

**Verbatim Transcript of Special Council Meeting**  
**Washington State Energy Facility Site Evaluation Council**

**May 10, 2013**



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WASHINGTON STATE  
ENERGY FACILITY SITE EVALUATION COUNCIL  
Richard Hemstad Building  
1300 South Evergreen Park Drive Southwest, Conference Room 206  
Olympia, Washington  
Friday, May 10, 2013  
1:09 P.M.

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SPECIAL COUNCIL MEETING  
Verbatim Transcript of Proceeding

REPORTED BY: SHELBY KAY K. FUKUSHIMA, CCR #2028

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A P P E A R A N C E S

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Councilmembers Present:

- Jim Luce, Chair, via telephone
- Dick Fryhling, Department of Commerce, via telephone
- Cullen Stephenson, Department of Ecology
- Andrew Hayes, Department of Natural Resources, via telephone

Assistant Attorney General:

- Ann Essko, Assistant Attorney General

Staff in Attendance:

- Stephen Posner, Compliance Manager
- Tammy Talburt, Commerce Specialist
- Kayce Michelle, Administrative Assistant 3

1 OLYMPIA, WASHINGTON, MAY 10, 2013

2 1:09 P.M.

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5 P R O C E E D I N G S

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7 CHAIR LUCE: So I'm going to now call this special  
8 meeting of the Washington State Energy Facilities Site  
9 Evaluation Council to order.

10 Today is Friday, May 10, 2013, and the time is 1:09.

11 The purpose of this meeting today is to consider the  
12 energy preparedness contracts associated with the Columbia  
13 Generating Station. And we have previously discussed this and  
14 requested that Council do -- Council Staff, including our  
15 Attorney General, do additional review of the contracts.

16 So what I'm going to do now is ask whether there's  
17 anything else that Councilmembers want to add to the agenda.

18 THE CLERK: Could we call the roll?

19 CHAIR LUCE: Thank you, Kayce. That's a good idea.  
20 Will you call the roll, please?

21 THE CLERK: Okay. Department of Commerce?

22 MR. FRYHLING: Dick Fryhling is present via phone.

23 THE CLERK: Department of Ecology?

24 MR. STEPHENSON: Cullen Stephenson, present in the  
25 room.

1 THE CLERK: Fish and Wildlife, excused.

2 Natural Resources?

3 MR HAYES: Andy Hayes is here by phone.

4 THE CLERK: Utilities and Transportation Commission?

5 Not here.

6 Chair?

7 CHAIR LUCE: Chair is present.

8 THE CLERK: We have a quorum.

9 CHAIR LUCE: Thank you.

10 MR. POSNER: And, Jim, could we also ask if there's  
11 anybody else on the line to identify themselves, please?

12 CHAIR LUCE: Is there anyone else on the line, and if  
13 so, would you please identify yourselves?

14 I'm not hearing anyone.

15 Stephen, can you provide a history of the emergency  
16 preparedness contracts since our last meeting and discuss what  
17 steps have been taken to recognize and address the Council  
18 concerns?

19 MR. POSNER: Yes, certainly. Good afternoon, Chair  
20 Luce and Councilmembers. And as you mentioned, Jim, this matter  
21 was originally taken up at the April meeting, and it was carried  
22 over from that meeting. And since that time, we have gone  
23 through and reviewed the contracts in detail. These are the  
24 emergency preparedness contracts, contracts with three different  
25 state agencies, the Emergency Management Division, which is a

1 division of the Military Department, the Department of Health,  
2 and Department of Agriculture.

3 And we have gone through the contracts. They have  
4 been reviewed. There's been multiple levels of review here at  
5 EFSEC, within the UTC, and the Attorney General's Office. We've  
6 had the Assistant Attorney General for the UTC, and Ann Essko,  
7 EFSEC's attorney, review, comment, and make some suggested  
8 changes to the contracts which you should have in front of you.

9 These documents were sent to you a couple days ago  
10 electronically along with the proposals from the agencies. And  
11 I haven't heard back from any Councilmembers with comments, so  
12 if there are any questions, I would be happy to answer them.

13 And, basically, the contracts, as we mentioned in the  
14 April meeting, these are -- actually, we refer to them as  
15 "interagency agreements." They are necessary to provide the  
16 support and funding for the state agencies to implement the  
17 emergency preparedness program, which is a requirement of the  
18 Site Certification Agreement that EFSEC is issued, as well as  
19 the NRC license that has been issued to the Columbia Generating  
20 Station.

21 One other thing to note is that during the April  
22 meeting, we talked about the Council issuing a resolution. We  
23 have since reviewed that option. And after discussing the  
24 matter with our attorneys, we have determined that resolution is  
25 not necessary, so that is something that is different from the

1 April meeting. There is no resolution for the Council to  
2 consider on this matter. The matter before the Council is  
3 consideration of approval of these contracts and giving  
4 essentially authorization for Chairman Luce to sign on behalf of  
5 the EFSEC Council as is described in our statute.

6 And the Staff recommendation is that the Council  
7 approve these contracts and move forward authorizing the  
8 Chairman to sign them on behalf of the Council.

9 And we also have Ann Essko here, our attorney, who is  
10 available to answer any questions that Councilmembers may have.

11 That concludes my presentation.

12 (Phone beeps.)

13 CHAIR LUCE: Hello?

14 MR. FRYHLING: It sounded like someone came on,  
15 but...

16 CHAIR LUCE: Yeah. Somehow I got cut off. I got  
17 dropped.

18 MR. FRYHLING: Oh, okay.

19 CHAIR LUCE: I'm not sure why. This is Jim.  
20 So where are we in the discussion? What did I miss?

21 MR. POSNER: Jim, did you hear what I had to say?

22 CHAIR LUCE: I believe I heard what you had to say,  
23 that the changes have multi -- has been reviewed at multiple  
24 levels, and changes have been made to the contracts consistent  
25 with those recommendations.

1 MR. POSNER: Right. Multiple levels of review by the  
2 Attorney General's Office --

3 CHAIR LUCE: Right.

4 MR. POSNER: -- UTC and EFSEC. And, essentially, the  
5 Staff recommendation is to approve these contracts authorizing  
6 you to sign them on behalf of the Council.

7 And, also, Ann Essko is here. She's available to  
8 answer any questions that Councilmembers may have on the  
9 contracts.

10 CHAIR LUCE: Do Councilmembers have any questions of  
11 Ann?

12 MR. HAYES: This is Andy. I do not.

13 CHAIR LUCE: Okay.

14 MR. STEPHENSON: This is Cullen Stephenson. I do  
15 not.

16 CHAIR LUCE: And, Dick?

17 MR. FRYHLING: Dick Fryhling doesn't have any  
18 questions. Thank you.

19 CHAIR LUCE: And Chair has none.

20 Hearing no questions and having heard the report of  
21 Manager Stephen Posner, is there a motion to authorize the Chair  
22 to sign the contracts as reviewed by the Attorney General's  
23 Office and the UTC?

24 MR. HAYES: This is Andy Hayes. I'll so move.

25 CHAIR LUCE: Is there a second?



1 MR. FRYHLING: This is Dick Fryhling, and I'll second  
2 it.

3 CHAIR LUCE: All right. We have a motion to second.  
4 Council discussion?

5 I would note in the course of Council discussion --  
6 and, Stephen, maybe you have mentioned this already -- but the  
7 accompanying resolution has been dropped, is unnecessary,  
8 because these are contract matters.

9 MR. POSNER: Right. And I did note that we've  
10 determined that the resolution --

11 CHAIR LUCE: All right.

12 MR. POSNER: -- is not necessary, right.

13 CHAIR LUCE: All right. We have a motion to second.  
14 If there's no Council discussion, I'll call for the  
15 vote.

16 Clerk will call the roll, please.

17 THE CLERK: Department of Commerce?

18 MR. FRYHLING: Dick Fryhling votes yes.

19 THE CLERK: Department of Ecology?

20 MR. STEPHENSON: Cullen Stephenson votes yes.

21 THE CLERK: Natural Resources?

22 MR. HAYES: Andy Hayes votes yes.

23 THE CLERK: Chair?

24 CHAIR LUCE: Chair votes yes.

25 THE CLERK: It's unanimous.

1 CHAIR LUCE: So are there other matters to come  
2 before the Council today, Stephen?

3 MR. POSNER: No. That's the only item on the agenda  
4 for today.

5 CHAIR LUCE: All right. Well, in that matter, given  
6 that, I will...

7 Yes, go ahead.

8 MR. FRYHLING: Jim, I'd move that everybody have a  
9 good weekend.

10 CHAIR LUCE: And honor your mothers.

11 MR. HAYES: I'll second that.

12 CHAIR LUCE: All right. And with that, the Council  
13 meeting is adjourned. Thank you very much.

14 (Whereupon, the meeting was adjourned at 1:17 p.m.)

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1 C E R T I F I C A T E

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3 STATE OF WASHINGTON )  
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5 COUNTY OF KING )

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7 I, SHELBY KAY K. FUKUSHIMA, a Certified Shorthand Reporter  
8 and Notary Public in and for the State of Washington, do hereby  
9 certify that the foregoing transcript is true and accurate to  
10 the best of my knowledge, skill and ability.

11 IN WITNESS WHEREOF, I have hereunto set my hand and seal  
12 this 20th day of May, 2013.

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*SHELBY KAY K. FUKUSHIMA*



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SHELBY KAY K. FUKUSHIMA, CCR

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My commission expires:  
June 29, 2013

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