Written comments may be submitted at any time. Provisions will be made to solicit and take
15 into account written comments from all interested stakeholders on NDCAP reports. To the extent
16 practical, the NDCAP will explain how comments from the public were considered in written
17 recommendations or reports.
18

19 D. Minutes shall be kept of all NDCAP meetings and will include a record of members present,
20 a complete and accurate description of matters discussed and conclusions reached, and copies of
21 all reports received, issued or approved by the NDCAP. Draft minutes shall be posted on the
22 PSD website within five days of the meeting. Minutes will be adopted by the next scheduled
23 NDCAP meeting.
24

25 E. The records of the NDCAP consist of this Charter, meeting agendas, meeting minutes, reports
26 submitted to or drafted by the NDCAP, studies made available to or prepared by the NDCAP,
27 correspondence related to substantive issues under consideration by the NDCAP. All such
28 records shall be made available to the public on request.
29

30 F. The NDCAP may provide opportunities outside of formal meetings for information sharing
31 and dialogue with stakeholders.

32 **VII. Communication**

33 Whenever feasible electronic mail will be the preferred method of communicating administrative
34 issues with and among NDCAP members.