

1 **NDCAP 2014 Annual Report to the Governor of Vermont and the Energy Committees**
2 **of the General Assembly**
3 Draft 03-7-15
4

5 **I. Background and Statutory Authority**

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

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

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

1 Governor of New Hampshire at the invitation of the Commissioner of Public Service;

2 **Senator Molly Kelly, Keene, NH** and

- 3 • one member who represents collectively the Towns of Bernardston, Colrain, Gill,
4 Greenfield, Leyden, Northfield, and Warwick, Massachusetts, appointee is MA
5 **Representative Paul W. Mark** (2nd Berkshire District of the MA State Legislature)

6 7 **II. NDCAP Statutory Duties and Other Provisions of the Charter**

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

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

29
30 The Panelists drafted a governing charter which adopted the duties outlined in the statute
31 and added additional provisions to encourage decision making by consensus, to encourage
32 consistent attendance by designees, to allow for the appointment of committees as
33 appropriate to develop recommendations to the NDCAP, and to recognize the possibility of
34 minority positions when consensus is not achieved. The Charter can be found in **Appendix**
35 **A**.

36 37 **III. Meetings of the NDCAP**

38 The NDCAP held four meetings in 2014 on September 25, October 30, November 20, and
39 December 18, 2014. All meetings were open to the public and opportunities for comments
40 from the public were provided. The video recordings and minutes of each meeting can be
41 found on the PSD website at <http://publicservice.vermont.gov/topics/electric/nuclear>. Key
42 decisions and topics of each meeting are summarized below:

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Sept. 25th:

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

October 30th

- **NDCAP Charter:** Catherine Morris, CBI, presented a Draft NDCAP Charter for discussion. A Governance Committee was appointed by Chair Recchia to review the charter further and present recommendations to the full NDCAP. Members of the Committee were Mike Hebert, Christopher Company, Martin Langeveld, Mike Twomey, and Jim Matteau.

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

- 39 • **State comments on Site Assessment Study and PSDAR:** Commissioner David
40 Mears presented a summary of the state's review of these documents.
41 Commissioner Mears noted that in general the SAS and draft PSDAR are meeting
42 the expectations of the Agency of Natural Resources (ANR) and that based on the

1 preliminary analysis, no area on the site is deemed an imminent threat to human
2 health or the environment. Formal comments, including comments received
3 from the public will be filed with Entergy in December. See details regarding
4 formal comments in Section VI below. His presentation can be found at:
5 [http://publicservice.vermont.gov/sites/psd/files/VY%20NDCAP%20ANR%20P
7 resentation%20on%20SAS-PSDAR%20Review%202014-11-20.pdf](http://publicservice.vermont.gov/sites/psd/files/VY%20NDCAP%20ANR%20P
6 resentation%20on%20SAS-PSDAR%20Review%202014-11-20.pdf)

8 **December 18th**

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

33

34 • **IV. Status of Major Decommissioning Activities at the time of this report**

35 **Major Milestones and Activities at the Vermont Yankee Site**

- 36 • December 19, 2014 - PSDAR filed with NRC
- 37 • December 29, 2014 - Vermont Yankee Nuclear Power Station ceased operation and
38 began preparations for SAFSTOR dormancy
- 39 • January 12, 2015 - Removal of all spent fuel from the containment and placement in
40 the spent fuel pool. Spent fuel will remain in the spent fuel pool through 2020.
- 41 • January 19, 2015 - Workforce reduced from 538 to 343 employees
- 42 • January 20, 2015 - VY exited the NRC Reactor Oversight Process (ROP) and

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1 commenced the decommissioning inspection program

- 2 • January 29, 2015 – Federal lab confirms findings of low levels of Strontium-90 in
3 water samples taken from VY monitoring wells in August 2014.

- 4 • Funding for Offsite Emergency Response Organization (ERO) in VT, MA and NH
5 remains in place through FY 2015-16
- 6 • Planning ongoing for siting of new dry cask storage pad (ISFIS)

7 8 **V. Site Assessment Study (SAS)**

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

14
15 The SAS includes:

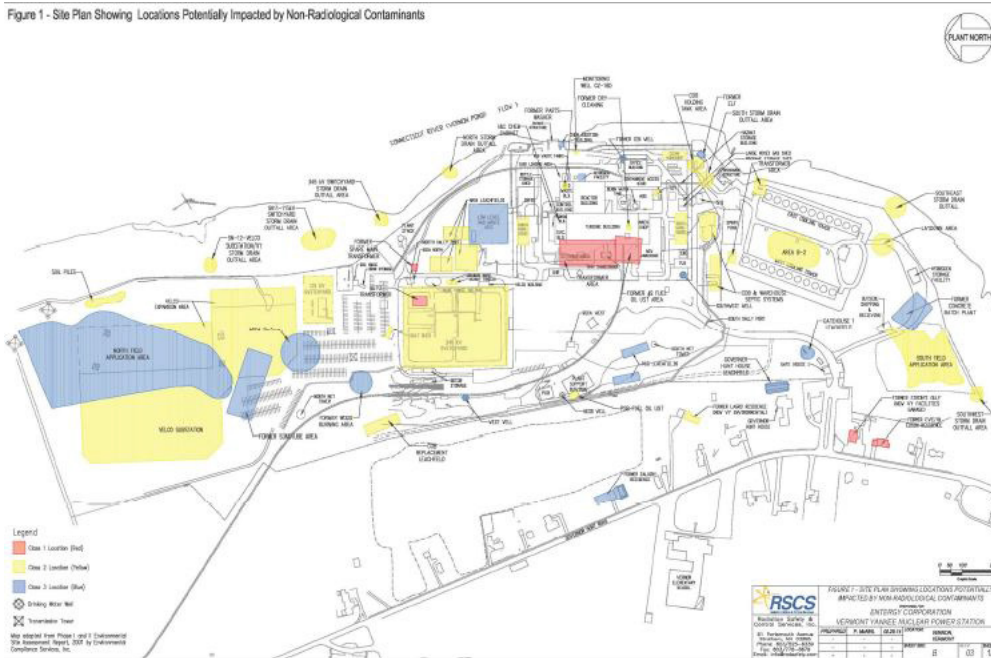
- 16 • Description of the existing radiological and non-radiological conditions at the site
17 based on current information,
- 18 • Description of the decommissioning process,
- 19 • Strategy for management of the spent nuclear fuel, including plans for construction
20 of a second Independent Spent Fuel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

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26 In addition, the Site Assessment Study includes information on the Site Restoration Fund
27 created as part of the Vermont Yankee Settlement Agreement. The full Site Assessment
28 Study and its Appendices can be found at [http://vydecommissioning.com/document-](http://vydecommissioning.com/document-library/)
29 [library/](http://vydecommissioning.com/document-library/)

- 30
31 • The site map below is part of the Site Assessment study and indicates the three
32 classifications of contamination on the site. Class 1 (red) is the highest level of
33 potential contamination and greatest probability of remediation required. Class 3
34 (blue) are areas identified with lowest contamination and are not likely to need
35 remediation.

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

1 issued Environmental Impact Statements.

2
3 The NRC does not approve the PDSAR, but may notify Entergy if additional information is
4 needed. Entergy may begin major decommissioning activities 90 days after the PSDAR has
5 been filed with NRC. As required, the NRC provided notice that it will host a public meeting
6 in Brattleboro on February 19, 2015, to obtain public comments on the PSDAR.

7
8 The Site Specific Decommissioning Cost Estimate, which is updated annually, must:

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

15

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

16
17 **VII. Financial needs of the NDCAP**

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

24
25 **VIII. Workplan for 2015**

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27 ***January 2015:***

- 28 • Election of Chair and Vice-Chair
- 29 • Presentation by the NRC on the PSDAR process
- 30 • Update on the recommendations of the Governance Committee on the NDCAP
31 Charter
- 32 • Planning for the NDCAP Annual Report to the Energy Committees of the
33 legislature

34 ***February 2015:***

- 35 • Discussion of the role and priorities of the NDCAP
- 36 • Finalization of the NDCAP Charter

- 1 • Approval of the NDCAP Annual Report
- 2 • ~~Discussion of the risks and emergency scenarios related to the spent fuel pool~~
- 3 ~~and transfer to casks; Implications for EPZ and EOR. Entergy provided second~~
- 4 ~~overview of anticipated emergency plan changes and the State provided its~~
- 5 ~~reactions to that.~~

6 **Remainder of 2015:**

7 Pending outcome of discussion at Feb. 2015 meeting.

8

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

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

1 **Vermont Yankee Nuclear Decommission Citizens Advisory Panel Charter**
2 **Adopted February 26, 2015**

3
4 **I. Purpose**

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

16
17 **II. Duties:**

18 Duties shall be:

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

38
39 **III. Organization and Membership**

40 A. Membership

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

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

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23 B. Officers

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

37 C. Term of Membership: Ex officio members shall serve for the duration of their time in office

38 or until a successor has been appointed. Members of the General Assembly shall be appointed

39 for two years or until their successors are appointed, beginning on or before January 15 in the

40 first year of the biennium. Representatives designated by ex officio members shall serve at the

41 direction of the designating authority.

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

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

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

23 G. Administration

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

41 **IV. MEETINGS**

42 A. Frequency: The NDCAP will meet a minimum of four times a year, although additional
43 meetings can be called at the Chair's or Co-Chairs' discretion or by request of a minimum of five

1 of the NDCAP members via the Chair or Co-Chairs. Meetings will be announced a minimum of
2 two days in advance. The Chair, Co-Chairs, or at least five Panel members may call a special
3 meeting with a minimum of one day advance notice.

4
5 B. Agendas: The agenda will be drafted by the Chair and Vice-chair or Co-chairs with input
6 from other members. Issues brought before the NDCAP that are not on the meeting agenda must
7 be considered as the first item of business, and if discussed, any action should be deferred to a
8 later meeting unless urgent.

9
10 C. Quorum: A majority of members will constitute a quorum for a meeting of the NDCAP at
11 which a vote or other official action is to be taken. In the absence of a quorum, the NDCAP may
12 convene the meeting and adjourn until such time as a quorum is present. No official action may
13 be undertaken by the NDCAP at a meeting that lacks a quorum.

14
15 D. Virtual meetings: As long as the requirements of the open meeting laws are met, the Panel
16 may conduct business and vote to take an action at a regular, special or emergency meeting by
17 electronic or other means without being physically present at a designated meeting location. In
18 this situation the Panel will follow all the requirements outlined in *1 V.S.A. § 312(a)(2)*.

19 20 **V. Decision-making process**

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

25
26 B. To work towards consensus, the Panelists will:

- 27 • engage in a thoughtful, thorough deliberation
- 28 • advocate for the interests of his/her agency or constituency
- 29 • share relevant information with the other group members
- 30 • keep constituencies informed and advocate within constituent organizations for support of
- 31 the group’s work
- 32 • keep the group informed about constituent perspectives
- 33 • work to identify promising and innovative options
- 34 • openly discuss and evaluate those options
- 35 • refrain from undermining group recommendations and reports

36

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

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