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Three Empire State Plaza, Albany, NY 12223-1350
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March 7, 2023

VIA EMAIL

Hon. Michelle L. Phillips
Secretary to the Commission
3 Empire State Plaza
Albany, NY 12223-1350

Re: Matter No. 21-01188 – In the Matter of the Indian Point Closure Task Force and Indian Point Decommissioning Oversight Board.

Dear Secretary Phillips:

Please accept for filing in the above-captioned matter, the February 2, 2023 Indian Point Closure Task Force and Indian Point Decommissioning Oversight Board Meeting Transcript. Should you have any questions regarding this filing, please contact me. Thank you.

Respectfully submitted,

Tom Kaczmarek
Executive Director
Indian Point Closure Task Force
Indian Point Decommissioning Oversight Board

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2 STATE OF NEW YORK

3 DEPARTMENT OF PUBLIC SERVICE

4 MATTER 21-01188 - In the Matter of the Indian

5 Point Closure Task Force and Indian Point

6 Decommissioning Oversight Board.

7 JOINT MEETING AND PUBLIC STATEMENT HEARING

8 DATE: February 2, 2023 at 6:08 p.m.

9 VENUE: Zoom and In-Person, 1 Heady Street
10 Cortlandt, New York

11 BEFORE: Chairman Tom Congdon, D.O.B.

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20 Reported by Howard Hubbard

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2 (The proceeding commenced at 6:08
3 p.m.)

4 CHAIR CONGDON: Okay. Good evening.
5 And welcome to tonight's meeting of the Indian Point
6 Closure Task Force and Decommissioning Oversight
7 Board. Supervisor Becker, thank you as always, for
8 hosting us, and to our friends from the federal
9 government in the audience, thank you for your
10 continued support.

11 I believe representatives from Senator
12 Schumer and Gillibrand's Office are with us in the
13 audience, as well as folks from the Nuclear
14 Regulatory Commission to observe tonight's meeting.
15 I note that we have a larger than usual audience
16 tonight, including many folks who may be tuning in
17 for the first time.

18 So to orient you, this Decommissioning
19 Oversight Board is a bit unique. It was created by
20 the Department of Public Service and inspired by
21 legislation introduced by Senator Harckham and
22 Assemblywoman Galef, who's also with us. Welcome.
23 And it's -- its purpose is to provide a forum for
24 information sharing between involved agencies.

25 It's also to identify issues for the

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2 relevant oversight agencies to address and to help
3 inform the public about decommissioning and spent
4 fuel management. As you will see, when we do our
5 roll call, we have membership that includes state
6 agencies that either have oversight responsibility or
7 play a role in working with the community to help
8 transition the region following the closure of the
9 plant.

10 Local, county, state elected
11 officials, labor representatives, an independent
12 nuclear expert and a member of the region's
13 environmental community are also members of the
14 board. The D.O.B. is kind of a successor to the
15 closure -- Indian Point Closure Task Force, which we
16 convened by statute in 2017 following the
17 announcement to close Indian Point.

18 At that time, there was tremendous and
19 understandable concern about the economic
20 consequences of the plant's closure, the implications
21 of our -- for our energy grid, what it would mean for
22 the tax base, and what it would mean for the many
23 employees at the plant.

24 And from the beginning, the state
25 agency approach to the plant's closure was to commit

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2 to being a partner with local stakeholders, the local
3 governments to mitigate these impacts and to keep all
4 of the state government assets engaged to work with
5 our local partners all the way through
6 decommissioning.

7 I'm proud of what we've accomplished
8 so far. Our time is limited, so I'm not going to go
9 through each and every achievement, but a few things
10 do stand out. We secured over 100 million dollars in
11 state funding to assist the school district, village
12 and town transition its local tax base.

13 With the help of our state
14 legislators, we strengthened worker protections and
15 we strengthened D.P.S.'s oversight over
16 decommissioned power plants. We have made more than
17 15 million dollars in community environmental benefit
18 awards. We hired a state resident inspector at the
19 Department of Public Service to monitor the
20 decommissioning activities.

21 We strengthen local building
22 demolition permits to better -- to -- to have better
23 enforcement mechanisms over dust control. And we're
24 now working to develop a community monitoring
25 program, which we'll hear more about later tonight.

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2 All of this really came out of the task force and
3 D.O.B.'s core function, which is that we're a venue
4 for information sharing.

5 We accomplished these things because
6 we listen. We listen to each other. We listen to
7 the local stakeholders. We listen to the community.
8 And based on that community feedback, we adjust our
9 approach whenever warranted. We zero in on issues of
10 concern in the community.

11 And we try to be as transparent as
12 possible. We answer every question that comes our
13 way. If not on the spot, we do it in writing before
14 the subsequent meeting of our D.O.B. And I think
15 Senator Harckham can attest to this.

16 MR. HARCKHAM: Thank you, Tom. I just
17 want to comment on one quick aspect. Part of the
18 role that we have as elected officials is to
19 interface with the community. And I meet regularly
20 with -- with the activist community. We met just a
21 couple of weeks ago. We got a laundry list of items
22 requests.

23 I sent a letter to the chairman. We
24 just got the response back today. So I want to thank
25 you for your very thorough and quick response. And a

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2 lot of the items that you suggested will be addressed
3 by the oversight board as -- as we go forward. So I
4 want to thank you for that.

5 I know not every -- every request is -
6 - is doable. But -- but I want to thank you for your
7 responsiveness and your speed and I -- but I also
8 want to thank the activist community for pushing and
9 asking, insisting, and that's how we move forward.
10 So thank you.

11 CHAIR CONGDON: Thank you, Senator.
12 And look, we're not perfect. There is always more
13 that we can do to improve. And Senator, we
14 appreciate your efforts to work with the community,
15 get us the feedback. But all of the elected
16 officials really on the D.O.B. have been tremendous
17 partners and are regularly communicating what they're
18 hearing on the ground from their constituents and
19 that helps us be better.

20 And look, I mean, the -- the amount of
21 public comments that we receive, and the range of
22 viewpoints really continues to impress me. And --
23 and -- and when I say there are a wide variety of
24 views, I mean it. You know, we receive comments
25 about, obviously, the continued environmental and --

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2 and public health concerns about radioactive waste,
3 emergency preparedness and planning concerns.

4 We receive a lot of comments as well
5 about nuclear power and nuclear energy policy. And
6 some comments have come in asking us to consider ways
7 to restart the plant and to put it back to use in --
8 in an effort to address climate change. And so
9 clearly, there's a wide variety of views.

10 There's a lot of passion. Passions
11 can definitely be high. And our approach as this
12 decommissioning oversight board is to just recognize
13 the reality of our situation. We're not here to talk
14 about the pros and cons of nuclear energy. We are
15 here recognizing that the plant is being
16 decommissioned.

17 And that we need to seek factual
18 answers to the community's questions with evidence,
19 citations, backup materials that we make available on
20 our website. We are science based. We're technical
21 based. We're fact based.

22 The state agencies with oversight
23 responsibility have extremely dedicated staff working
24 every day with a mission to protect public health and
25 safety. Before I get on to the business to today's

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2 meeting, I also want to just recognize and thank Tom
3 Kaczmarek, our executive director of the
4 Decommissioning Oversight Board and the Task Force.

5 Tom literally handles everything
6 related to the D.O.B. behind the scenes. He ensures
7 excellent coordination among the various state
8 agencies involved in the effort. He meticulously
9 keeps track of our commitments that we make to the
10 community and holds us accountable to make sure that
11 we follow through.

12 And he answers substantive and
13 logistical questions from members of the community
14 and members of the D.O.B. literally at all hours of
15 the day and night. So these meetings just wouldn't
16 be anywhere near as effective without Tom's
17 leadership and so we owe him our thanks. So next
18 slide, please.

19 Thank you. So we've got a lot to
20 cover. As you can see, another full agenda. You
21 know, given the -- the many newcomers to tonight's
22 meeting, I asked Dave Lochbaum and Kelly Turturro.
23 Dave is our independent technical expert. Kelly
24 Turturro is the D.E.C. Region Three Director on the
25 D.O.B.

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2 We've asked him to give an overview
3 explaining the difference between operating the
4 nuclear power plant and one that's being
5 decommissioned. We've gone over these presentations
6 before to sort of set the stage for the work of the
7 decommissioning oversight board, and where we need to
8 focus.

9 But I think given the -- the -- the
10 large number of newcomers to our process that it
11 would be worthwhile to set the stage again. We'll
12 then break for a 30-minute public statement hearing
13 -- I'm sorry, I might be skipping ahead sorry. We're
14 then going to have presentations regarding spent fuel
15 pool water removal methods.

16 This is an issue that is of high
17 interest in the local community. Folks understand
18 that part of decommissioning means that you're going
19 to have to deal with the infrastructure that's on
20 site that will no longer be there when
21 decommissioning is complete. That includes the spent
22 fuel pools.

23 The water in the pools has been
24 holding nuclear waste for a long time. And so
25 obviously has some radioactivity that needs to be

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2 addressed before it can be safely handled and -- and
3 -- and removed from the site. So the question are
4 what are the options for handling that?

5 And we're going to hear from Dave
6 Lochbaum some options analysis with pros and cons.
7 And we will also be joined by some community guest
8 speakers who I'll introduce soon, who will go over
9 their perspective on the issues. Then we will have a
10 30-minute public statement hearing.

11 Following the 30 minutes of public
12 statements, we're going to go back to D.O.B.
13 presentations where we will hear from Enbridge, which
14 is the owner of the natural gas pipeline that runs in
15 close proximity to the nuclear power plant and -- and
16 through the community and has been the subject of a
17 lot of interest at previous meetings and was in the
18 press in December, because there was a sinkhole that
19 developed on the right of way about eight miles away
20 from the plant and we felt that it was worth their
21 coming to explain what happened.

22 We'll also have our D.P.S., Department
23 of Public Service Gas Safety team, talk about that
24 issue and some other pipeline updates. We will then
25 hear from Holtec. It's really important, I think,

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2 for the Decommissioning Oversight Board to regularly
3 hear from Holtec directly. Holtec can provide us
4 with summary of activities that has occurred at the
5 site.

6 They will also provide kind of going
7 forward what they expect over the next few months.
8 I've also asked Rich Burroni from Holtec to go into
9 some detail about any N.R.C. inspections and findings
10 from those inspections. At the end of the last
11 meeting from December, Richard Webster, our -- our
12 colleague raised a concern about a citation they
13 received and we didn't have time at that meeting to
14 get into it.

15 So I really want to make sure we have
16 time to hear about those issues. We originally
17 planned then also have an agency oversight update.
18 There's just not enough time tonight. There were a
19 lot of additional requests for speaking as part of
20 our public statement hearing. We normally reserve
21 thirty minutes a meeting.

22 We would never get through all of the
23 -- all of the -- all of the people who requested to
24 speak in that amount of time. So we scrapped the
25 agency update. But we did provide all of the D.O.B.

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2 members with a written version of that and we have
3 already posted it on our website for all of you to
4 see.

5 And then I added 30 minutes to our
6 agenda to try to accommodate as many of the people
7 who pre-registered to speak as possible. Next slide
8 please. Finally, I'd like to get to the roll call.
9 So I want to welcome a couple of new members first
10 before we dive in. Welcome to newly elected Assembly
11 Member Dana Levenberg, welcome.

12 Some big shoes to fill. So welcome.

13 MS. LEVENBERG: Yeah.

14 CHAIR CONGDON: And we're also joined
15 by Rachel Adler from the Department of Labor who
16 filled in now for Jeff Guynup who retired, so welcome
17 to Rachel. I'll just go through the roll call.
18 Supervisor Becker from Town of Cortlandt. Mayor
19 Knickerbocker again. Joe Hochreiter from Hendrick
20 Hudson School District.

21 Catherine Borgia county legislature,
22 thank you. Colin Smith, I'm not sure if he's on
23 virtually yet. Senator Harckham. Assemblywoman Dana
24 Levenberg. John Sipos, our counsel from D.P.S.

25 MR. SIPOS: Here.

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2 CHAIR CONGDON: Tom Kaczmarek our
3 executive director. Cliff Chapin, our resident
4 inspector.

5 MR. CHAPIN: Here.

6 CHAIR CONGDON: Kelly Turturro from
7 the D.E.C.

8 MS. TURTURRO: Here.

9 CHAIR CONGDON: Rachel Adler, David
10 Lochbaum our independent expert.

11 MR. LOCHBAUM: Here.

12 CHAIR CONGDON: Richard Webster our
13 environmental rep.

14 MR. WEBSTER: Here.

15 CHAIR CONGDON: Al Liberatore from
16 Teamsters.

17 MR. LIBERATORE: Here.

18 CHAIR CONGDON: Bill Smith from the
19 U.W.U.A.

20 MR. SMITH: Here.

21 CHAIR CONGDON: Tom Carey, Westchester
22 Putnam.

23 MR. CAREY: Here.

24 CHAIR CONGDON: Hello. And -- did I
25 miss anyone here in the table? Okay. And we're

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2 joined by Rich Burroni. He's not a member of the
3 D.O.B., but welcome Rich.

4 MR. BURRONI: Yeah.

5 CHAIR CONGDON: And we'll be hearing
6 from Rich a little later. And on the line if you can
7 unmute, we'll call for Westchester County, Dennis
8 Delborgo.

9 MR. DELBORGO: Good evening, everyone.

10 CHAIR CONGDON: Tom Scaglione from
11 Empire State Development.

12 MR. SCAGLIONE: Good evening.

13 CHAIR CONGDON: Mark Pattison,
14 Department of State.

15 MR. PATTISON: Good to see you
16 everybody.

17 CHAIR CONGDON: Mark Massaroni from
18 Department of Taxation and Finance.

19 MR. MASSARONI: Here.

20 CHAIR CONGDON: Jennifer Wacha from
21 DHSES.

22 MS. WACHA: Good evening.

23 CHAIR CONGDON: Tony Hill from the New
24 York Power Authority.

25 MR. HILL: Present.

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2 CHAIR CONGDON: Thank you, Tony.

3 Alyse Peterson from NYSERDA.

4 MS. PETERSON: Hi, everyone.

5 CHAIR CONGDON: Thank you. Did I miss
6 anyone from the D.O.B. membership? Okay. Next
7 slide, please. So just to want remind folks. The in
8 person panelists who are here tonight, please
9 remember to use this mic. That is how the court
10 reporter will make sure we capture accurately the
11 things that are said and develop a good transcript of
12 tonight's meeting.

13 All of the virtual panelists, if you
14 have a speaking role tonight, please make sure you're
15 muted unless you're speaking and also remember to
16 state your name before chiming in. All of the
17 virtual participants in the audience who plan to
18 speak during the public input portions of the agenda
19 you will be unmuted when it is your turn to speak.

20 And also for the folks in the
21 audience, please reserve the chat feature just for
22 technical issues. The chat feature in the Zoom that
23 we use is not recorded. So if you have a substantive
24 question, you should put that into the Q&A field in
25 Zoom and doing so will ensure that your question gets

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2 recorded.

3 It will be reviewed and answered in
4 writing before the next meeting of the D.O.B. Okay.
5 Next slide, please. Okay. We're going to dive into
6 our presentations. I want to introduce David
7 Lochbaum, our independent nuclear expert, who, as I
8 noted in the introduction, is going to just give an
9 overview and a shortened version of some
10 presentations he has made along the way to orient --
11 to orient the D.O.B. as to current state of play with
12 the decommissioning site, and the monitoring networks
13 that are in place today. Go ahead.

14 MR. LOCHBAUM: Thank you. And just to
15 show how lucky you are, the presentation was more
16 than 91 slides. Tonight's only 13 slides so giving
17 you a little break. During nuclear reactor
18 operations, federal regulations limit how much
19 radioactivity can be released to the air and water.
20 Those regulations also require annual reporting on
21 the airborne and liquid releases, as well as sampling
22 performed off site. As well as sampling performed
23 off site to guard against bioaccumulation of the
24 materials that are released.

25 The good news is that while the

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2 federal rate limit -- federal regulations remain
3 constant after a plant permanently shuts down, the
4 margins to those limits increase each passing day.
5 Slide One helps explain why that's -- that's the
6 case. This chart is little busy, they will be posted
7 online.

8 The rows are radio nuclides, like
9 strontium 90, tritium, cesium- 137, iodine-131. The
10 column -- the columns are time since shut down
11 starting with zero going up to like 100 years. The
12 green shaded bars are cases where radionuclides have
13 decayed away. Ten half-lives, they're gone.

14 The yellow vertical bars are units 3,
15 2 and 1, going from left to right, showing that a lot
16 of the radionuclide inventories on those units is
17 decayed away, and can no longer be released simply
18 because it's not there. Slide Two shows the monitors
19 that are installed to monitor airborne gaseous
20 release pathways and waterborne release pathways.

21 Those monitors will if radi --
22 excessive radiation is detected will cause the
23 release path -- the releases to be terminated. So
24 you stay below the federal limits. Slide Three shows
25 --.

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2 CHAIR CONGDON: Dave -- Dave, can I
3 just ask a question on that slide.

4 MR. LOCHBAUM: Sure.

5 CHAIR CONGDON: Those are all monitors
6 that are in place even after the plant closed.

7 MR. LOCHBAUM: Until there's no more
8 radioactivity in that building they -- they remain
9 active until there's no more need.

10 CHAIR CONGDON: Thank you.

11 MR. LOCHBAUM: Slide Three shows a map
12 of 16 continuous radiation monitors that ring Indian
13 Point. And Slide Four shows some of the data that's
14 available from those 16 continuous radiation
15 monitors. D.P.S. can access this data and get real
16 time data. It shows the 16 radiation readings as
17 well as the wind speed and direction.

18 Slides Five and Six are pages from the
19 annual reports that are submitted to the Nuclear
20 Regulatory Commission. The radiation levels for the
21 2019, the last year that both units were operating,
22 units two and three, the radiation dose to the public
23 was calculated to be point four three four millirem,
24 which is far below the 25 millirem federal limit.

25 Slide Seven and Eight present data

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2 from Indian Point compared to -- yeah, Seven and
3 Eight radiation -- I get it wrong. Pages -- Slide
4 Seven and Eight are from an N.R.C. report about
5 radiation released from plants when they're operating
6 and when they permanently shut down.

7 The average amount of radioactivity
8 released to the air and water from decommissioning
9 reactors was less than 40 percent of the
10 radioactivity released from those same reactors when
11 they were operating. Again it goes back to the first
12 slide there's just less radioactivity around.

13 The only exception was tritium.
14 Tritium released to the air from decommissioning
15 plants was 92 percent of what it was when the plants
16 were operating. Tritium is difficult to remove.
17 Slide Nine looks at the radiation releases from the
18 Zion Plant in Illinois, which is very similar to
19 Indian Point other than it shutdown in 1996 instead
20 of more recently.

21 If you -- part on the left hand side
22 is when the plant was operating, the right hand side
23 shows when it was shut down. The blip in 2014, '15
24 and '16 is when they transferred fuel to the spent
25 fuel pool. There been no releases since the --

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2 essentially no releases since the fuel was
3 transferred into dry storage.

4 Next slide please. This shows the
5 same data for Yankee Rowe.

6 CHAIR CONGDON: Excuse me, Dave. Can
7 I just ask? These releases would you -- would you
8 characterize those kinds of releases as the routine
9 releases from an operating nuclear power plant? When
10 you say releases, are these releases that were in
11 compliance with the standards that N.R.C. imposes on
12 these plants?

13 Were these releases that were somehow
14 an accident of some kind that released the radiation
15 into the -- into the environment?

16 MR. LOCHBAUM: These are routine
17 releases that were reported annually to the Nuclear
18 Regulatory Commission in compliance with federal
19 regulations. Their routine releases during reactor
20 operation, as well as, as I said, the monitoring
21 continues after the plant permanently shuts down.
22 That's why you get data after shut down there.

23 So it's -- yeah, you continue to
24 monitor up until the time the license is terminated
25 after decommissioning is done.

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2 MR. WEBSTER: Is this data from the
3 monitors that are at the point of release on the
4 sites or from the site monitor -- from the offsite
5 monitoring?

6 MR. LOCHBAUM: They're from neither.

7 MR. WEBSTER: Okay.

8 MR. LOCHBAUM: Water tanks are sampled
9 before the release to see what's in there. And you
10 multiply with the concentrations in various isotopes
11 by the volume that goes out to determine what's out
12 there.

13 MR. WEBSTER: Okay.

14 MR. LOCHBAUM: The monitors make sure
15 that, you know, there are no surprises, you didn't
16 miss something, you didn't sample it. So it's the
17 sampling of water itself that determines what -- what
18 goes in those numbers, which is more accurate by the
19 way ... So Slide Twelve --.

20 MR. WEBSTER: So just -- just to be
21 sure, just the takeaway is that basically, there are
22 less routine releases during decommissioning, right?

23 MR. LOCHBAUM: Yes, the amount of
24 radioactivity in those releases is less.

25 MR. WEBSTER: Right.

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2 MR. LOCHBAUM: By the way, I don't
3 show it. But if you look at the worker doses, they
4 also show the same correlation. There's just less
5 radioactivity, so the radiation doses to workers goes
6 down as well. Next slide, please. These shows
7 sampling points around Indian Point where
8 periodically samples are taken of aquatic, wildlife,
9 water, soil, and air.

10 These are checks to make sure what's
11 the -- what's going on at the building releases don't
12 bioaccumulate. They also serve as check to make sure
13 if those monitors aren't working, these will pick it
14 up at some point. So those are a backstop to the
15 monitors that monitor the routine releases.

16 And the next slide. There is a back -
17 - there is a -- as a further check, New York State
18 also does monitoring independently of the company.
19 And the Nuclear Regulatory Commission has its
20 inspectors check what the workers are doing to make
21 sure they don't -- they don't monitor every activity,
22 but they periodically monitor to make sure that the
23 calculations are right, the numbers that the N.R.C.
24 gets annually are valid.

25 So those are pretty good checks that

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2 there's no surprises and no releases above federal
3 limits or anywhere close to federal limits. That's
4 all I've got, Congdon.

5 MR. WEBSTER: Okay. Sorry, for the
6 program. Environmental program what does that show?

7 MR. LOCHBAUM: That's shown that the
8 releases are small fractions of the federal limits.

9 MR. WEBSTER: Right and have there
10 been any accumulations of concern?

11 MR. LOCHBAUM: Unfortunately, there's
12 not been many -- those data don't show any
13 accumulation or significant accumulation. Now, so
14 there's not been anything showing in those -- in the
15 data. And that's also true elsewhere. It's not just
16 Indian Point.

17 CHAIR CONGDON: Thank you, Dave.

18 Next slide. I'd like to ask Kelly
19 Turturro from the D.E.C. to walk through some
20 updates. We'll go back over the -- the monitoring
21 work that the School Monitoring Working Group, which
22 is a subset of these D.O.B. members, as well as a
23 number of agency personnel from other agencies,
24 including the Department of Health, have been working
25 on. So Kelly.

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2 MS. TURTURRO: Thank you, Tom. And as
3 Tom mentioned to my fellow D.O.B. members, this --
4 much -- much of this presentation is something you
5 saw two meetings ago. But we wanted to make sure
6 that with additional community members here this
7 evening, you are able to hear what the D.O.B. was
8 working on in terms of this School Monitoring Working
9 Group that was established back in -- during our
10 first meeting of the decommissioning oversight board
11 in June 2021.

12 So as you'll see here, our goals were
13 to develop a better understanding of potential
14 environmental and health risks that decommissioning
15 could present at the B.V. school to assess monitoring
16 best practices and to issue recommendations to the
17 Hendrick Hudson School District.

18 Next slide, please. So as a working
19 group, we worked to inventory those regulatory and
20 monitoring protocols that are currently in place.
21 All demolition work is subject to local demolition
22 permits, state environmental regulations, strict
23 workforce safety standards, and there is an onsite
24 New York State Inspector monitoring the -- monitoring
25 the work at the plant.

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2 Next slide, please. In addition, we
3 found that there is a network of radiological
4 monitors on site on workers. And there are also 16
5 around the site, perimeter, including two near the
6 B.V. school. There are also on site dust control
7 measures and off site dust complaint reporting and
8 investigation procedures.

9 In all cases, it's important to note
10 that fugitive demolition dust must not leave the
11 site. Next slide, please. During our work on the
12 working group, we also consulted with state experts,
13 and found that on-site continuous air monitors in the
14 immediate vicinity of demolition activity offer the
15 most timely and beneficial information.

16 These provide early warning and near
17 real time results. We also learned that monitoring
18 further out beyond the fence line may not be as
19 useful for several reasons. There's a greater
20 potential for interference from background readings.
21 It's more difficult to determine the source.

22 And it doesn't account for long range
23 transport of pollutants to the monitors. So I just
24 want to take a minute to talk about heavy demolition
25 and -- and we as a working group, worked in terms of

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2 putting a plan -- our goal was to put a plan in place
3 in time for heavy demolition.

4 And I just wanted to explain to
5 everybody what -- what does heavy demolition mean.
6 So it's the demolition of concrete buildings with
7 thick walls, like the spent fuel pool buildings, the
8 turbine buildings and the domes. Holtec has advised
9 us that the timing for this heavy demolition on site
10 would be late 2023 at the earliest.

11 Next slide, please. So here's the --
12 here's the update. So what -- what we did was, as I
13 mentioned two meetings ago, we -- we presented our
14 findings as a working group. And one of those
15 recommendations was to issue a request for proposals
16 that would procure environmental consulting services
17 to develop a community air monitoring plan, or
18 C.A.M.P.

19 So working with our state agency
20 partners, we put together an R.F.P. and that R.F.P.
21 was issued on January 9th of this year. We await
22 responses. As you can see here, we have a timeline
23 for next steps. So our proposal deadline is March and
24 then we will work from there. Tom, that concludes my
25 presentation.

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2 CHAIR CONGDON: Thank you very much.
3 And I just want to add a little bit. I've -- I've
4 spoken with a few members in the local community to
5 better understand ongoing concerns that parents may
6 have. I heard that some parents in the -- in the
7 school community would like to have more access to
8 experts and be able to interact and -- and ask
9 questions of our experts.

10 And so I've spoken with -- so
11 Superintendent Hochreiter and we've agreed that will
12 take the -- the working group that we've established
13 as part of the D.O.B. and have a number of additional
14 meetings of the working group in the school community
15 working together with the school district in the
16 local P.T.O. to make sure that we invite all the
17 relevant families who -- who want to come and be a
18 part of the public forum, where we'll give updates on
19 the C.A.M.P. activities and our -- our progress
20 there.

21 But also make available the experts
22 involved in developing the C.A.M.P. Eventually when
23 we have the consultant -- including the consultant,
24 Dave would be a part of that as well as members of
25 staff at D.E.C. and D.O.H., and our own agency the

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2 D.P.S.

3 So we look forward to having those and
4 having an exchange with the families attending the
5 school and making sure that we are addressing the
6 concerns and answering the questions that they have.
7 Yes.

8 MR. WEBSTER: Have a quick question
9 for you. I used to do this a few years ago, and one
10 of the things we used to try to do is have a baseline
11 prior to the activity commencing so that, you know,
12 you can tell, you know, set limits -- actual limits
13 in advance in activity commencing.

14 It seems like here the monitoring
15 program is going to commence pretty tight on the
16 activity commencing. So what's the plan for
17 baseline? You're just going to take readings when
18 the wind is blowing the other way?

19 MS. TURTURRO: Readings when the wind
20 is blowing the other way?

21 MR. WEBSTER: In other words, how do
22 you -- when you -- when you get the readings, how do
23 you know -- how do you know -- well, how do you know
24 what ... we used to use the baseline to set the
25 actual limits, right?

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2 MS. TURTURRO: So a few things. Once
3 we get the environmental consultant on board, we will
4 be talking to them about gathering as much
5 information as they can to determine that baseline.
6 There is a lot of information that is currently
7 collected, both on site through the Reuter Stokes
8 monitors that are around the property.

9 We have many monitors around inside
10 the fence line as well as just outside the fence
11 line. So we will be working with our environmental
12 consultant to be putting all that information
13 together.

14 MR. WEBSTER: But you also have dust,
15 for instance.

16 MS. TURTURRO: We also have dust.

17 MR. WEBSTER: Do you have like
18 measurements of particulates in the air?

19 MS. TURTURRO: There is -- there are
20 monitoring networks within the fence line at -- at
21 the Holtec site. Rich, can you talk to that?

22 MR. BURRONI: We have continuous
23 air monitors. We can use their samplers within
24 the property itself, that's what we're asking?

25 MR. WEBSTER: For the continuous --.

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2 MR. BURRONI: We did work with D.E.C.
3 on dust mitigation controls for -- for demolition
4 permits. So we're not allowed, right, to transport
5 any dust beyond the site ground. And that's written
6 in the rule. We've worked with the D.E.C., we work
7 with the village, right? So that's all on a decom
8 work permits.

9 CHAIR CONGDON: So it's -- it's a
10 belts and suspenders approach here. So we've got the
11 onsite inspector. We've got the dust control
12 mitigation measures, there's the monitors on site.
13 We're going to set up the ring line fence monitors as
14 well.

15 MR. WEBSTER: Correct.

16 CHAIR CONGDON: But your point is
17 taken with respect to the sites, off site. And it's
18 understood in the scope that baselines would have to
19 be established by the consultant.

20 MR. WEBSTER: Right. I'm just saying
21 though, if we -- if we get to right up against the
22 commencement activity, it makes gathering a baseline
23 very hard. In other words, you know, if you're -- if
24 you're -- if you're six months ahead, if you're -- if
25 you set up your monitoring network six months ahead

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2 of the heavy demolition, then you have six months to
3 get a baseline.

4 CHAIR CONGDON: Right. Uh-huh.

5 MR. WEBSTER: If you set up two weeks
6 before the sort of heavy demolition, then you only
7 have two weeks of baseline.

8 CHAIR CONGDON: Yeah.

9 MR. WEBSTER: And especially if that
10 is around December, when the schools break, I think
11 you might see an invalid baseline.

12 CHAIR CONGDON: Well, those would all
13 be factors that would have to be considered by the
14 consultant. And you know, we can have that
15 discussion with them with the working group.

16 MR. WEBSTER: Right. But I guess what
17 I'm saying, Tom, is that December doesn't look like a
18 great time to commence.

19 CHAIR CONGDON: Well, we're doing the
20 best we can and we'll have them online as quickly as
21 we possibly can. If we can beat the schedule, we
22 will.

23 MR. WEBSTER: Right.

24 MR. BURRONI: They can help somewhere.
25 We do have air sampling units outside

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2 the plant within two miles and beyond. So we can
3 look at that data and set up a baseline.

4 CHAIR CONGDON: And the D.O.H. has air
5 -- air monitors as well and so we'll pull everything
6 that's obviously already in existence, of course.
7 Okay. Next slide. So we want to move on now to the
8 topic of today's presentations. And we're going to
9 begin with our community guest speakers.

10 And I want to introduce Michel Lee, an
11 attorney by training. She works in a pro bono
12 advocacy capacity with a number of environmental
13 groups in New York and is speaking here as a member
14 of United for Clean Energy. Michel serves on the
15 board of the nuclear information and resource
16 service, an industry watchdog organization based in
17 the Washington D.C. area.

18 She's a member of the Nuclear
19 Consulting Group, an international interdisciplinary
20 think tank, with focuses on a wide variety of issues
21 which intersect with nuclear matters, including
22 public health, safety and security. Michel is also
23 joined by Dr. Cathey Falvo, who is a retired
24 pediatrician.

25 During her career she was professor

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2 and chair of Global Public Health at the New York
3 Medical College School of Public Health in Valhalla,
4 and an adjunct professor of pediatrics at New York
5 Medical College. She also worked as a chief
6 pediatrician at the Family Neighborhood Health Center
7 in Ossining.

8 In addition, she served as assistant
9 director of the Child and Youth Project at the
10 Roosevelt Hospital in New York City, and from 2011 to
11 2013 as the president of Doctors For The Environment.
12 So with that, I'll turn it over to Michel who is
13 joining us via zoom. Michel?

14 MS. LEE: Yes, I'm trying to -- I
15 don't see anything on my screen that allows me to get
16 in.

17 CHAIR CONGDON: We see your slide and
18 we can hear you.

19 MS. LEE: All right. All right.
20 Well, I'm not sure if there's a camera, but I guess
21 my little slide.

22 CHAIR CONGDON: If the audio visual
23 tech support could -- I'm sorry, Michel, I'm sorry
24 for interrupting. I'm sorry, we're -- we're getting
25 a little bit of an echo. So we're going to first ask

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2 our audio visual team to assist. If you'll just bear
3 with us one moment.

4 MS. LEE: Hi, there. I think we were
5 going to have Cathey speak before me if she's
6 available.

7 CHAIR CONGDON: Okay. And -- and the
8 echo is improving, so Cathey, you'd be welcome to go
9 ahead and get started.

10 MS. FALVO: Okay. So you have to give
11 me one minute -- two seconds. Okay. We have the
12 video and we have that and I just need to find my
13 crib notes.

14 CHAIR CONGDON: Cathey, I'm sorry. If
15 you just pause for a moment, we're going to continue
16 to work on -- on this echo that we're experiencing.

17 MS. FALVO: Okay.

18 CHAIR CONGDON: Dr. Falvo, could you
19 please just say a few words so we can test the -- the
20 situation.

21 MS. FALVO: Good evening, everybody.
22 I'm very glad to join you.

23 CHAIR CONGDON: Okay. I'm sorry, Dr.
24 Falvo, we're still experiencing a bit of an echo.
25 Dr. Falvo, if you could please turn the volume on

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2 your computer down, that will probably help the
3 situation.

4 MS. FALVO: All right. I'm not sure I
5 know how to do that but let me see here.

6 CHAIR CONGDON: It's already
7 improving.

8 MS. FALVO: I haven't done anything.
9 I have absolutely no -- have no idea how to do this.

10 CHAIR CONGDON: Okay. Dr. Falvo,
11 we'll give this another shot. Go ahead, and please
12 begin.

13 MS. FALVO: Okay. The first thing I
14 wanted to say was, if I use terminology which you
15 don't -- somebody in the audience doesn't understand,
16 please ask. Four years in medical school and a whole
17 lot of time after that I learned an entirely new
18 language and I forget what's medicine and what's
19 English.

20 So if you need clarifications, pop it
21 in the questions or somewhere. Now, what I'm going
22 to say, when we're talking about regulations, almost
23 all of them are based on an average human male aged
24 30, 70 kilo.

25 This is not the audience and

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2 population we're really talking about for something
3 like decommissioning because the people at highest
4 risk from the radiation are not 30-year-old men,
5 unless they're actually in the industry inside. But
6 are the fetuses, the kids and the -- the women or
7 people who might be pregnant and are pregnant, who
8 are at greater risk from radiation and any other
9 toxin in the environment.

10 And so we have to keep in mind that
11 kids -- particularly kids are really different and
12 not miniature-size adults. And so when we're talking
13 about decommissioning and what's a problem or not a
14 problem, we have to be very careful that when we're
15 looking at regulations, we're remembering they
16 usually generally don't apply to the people of
17 interest.

18 Now, the other thing about people, any
19 of them at any age, is that while most of us are very
20 much alike, which is how we can do medicine and say
21 this looks like pneumonia and this is how you treat
22 it. And it usually works.

23 But there is nothing about humans that
24 are absolutely similar across the line in any way
25 even the so-called normal, meaning they're like usual

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2 five year old are different, some the same and very
3 generally very different. So that when we're setting
4 regulatory limits for kids, we need to be very
5 careful to leave lots of leeway about how vulnerable
6 they are.

7 They breathe more air per body weight
8 than adults do. They drink much more water and
9 consume more food than adults do for their body size.
10 And that's because they're growing. And if we damage
11 them, it's -- you know, potentially 70 or 80 or 90
12 years of damage. Somebody does something that damages
13 me it's not going to last real long because I'm not
14 going to last real long.

15 But hopefully the kids will. And
16 fetuses have particular times when they're very much
17 more vulnerable than other times, so that you really
18 can't say, well, you know, they passed -- the
19 pregnant person has passed some time period and so we
20 don't need to worry. That's not true.

21 Sometimes earlier in pregnancy is more
22 worrisome, but the whole pregnancy is worrisome in
23 terms of potential damage from environmental things.
24 So what we want to --.

25 CHAIR CONGDON: Dr. Falvo -- Dr.

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2 Falvo, if I could just -- I'm sorry to interrupt
3 again.

4 MS. FALVO: That's okay.

5 CHAIR CONGDON: The echo has returned
6 and so I'm going to ask you to pause a moment and ask
7 our audio team to see if they can correct the issue
8 again.

9 MS. FALVO: Okay. Okay. I'm now
10 unmuted, does that help? Okay. Can we continue now,
11 or?

12 CHAIR CONGDON: Dr. Falvo.

13 MS. FALVO: Yes.

14 CHAIR CONGDON: Could you please
15 restart? And I apologize -- I apologize to the
16 entire audience for the technical difficulties, but
17 if you could please go ahead and begin again. Thank
18 you.

19 MS. FALVO: At the very beginning, or?

20 CHAIR CONGDON: No, I think where you
21 left off, thank you.

22 MS. FALVO: Okay. So we're on to
23 having established that we're really worried about
24 kids and pregnancy and not the average 70-kilo man
25 the regulations are based on. Regulatory levels

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2 should have a margin of error built into them.

3 That's not true of all of them. The newer ones do

4 have some margin, but the older ones I doubt do.

5 And the regulations on tritium go back

6 to 1977, I believe, or maybe '71. So I feel a bit of

7 a disadvantage not having been at previous meetings

8 and I don't know what your audience --.

9 CHAIR CONGDON: I am very sorry, Dr.

10 Falvo. I'm very sorry. I'm afraid we have to pause

11 again.

12 MS. FALVO: Oh, dear, okay.

13 CHAIR CONGDON: I'm very, very sorry.

14 Thank you for your patience. Dr. Falvo, could you

15 just give us a test one, two, please?

16 MS. FALVO: Test one, two.

17 CHAIR CONGDON: Thank you. Could you

18 do a test one, two closer to the computer, please?

19 MS. FALVO: Test one, two, three,

20 four.

21 CHAIR CONGDON: That's much better.

22 Much better, I think we're getting closer to being

23 able to -- to begin again. If the audience could

24 please quiet down so we can restart the presentation.

25 MS. FALVO: Okay. Are we ready?

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2 CHAIR CONGDON: Dr. Falvo, you are a
3 saint and I really appreciate your patience -- go
4 ahead and please restart.

5 MS. FALVO: Okay. So I'm not sure
6 what anyone knows about radiation and such, so I'm
7 going to give it, what I hope is a half a minute or
8 maybe a minute. Tritium is in terms of
9 decommissioning and what we're going to do with
10 tritium which is to say the wastewater is the issue
11 at hand that I resist to talk about.

12 But radiation comes in four different
13 -- several different forms, but four of note for this
14 is alpha and beta which are very, very close and are
15 not very strong. So they don't go through aluminum,
16 they don't go through your skin, at least not very
17 much.

18 But if you breathe them in or eat them
19 in, they're sitting right there on the surface of the
20 cells in the lung and the gut. So they're a problem
21 not when they're floating in the air, but otherwise.
22 Gamma and x-ray are much more penetrating. And
23 that's not what we're talking about now. So that's
24 not really an issue.

25 But the way we approach them is very

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2 different. So the alpha and the beta, since they are
3 very close, you have to treat sort of like the bullet
4 of shot of a shotgun. In other words, they send very
5 weak scatter of radiation. While the gamma and the
6 x-ray are more like a rifle bullet, they go straight
7 ahead through.

8 What this means is that if you protect
9 yourself from breathing and eating, you're not going
10 to be bothered by the tritium in the wastewater, but
11 that's not what happens is it? Water gets into the
12 river. It gets -- it evaporates into the air. It
13 dilutes out some, but it's still there.

14 And very much like a shotgun bullet,
15 you know, if you get hit, usually, it's not going to
16 hurt a human a whole lot, but it can ... like your
17 eye and really cause havoc. And we don't know. So
18 you might want to be cautious about going -- well,
19 it's not very dangerous, so we're not going to worry,
20 because not very dangerous and no danger are vastly
21 different affairs in human health.

22 Now, tritium comes from two sources.
23 The major one is power plants, but the other one is
24 formed in the atmosphere and comes down in rain,
25 snow, hail, sleet. And so when we say Indian Point

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2 is not going to add a lot of tritium, however we
3 dispose of the wastewater. It's adding to -- it's
4 got a half-life of 12.3 years I guess, which means
5 that half of it disappears, and then in another 12
6 years, another half of that half or next quarter
7 disappears.

8 And 12 and a half years is not, you
9 know, high level radiation, thing that lasts for
10 hundreds and thousands of years, but 12 years is a
11 pretty long time, particularly for a developing fetus
12 and a kid. And we add to that all the unknowns of --
13 all the other kinds of radiation, some of which will
14 end up targeting the same thing that tritium does and
15 some of it which will target other things.

16 We don't know anything about
17 cumulative effects, different levels and the
18 cumulative effects of varying radiations that hit us
19 much less those effects were ... other toxins around.
20 And so we really need to try and minimize them as
21 much as possible anywhere. Which gets us to, what
22 are we going to do with the tritium at Indian Point.

23 And in medicine and particularly in
24 pediatrics, we like to use what we called the
25 precautionary principle, which has a whole lot

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2 different meanings. But what it basically gets down
3 to is how much benefit and had -- are we going to get
4 from doing something.

5 In this case, either emptying the
6 tanks, the tritium water into the river or
7 evaporating it off into the air, could be probably
8 the two most reasonable ones to think about. And
9 what's the -- what's the harm. Now the benefit is,
10 we get rid of it, we clear off the land. It can get
11 used for something else.

12 The hazard is much of it, we don't
13 know. But it certainly will increase certain number
14 of cancers and other things that nobody looks at.
15 One of -- I asked the question of a friend of mine
16 who looks at power plant radiation. Has anyone
17 looked at things like diabetes, because as a
18 pediatrician, you've always had fat kids, but we've
19 never really had fat kids with type 2 diabetes.

20 And all of a sudden, they're all over
21 the place. So is this something from power plants?
22 Is it something from other things in the environment?
23 Is it just a genetic mutation that took place for
24 other reasons? And one of the - meta data that came
25 out of Chernobyl was that there's an increase in type

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2 1 diabetes, which is not type 2.

3 But the both you lose -- your pancreas
4 loses its ability to produce either any insulin or
5 insufficient. So the -- along with the cancer risks,
6 which we do know a fair amount about, although not
7 everything we'd like. We know nothing at all about
8 chronic disease risks from radiation or pretty much
9 nothing.

10 And so I think when we're figuring out
11 what to do at Indian Point or any other nuclear power
12 plant. I mean, my first thing would be just don't
13 produce any more because we don't know what to do
14 with the leftovers, but we have to consider which
15 could be the least damaging.

16 My own feeling is, one of my questions
17 for everybody is, how long before -- once the plant
18 is completely decommissioned, is that land going to
19 lay empty before something is put in there.

20 Because if it's going to lay empty for
21 a while, one of the options, which is not discussed
22 anywhere, is just leaving everything as it is until
23 the tanks start to leak in which case we must do
24 something. Or until we're really ready to proceed to
25 use the land. Because until we have some serious use

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2 of the land, there's no reason to take the plant
3 apart at all and add these risks.

4 And it's just possible somebody will
5 find a solution to what to do with this, that's safer
6 in terms of public health and even letting the
7 tritium into the water and into the air. I guess
8 that's all I have to say, actually.

9 CHAIR CONGDON: So Ms. Falvo.
10 I was getting a little feedback
11 obviously.

12 MS. FALVO: Unless somebody's got some
13 basic questions for me.

14 CHAIR CONGDON: Thank you, Dr. Falvo.
15 And thank you for your patience and bearing with us
16 with the technical challenges. We -- we heard you
17 loud and clear for the second half of your -- of your
18 -- of your presentation. And it was very informative
19 and we really appreciate it.

20 I'd like to turn it back over to
21 Michel Lee to say a few words. Michel?

22 MS. LEE: Okay. Okay. So I'm going
23 to just start here by --.

24 CHAIR CONGDON: Perhaps, Michel, you
25 can just do -- do a testing one, two and we'll make

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2 sure we don't have any audio issues before -- before
3 you begin.

4 MS. LEE: Okay. One, two, three.

5 CHAIR CONGDON: It looks like you're
6 muted.

7 MS. FALCO: No, we can --.

8 MS. LEE: No. Hello.

9 MS. FALCO: I can hear you perfectly
10 well.

11 MS. LEE: Can the D.O.B. hear me?

12 CHAIR CONGDON: Yes, we can.

13 MS. LEE: Okay. Got it. I'm trying
14 to get ready.

15 CHAIR CONGDON: Can you just say
16 testing one, two, please?

17 MS. LEE: Okay. Testing one, two,
18 three.

19 CHAIR CONGDON: If you can please lean
20 in and -- and speak close to your computer.

21 MS. LEE: Sure.

22 CHAIR CONGDON: And -- and speak up
23 for us, I'd really appreciate it, say again, testing
24 one, two.

25 MS. LEE: Okay. ... my computer...

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2 Is this better?

3 CHAIR CONGDON: It is better. And I
4 think if we are all nice and quiet at the -- on the
5 receiving end, we'll be able to hear you. So go
6 ahead. Welcome. Thank you, Michel Lee.

7 MS. LEE: Okay. I'll talk loud and be
8 boisterous. Okay. I'm going to start by really
9 pushing back on the whole regulatory nonsense.

10 CHAIR CONGDON: Michel, I'm very
11 sorry, if you can just pause. Did you guys do
12 something different? You started off where we could
13 hear you and then you faded out, Michel. If -- if
14 you can just stay close to -- to your computer. I'm
15 really sorry for these technical challenges. But if
16 you stay close to the computer and speak up, I think
17 we'll be able to hear you.

18 MS. LEE: Can you hear me now?

19 CHAIR CONGDON: It's very low. It's
20 very low.

21 MS. LEE: Well, can you hear me now?

22 CHAIR CONGDON: That's much better,
23 yes.

24 MS. LEE: Okay. Okay. Let me try to
25 scoot in a little bit more, I need shorter legs, I

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2 think. Okay. David Lochbaum's presentation made me
3 recall an experience I had when I was a very young
4 lawyer. And I was working very late at my law firm.
5 I'm the last associate there. I worked at a large
6 firm in New York City.

7 And the senior partner was running
8 around frantically trying to find somebody to do
9 research on asbestos -- what the impacts of asbestos
10 were because a large client of ours wanted to know
11 how much exposure was allowable in the regulation.
12 So the partner found me and I ended up spending an
13 all-nighter and going into the Congressional Record.

14 And I was young and naive and
15 idealistic and rather appalled to find out that what
16 regulations are based on is what's the balancing a
17 cost benefit is for industry versus human health and
18 the environment. And the question really boils down
19 to how many people is it okay to kill or make sick.

20 And that's exactly what we have with
21 the new regulations for radioactivity in this
22 country. So the National Academy of Science came out
23 with a very, very important report in 2022. It was
24 called leveraging advances in modern science to
25 revitalize low dose radiation research in the United

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2 States.

3 So let me just read some of the
4 conclusions of this report. Low dose and low dose
5 rate radiation effects on human health outcome and
6 the biological mechanisms of these effects are not
7 fully understood. There is increasing evidence that
8 low dose radiation exposure may be associated with
9 non-cancer health outcomes, such as cardiovascular
10 disease, neurological disorders, immune dysfunction
11 and then it goes on.

12 Radiation exposures, like many
13 stressors and injuries get relayed in vivo through
14 shared pathways. Especially along the danger sensing
15 and inflammatory immune signaling cascades that are
16 open to amplification and exacerbation over time. So
17 what does that mean -- and I won't go on and on and
18 on.

19 But basically, that means that the --
20 the regulatory scheme, which not only was focused
21 primarily and derived from young white men, aged 20
22 to 30, which were the Manhattan project workers, they
23 weren't women, they weren't children, they weren't
24 babies, they weren't babies in utero.

25 They were young, healthy white men.

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2 That scheme is still what's in place and I will read
3 the quote from the N.A.S. report. "The U.S.N.R.C.'s
4 regulations for protection against radiation are
5 still based primarily on scientific publications
6 issued in the 1970s." Well, I'm sorry, but there's
7 been a lot of medical development since the 1970s.

8 There have been whole disciplines that
9 have come into being since the 1970's. You know,
10 particularly with respect to understanding cellular
11 signaling mechanisms and mechanisms that introduce or
12 exacerbate disease beyond the simple metric of the
13 issue of cancer.

14 And those effects, which in the
15 literature are now being called non-targeted effects,
16 are -- are considered particularly worrisome with low
17 level radiation, even more so than high level of
18 doses. For the simple reason that if you have a high
19 dose of radiation, your body has attempts to kill off
20 the cells, you know, you do have cell mutations and
21 that can lead to cancer.

22 And the cancer risks are far higher
23 for windows of vulnerability and for vulnerable
24 populations. But -- but if you have a cell death,
25 the cell's gone. When you have low dose radiation,

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2 especially something like tritium, which again is a
3 beta emitter, which -- which doesn't deliver its
4 energy far, so it's just delivering its energy into
5 the cells of the body into the -- into that near area
6 of the cell.

7 What you can have is not necessarily
8 cell death or apoptosis. But you have a cell that's
9 now stressed and it's signaling to the other cells in
10 the body. And this is now a recognized major
11 initiation for a whole host of chronic diseases.

12 None of that is considered by the
13 regulation. The regulations do not focus on internal
14 emitters, right. They focus primarily on what people
15 -- again, what the Manhattan Project workers were
16 exposed to, which is gamma radiation, which is rays.

17 So with tritium, it's water. It's
18 radioactive water. If you ingest it, it goes into
19 your body. It goes into every cell that water goes
20 into, so that obviously includes the eyes, the mouth,
21 the heart, the ovaries, the testes, the fetus, it
22 goes to the umbilical cord. For pregnant women, it's
23 in the breast milk.

24 So these are not inconsequential risks
25 and they're not assessed risks. So with all due

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2 respect, the regulations are based almost exclusively
3 on reported releases. So that means they're not
4 independently validated over the years.

5 This slide that I have up is a slide
6 from the N.R.C., which related to an issue that many
7 of you are aware of, but some of you may not be.
8 Which is legacy leaks that were going on in the --
9 into the ground water at Indian Point.

10 So the regulation and the inspections
11 did not pick up these leaks for years and years and
12 years. They were going -- they were basically
13 leaching out of two different spent fuel pools
14 creating two plumes that eventually joined into one
15 plume. And those releases aren't considered in
16 natural effluent reports because the reactor
17 operators don't report things like that, right.

18 It became evident because it was
19 basically found out by happenstance at Indian Point
20 and then there were years and years of, you know,
21 investigation and New York, is -- is well aware of
22 this. And ultimately, the report that was conducted
23 by G.Z.A., which was contracted for by the operated
24 plant Entergy, determined that the solution to the
25 releases that were going down under the plant into

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2 the groundwater into the Hudson River that the way to
3 resolve that is by natural attenuation.

4 Which basically just means it goes
5 into the Hudson River and, you know, we shrug our
6 shoulders. So you also have the releases that are
7 going to be continuing for God knows how many years
8 from many, many varied systems, including piping that
9 is not -- that cannot be identified because it's very
10 deep down.

11 A lot of this piping carries
12 radioactive water, but it's not -- was not considered
13 essential to the safety system of the plant that
14 would prevent a meltdown. So the N.R.C. regulations
15 did not require those pipes to be able to be
16 inspected.

17 And that pipe -- that piping is there,
18 nobody has an idea of how much of that piping is
19 going to be leaking, some of it is going to be
20 underneath the structures at the site. So the
21 question we have here with respect to the release of
22 the radioactive water, which is primarily in the
23 spent fuel pools and will not just be limited to
24 tritium, but will include a host of other
25 contaminants that are in the in the spent fuel.

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2 And while much of it may be able to be
3 taken out by resins and treated, not all of it is.
4 So the question is, all of that radioactivity is now
5 contained it doesn't have to be released. It can be
6 kept on site, whether that is through tanks or
7 through keeping it in a spent fuel pool.

8 In other words, doing the treatment
9 and then putting it back into the spent fuel pool.
10 You know, those are options that -- and from my
11 perspective and it's in the perspective of public
12 health and the environment, I think is the -- the
13 precautionary approach and is the way to safeguard
14 the community.

15 And let me just add, this is a
16 community that is an environmental justice community.
17 Peekskill is and the Buchanan area as a site of old
18 industrial facilities. And there was a study done in
19 2010. Wait, I'm looking at it the wrong ... Just one
20 minute. It's called the Community Based
21 Environmental Justice Inventory.

22 So that was conducted by Peekskill
23 Environmental Justice Council, Clear Water and
24 Citizens for Equal Environmental Protection. And it
25 identified many, many prominent sources of pollution

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2 within the Peekskill area.

3 So that includes -- I won't read
4 through the whole list, but it's a number including
5 Wheelabrator, which is a municipal solid waste
6 resource recovery facility that burns all of
7 Westchester County's garbage. And it's characterized
8 in -- by New York as a toxic release facility.

9 So when you're looking at what the
10 impacts on the Hudson River, which is a polluted
11 river, New York has done, you know, tried -- worked
12 for years to decades, trying to clean it up. But
13 it's -- it's a super fund site because of the P.C.B.
14 pollution from decades ago.

15 See, what you have to really consider
16 is the cumulative impacts on humans and on the river
17 of all of the radionuclides that have been released,
18 legacy radionuclides, radionuclides that Holtec wants
19 to release into the Hudson over the next couple of
20 years.

21 And all the future releases that are
22 going to -- that are basically still leaching down,
23 down below the site, and now all being directed into
24 the Hudson River. And -- and so if your kid is
25 swimming and playing along the shoreline or you have

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2 people fishing, a lot of people fishing for
3 sustenance, food, somebody's going to be catching the
4 wrong fish and feeding it to their family.

5 Some little girl is going to be
6 swimming and taking the wrong gulp of water and the
7 D.O.B. can prevent that. You know, I really think
8 this is the time for the D.O.B. to step up to say
9 stop. It's not necessary to release this water.

10 It's a benefit to Holtec because they
11 are -- can make more profit to do it cheaply, right.
12 But Holtec took 2.3 billion dollars, which was in a
13 trust fund, that New York ratepayers paid for the
14 decommissioning and cleanup of this site.

15 And the leftover money from
16 decommissioning and waste storage was supposed to go
17 back to the ratepayers. But it's not going back to
18 the ratepayers. It's going to be pocketed by Holtec.
19 So the cost benefit analysis here is all of the cost
20 for any kind of damage to the environment or to human
21 beings from dumping more radioactive contaminated
22 water and -- and chemically contaminated water into
23 the Hudson.

24 All the costs goes onto the public.
25 And all the benefits would go to Holtec. And in my

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2 mind, that is not a public policy that should be
3 allowed. Thank you.

4 CHAIR CONGDON: Thank you, Michel. I
5 really, really appreciate your patience with us with
6 the technical problems. We heard you loud and clear
7 and we really appreciate your presentation. Thank
8 you. Now, I'd like to turn it to Dave Lochbaum.

9 Dave, as folks know, is our
10 independent nuclear engineer expert on the D.O.B.
11 And Dave has also looked into this issue, what to do
12 with the cooling water, and has a presentation. Go
13 ahead, Dave.

14 MR. LOCHBAUM: I looked at four
15 options that have been used in the past to dispose of
16 or handle radioactively contaminated water. Slide
17 Three will start. As this table shows, over the last
18 17 years, 99.99 percent of the radioactivity released
19 to the water has been tritium.

20 The other materials have been largely
21 filtered out or demineralized out. Slide Four just
22 provides some basic information about tritium.
23 Tritium is an isotope of hydrogen. A normal hydrogen
24 atom has one proton and one electron. Tritium is a
25 hydrogen isotope that has one electron, one proton

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2 and two neutrons.

3 That isotope is unstable and tritium
4 seeks stability by emitting a beta particle as others
5 have said. A water molecule consists of two hydrogen
6 and one oxygen atom, either or both of those hydrogen
7 atoms in a water molecule could be tritium.

8 Tritium is the primary component of
9 radioactive releases to the water because it is very
10 difficult to remove by filters and demineralizers
11 that are -- they are used to clean up other water
12 before it's discharged.

13 Slide Five shows the tritium has a
14 half-life of 12.3 years. Half-life means if you have
15 100 units of tritium today, 12.3 years from now
16 you'll have fifty units. In 25 years -- 25 units
17 after 24.6 years and so on. Slide Six is a busy
18 slide, but it shows E.P.A.s limits on radioactivity
19 in drinking water.

20 For example, tritium's limit is twenty
21 thousand picocuries per liter, while strontium 90's
22 limit is eight picocuries per liter. And the limit
23 for iodine 131 is only three picocuries per liter.
24 Slide Seven tries to explain why radionuclides have
25 different limits.

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2 Tritium has a half-life far longer
3 than its residence time in the body. So the bullets,
4 whether they're shotguns as Dr. Falvo said, or
5 rifles, they're -- they're not in the body when --
6 when those rifle shots or shotgun shells go out
7 because it's in the body for a month versus 12.3
8 years for those ammo to be discharged.

9 Whereas iodine 131 could be absorbed
10 by the thyroid and stay in the body for far longer.
11 So because its residence time in the body is longer,
12 E.P.A. poses a lower limit to manage that hazard
13 during that time.

14 And like I said, Slide Eight basically
15 lists the four options I looked at that had been used
16 in the past. And I tried to look at what are the
17 pros and cons of each of those four options. The
18 four options I looked at were discharge to the river,
19 evaporation into the air, shipment off site for
20 burial and on site storage until the radioactivity
21 decays away.

22 Slides Nine and Ten try to convey the
23 fact that in all four options the water is treated
24 before it goes into the river, goes into the air,
25 goes into a place out on Idaho or whatever. It's not

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2 just packaged up and sent out, it's treated. And
3 then one of those four options takes place.

4 Slide Twelve and Appendix B provide
5 the amounts of radioactivity, amounts of tritium that
6 have been discharged from Indian Point and other
7 pressurized water reactors. Indian Point has --
8 typically has higher amounts of tritium released into
9 to the water because Indian Point units are typically
10 larger than many other plants and therefore, they use
11 more water and generate more tritium that must be
12 handled in some fashion.

13 Slides Thirteen through Fifteen are
14 from the annual reports that must be submitted to the
15 N.R.C. by each plant owner. And they show that the
16 federal limits -- there are a lot of federal limits
17 on radiation. The N.R.C.s federal limit is three
18 millirem to the public from radioactivity released to
19 the water.

20 E.P.A. has a limit of 25 millirem from
21 all sources, water, air, and so on. And so it's kind
22 of difficult to navigate all the speed limit signs
23 that the federal government puts up on radiation. In
24 the past, as Slide Sixteen and Seventeen show over
25 150,000 gallons of radioactively contaminated

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2 water was discharged into Long Island Sound from the
3 Shoreham Nuclear Plant after its brief cameo
4 appearance as a nuclear power plant.

5 Slides Eighteen to Twenty explain how
6 the spent fuel pool water from the unit one reactor
7 at Indian Point was discharged to the Hudson River
8 after all of its fuel was removed from the pool,
9 moved into dry storage.

10 Slide Twenty-one cites a N.R.C.
11 response to Ulster County Legislature last November.
12 It basically says that the federal government, either
13 E.P.A. or N.R.C., has jurisdiction over radioactivity
14 released to the air and water.

15 Having said that Slide Twenty-two then
16 explains why Pilgrim has different rules. Pilgrim is
17 a nuclear power plant in Massachusetts, where
18 discharge of this spent fuel pool water may not be an
19 option. The state -- Massachusetts Department of
20 Environmental Protection and the E.P.A. issued a
21 water permit in January 2020 that disallowed
22 discharge of spent fuel pool water into the bay.

23 That's if tritium is considered a
24 pollutant, which folks up there believe it is. Slide
25 Twenty-three in Appendix D, to my slideshow,

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2 basically show that the terms and conditions of the
3 agreements for the closure of Indian Point and the
4 transfer of the ownership from Entergy to Holtec
5 retaining the discharge permit that had been used for
6 four decades that allows spent fuel pool water to be
7 discharged and it was from unit one.

8 Slides Twenty-four and Twenty-five
9 attempt to show how the owners determine and the
10 N.R.C. inspectors verify that the release limits are
11 met. It's a fairly complicated calculation. And in
12 my career, I'm glad I never had to do that because I
13 never got paid enough for doing calculations.

14 Slides Twenty-six to Twenty-eight --
15 one of the things that was raised by Dr. Falvo, and I
16 -- in my research, I went to the same place, was
17 bioaccumulation, you releasing tritium largely, is it
18 cumulating an algae and then crustaceans, fish and
19 then humans.

20 And I didn't find many reports on
21 that. There was a Canadian study and a French study
22 that looked at it and said that because
23 bioaccumulation is not properly accounted for in the
24 regulations, the health consequences could be ten
25 times higher than are established by the current

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2 limits.

3 So I don't know one way or the other.
4 That was a Canadian study that said it may be the
5 limits. Bioaccumulations makes things ten times
6 worse than estimated. So in slides Twenty-nine and
7 Thirty, I said well, if it is ten times higher, does
8 that put the releases from Indian Point above the
9 federal limits?

10 And what the data shows is they're
11 still less than -- even if you multiply by ten,
12 they're still less than five percent of the federal
13 limit. Slide Thirty-one summarizes the pros and cons
14 of discharging the water to the river. Slide Thirty-
15 three, the example I used for evaporation to the air
16 was Three Mile Island.

17 There was a -- the City of Lancaster,
18 PA got an injunction that prevented that owner from
19 discharging radioactive contaminated water to the
20 Susquehanna River. So the company brought in this
21 device that evaporated five gallons per minute into
22 the air. It wasn't a little bit of water. It was
23 like 2.5 million gallons of water generated by that
24 accident.

25 And Slides Thirty-four and Thirty-five

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2 show that that 2.5 million gallons contained quite a
3 bit of radioactivity, all forms because the fuel --
4 the core melted down and fuel -- radioactivity that
5 used to be in the spent and the fuel was now in the
6 water.

7 One of the things that was learned
8 from -- well, it was known before, but it was
9 demonstrated by ... was that anything that gets
10 evaporated to the air, could fall right back down to
11 the ground in rainfall, get into the Susquehanna
12 River or into the land and around the plant.

13 Slide Thirty-nine cites a 1987 study
14 by the National Council on Radiation Protection &
15 Measurements that looked at evaporation versus just
16 discharging it to the river. They said, the dose to
17 the public from the evaporation was about 300 times
18 higher than if you just discharged it to the river,
19 300 times higher.

20 Slide Forty-one provides the pros and
21 cons of the evaporation method. I'm not a big fan of
22 evaporation. Slide Forty-five showed another example
23 that was used at Vermont Yankee where about the same
24 amount of about 2,000,000 gallons was shipped to
25 Idaho and buried in Idaho, near a city called

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2 Grandview.

3 250,000 gallons came from the spent
4 fuel pool. 9 times as much came from the suppression
5 pool. Vermont Yankee is a boiling water reactor, it
6 has a suppression pool. Indian Point does not have
7 that. Indian Point has other tanks and other
8 structures that hold contaminated water in addition
9 to spent fuel pool.

10 Slide Forty-nine show that the N.R.C.
11 does not consider the potential dose to the public
12 from transport of 2 million gallons. It wasn't one
13 tanker car. It was over 100 tanker cars to get that
14 water to Idaho. The N.R.C. assumes there's zero
15 risk. They didn't even look at it. So they didn't
16 calculate what the risk may or may not have been.

17 Once it got to Idaho, Slide Fifty
18 shows that the estimated dose to the public was 1.5
19 millirem per year, which is far below the E.P.A.
20 limit. But Slide Fifty-one shows that that 1.5
21 millirem is 483 to 770 times higher than the dose to
22 the public from releases to the Hudson River by
23 Indian Point over the years, 2005 to 2019.

24 And Slide Fifty-two poses the question
25 of whether burying Indian Point's contaminated water

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2 in Idaho poses an environmental injustice issue.
3 Slide Fifty-three provides the pros and cons of
4 transport for burial option. For the storage on
5 site, example, I -- the most recent example is
6 Fukushima, when it's accident in 2011 provided a use
7 of tanks, lots and lots of tanks for storing
8 contaminated water.

9 Slide Fifty-six showed the plant
10 before the accident. Slide Fifty-seven shows after
11 the accident. I wish I was in the tank selling
12 business because I would have made a fortune on all
13 those tanks that were built up there in the upper
14 part of the tank. Slide Fifty-nine, shows that it
15 took -- it didn't take very long at all, less than 30
16 months, for those tanks to leak and have water find
17 its way into the Pacific Ocean.

18 The more tanks you have, the more
19 likely you are to have leaks. Slide Sixty-one in
20 Appendix C show that this isn't just a Japanese
21 problem. Here in the United States we've had all
22 kinds of problems with tanks that have leaked.
23 Vermont Yankee before it shut down leaked 180 --
24 excuse me ... leaked 83,000 gallons of contaminated
25 water into the Connecticut River.

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2 Over 11,000 gallons leaked from a
3 storage tank in St. Lucie in Florida and so on.
4 Tanks -- tanks are not very good for storing water
5 for any period of time. Slide Sixty-five in Appendix
6 D would also tend to suggest that long-term storage
7 of contaminated water on site is contrary to the
8 explicit language of the Public Service Commission
9 order authorizing transfer of Indian Point from
10 Entergy to Holtec.

11 Entergy was planning to wait five
12 decades before they began decommissioning the site.
13 Holtec proposed a more rapid schedule. The P.S.C.
14 order found that timely decommissioning and site
15 restoration was "Unquestionably in the public
16 interest."

17 Slide Sixty-eight provides the pros
18 and cons of onsite storage of contaminated water.
19 Slide Sixty-nine goes back and lists the four options
20 again. All four options have been used. No option -
21 - none of these four options is risk free. And also
22 none of the options is so risky that it couldn't be
23 used again.

24 But of the four options, I personally
25 believe that the discharge to the river is -- is the

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2 best way to manage the hazard that is present to harm
3 as few of people as possible. But also realize that
4 that's just one vote. But that'd be my vote.
5 Thanks.

6 CHAIR CONGDON: Thank you, Dave. I
7 want to open it up to the D.O.B. members, if there
8 are any questions from any of the presenters, Michel,
9 Dr. Falvo or -- or Dave Lochbaum. Yes, Richard.

10 MR. WEBSTER: Yeah, I mean, so I want
11 to explore these two issues actually one is the
12 accumulation issue. And then the second issue is,
13 what does -- what does Dr. Falvo think about storing
14 on the sites and for Dave, for the volumes that
15 leaked out of the tanks, that was a lot less than the
16 whole amount, right. So those are my questions.

17 CHAIR CONGDON: So maybe we'll start
18 with Dr. Falvo, if we can attempt for another audio
19 experience. Dr. Falvo, are you with us and I think
20 the question from Richard Webster is what your views
21 are based on Mr. Lochbaum's presentation on the fact
22 that tanks can leak. And indeed the -- the fact of
23 the spent fuel pool water having leaked in the past -
24 -

25 MR. LOCHBAUM: And also the

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2 bioaccumulation.

3 CHAIR CONGDON: -- and -- and also the
4 bioaccumulation aspects. But Dr. Falvo's views on
5 tank storage onsite. Dr. Falvo. I believe Dr. Falvo
6 is unmuted.

7 DR. FALVO: Am I unmuted now?

8 CHAIR CONGDON: Yes, we can hear you.
9 Thank you.

10 DR. FALVO: Okay. As far -- I think
11 storing onsite unless we have something really,
12 really useful to the land for a while, it may give us
13 an answer that's better than what we have now.
14 Hopefully, somebody out there or somebody's, because
15 this is going to be a group effort, are actually
16 looking at other ways than those who already have to
17 deal with this issue.

18 Because Indian Points here we -- the
19 U.S. has a moderate number in terms of World Nuclear
20 Power Plants. France has many more than we do as far
21 as I understand. And so this is something that not
22 only do we have to answer for Indian Point but needs
23 an answer for the world. And so hopefully, it's
24 being looked at.

25 And if we can sit tight for a while,

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2 even if they leak a little bit, it's less than what's
3 going to a big dump and see what happens and balance
4 the two. We have a really good land use proposal and
5 how it's going to be done. Not just would it be a
6 good idea to put up solar panels, but an actual plan
7 of how to do that, which will work most efficient
8 way.

9 And the tanks start leaking more than
10 a drop or two. Then we can look at the options at
11 that moment and decide what to do. But it doesn't
12 seem to me even though all due haste has been decreed
13 by the state. That all due haste means right now
14 today.

15 And dumping that much water into the
16 Hudson which is already thoroughly polluted. Along
17 with everything that's coming out of the sky in terms
18 of tritium does not seem like the best idea for human
19 health. I certainly would not want to see us
20 shipping it. The dangers of shipping are way too
21 great.

22 And it's not very fair to dump it all
23 in Idaho or anywhere else, when we've created the
24 problem for ourselves. They may think it's a good
25 idea because they get some money out of it. But that

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2 should not be the main focus.

3 CHAIR CONGDON: Thank you --.

4 MR. WEBSTER: ...

5 CHAIR CONGDON: Yeah. Sorry, go
6 ahead, Richard, sorry.

7 MR. WEBSTER: Yeah, Cathey quickly one
8 on bioaccumulation of tritium in the same camp as ...

9 DR. FALVO: It's mostly unknown, other
10 than -- I think, two things. One, if it's left
11 floating around and it hits into hard objects like
12 steel, it changes the radiation picture entirely, not
13 for the better. But it seems that it really will
14 bioaccumulate in a more toxic form when it ends up in
15 the bottom of the river.

16 And it will fall. It will end up
17 there in some fashion or other part. And clearly all
18 these things bioaccumulate although whether the
19 repeated exposures cause cancer or something else, I
20 don't think we have a clue at the moment.

21 CHAIR CONGDON: Thank you. There was
22 another part to the question to Dave. And then I
23 think Senator Harckham has a question next.

24 MR. LOCHBAUM: The question was the -
25 - the leaks from the tanks have been pretty small. I

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2 Oyster Creek which put 130,000 gallons into Barnegat
3 Bay. Every shift they recorded water inventory.
4 They saw it drop quite a bit and they said that must
5 be wrong. So they changed the math, just redo for
6 the previous shift's number until half the tank was
7 in the bay.

8 New Jersey was not real happy about
9 that, but -- so yeah, it's -- it can happen. I don't
10 know where those guys are today, but it can happen
11 again.

12 CHAIR CONGDON: Senator Harckham.

13 MR. HARCKHAM: Thank you very much.
14 This is a general question, I don't -- I don't know
15 that anyone necessarily has the answer right now.
16 But according to the slide, when Indian Point Unit
17 One was taken offline, that water was treated and
18 released into the Hudson. Do we know if anyone did
19 any sampling or took data, the N.R.C., the E.P.A.,
20 D.E.C. Can we access that data and what did it show?

21 MR. LOCHBAUM: The data does exist. I
22 have looked at it. It was in one of my slides. I
23 forget what the numbers are. But there was, it did
24 show an increase when that water went out from --
25 from unit one. But it was again, still well below

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2 the federal limits. It was like 2008 timeframe.

3 And it was still below the federal
4 limits by, you know, less than like 5 or 6 percent of
5 the federal limit. And I'll -- I'll get you --.

6 MR. HARCKHAM: The limits that I
7 believe the doctor or that one of the speakers was
8 referring to went back to the Manhattan Project. So
9 there weren't necessarily limits based upon what we
10 know from medical health today. I think my
11 suggestion would be, because we do have that data and
12 that is important for the discussion.

13 Whatever is decided, I think we should
14 -- that might be something we want to post on the
15 website for this group, just so people have access to
16 that data.

17 MR. LOCHBAUM: That's a good point.
18 And the other thing I'll add to that is Michel's
19 comment about the water that leaked out and went to
20 the plume, that data exists also. And I put that
21 into the ... the stuff that went out from unit one,
22 the stuff that leaked out from units one and two. So
23 we'll get both that data.

24 MR. WEBSTER: ... so it seems to me
25 that there were four sources of tritium, right.

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2 There was the -- there was the -- the Indian Point
3 one leaking spent fuel pool, which leaked both
4 tritium, along with strontium, cobalt and other heavy
5 isotopes. And those made their way -- I mean,
6 they're still making their way to the river, right?

7 Then there was the actual treated
8 Indian Point one tritium discharge and now we're
9 talking about -- and then there was the operating
10 reactors tritium discharge. And I think what we know
11 is, I mean, obviously, taken together, that's a few
12 sources.

13 I think we know that the environmental
14 monitoring program didn't alarm during that period,
15 right.

16 MR. LOCHBAUM: That's right.

17 MR. WEBSTER: And I guess I would just
18 say my concern here is that we're -- we're focused on
19 tritium, but I'm actually more worried about those
20 heavy isotopes that are coming through the
21 groundwater. Because those ones do bioaccumulate and
22 they mimic -- they mimic micronutrients in the body
23 and are deposited in the bone and ...

24 So -- so you know, although tritium is
25 an important issue, I think we shouldn't lose sight

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2 of the fact there are other issues and there are
3 other sources.

4 CHAIR CONGDON: Thank you for that.

5 And to the senator's question about what monitoring
6 data exists. We'll get that posted on the website.
7 Dave, you can help us consolidate that. And to your
8 point, Richard, you know, I think, even though those
9 releases are through the groundwater, there is at
10 least some data on monitoring of organisms as well.

11 And so that would also be informative
12 data that we should collect and provide through the
13 website. And I know Assemblywoman Levenberg has
14 another question. But I think Dr. Falvo may have
15 raised her hand and wanted to chime in on this
16 discussion. Dr. Falvo?

17 DR. FALVO: Yeah, what I really need
18 to emphasize, everybody talks about meeting or being
19 below regulatory limits. But those are based not on
20 the vulnerable populations at all. And so while we
21 feel very nice that we're below regulatory limits, as
22 a pediatrician, I'm really unhappy.

23 Because my kids and their mothers and
24 the forming kids are not -- probably not at all
25 protected by these levels. And we don't know because

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2 nobody's willing to study it for a whole lot of
3 reasons, some okay and some not.

4 So I think we -- we should not be too
5 complacent about meeting regulatory limits, they're a
6 minimum standard at best. Thank you.

7 CHAIR CONGDON: Thank you, Dr. Falvo.
8 Dave had a response?

9 MR. LOCHBAUM: Yeah. I agree with Dr.
10 Falvo. One of my other non-paying jobs is I'm on the
11 board of advisors for the Gender and Radiation
12 Impacts Project which is looking at disparate effects
13 on human life for same exposures to radiation.

14 The data shows that for same exposure
15 to a man, a woman suffers like two to four times as
16 much health consequences. Now, young girls almost
17 like ten times greater health consequences.

18 MS. FALVO: Yeah.

19 MR. LOCHBAUM: Which suggest strongly
20 that the limits, as many people speakers have said,
21 are set up on a reference man, which for many years
22 was me. But is not protecting -- it's not the
23 bounding individual. So G.R.I.P's effort to try to
24 do the science, change the regulations so that all
25 people are protected equally, not everybody subject

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2 to the same limit it doesn't protect. Thank you,
3 everybody.

4 CHAIR CONGDON: Assemblywoman.

5 MS. LEVENBERG: And I guess to that
6 point, and I appreciate all the input that we had
7 from the various speakers. You know, I think that
8 this group is looking to make sure not that we meet
9 standards, but that we actually protect health and
10 human life here in this area for those people who
11 live here.

12 So for us to be able to figure that
13 out I don't know how -- it's not that easy. But to
14 the point of, you know, if we have information going
15 back for many years from Indian Point when it was
16 operational and when I.P. One shut down, can we look
17 at what the impacts are of bioaccumulation.

18 Can we look at -- again, I can't
19 remember if it was Dr. Falvo or Ms. Lee, who
20 mentioned that ... low levels of tritium might be
21 worse than the higher levels and maybe that's not
22 what -- so that's not necessarily what's important.
23 Not even mentioning the point that you just made Dave
24 about, you know, some of the impacts that are on --
25 on different people.

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2 But the other question that I had
3 about as we're sort of moving forward to figure out
4 what to do with the water. And if one of the options
5 is sort of, you know, we'll wait and see, we'll leave
6 in the tanks. How many tanks would it take, would
7 the water in those tanks that -- that ... be treated.

8 And -- would it be treated, how many
9 tanks would it take to hold that water on site and
10 could you just remind us again, how likely it would
11 be until leaks were to be likely -- like, yeah, how
12 likely would it be till we start seeing leaks?

13 MR. LOCHBAUM: Some past experience is
14 that the leak occurred the first time you fill the
15 tank because they lost track of the level indication
16 and they just overfilled the tank. So it leaked the
17 very first time it was filled because the level
18 indication gave a false reading.

19 And that happened more than once. You
20 think it shouldn't happen more than once because
21 lightning may only strike once, stupidity strikes
22 like a jackhammer, sometimes. But others have taken
23 longer than that, but it -- like I say, sometimes the
24 very first time you fill a tank, it's -- they
25 overflow it.

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2 CHAIR CONGDON: Dave, did you look at,
3 based on the millions someodd gallons, how many tanks
4 that would take?

5 MR. LOCHBAUM: I did not because it
6 depends on the size of the tank, right.

7 MS. LEVENBERG: Would the water be
8 treated if it were --

9 MR. LOCHBAUM: I'm sorry, say that
10 again.

11 MS. LEVENBERG: If the water were to
12 be waiting in tanks until some better solution were
13 to come up -- to arrive would that water that's in
14 those tanks to be treated?

15 MR. LOCHBAUM: Most likely, yes. And
16 Richard, Cathey and I had a discussion earlier this
17 afternoon and I have some more homework to go back to
18 look -- there are ways to remove tritium from water,
19 they're very expensive. But there may be ways for
20 having D.O.E. pay for that.

21 MS. LEVENBERG: Where does it go?

22 MR. LOCHBAUM: You're not going to
23 like this. It's used to make nuclear weapons, have
24 even bigger bangs.

25 MS. LEVENBERG: Uh-huh.

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2 MR. LOCHBAUM: So you wipe out entire
3 communities, not just the water.

4 MR. HARCKHAM: That's why they call it
5 the H bomb, by the way.

6 CHAIR CONGDON: I believe Michel Lee
7 may have had her hand up for that part of the
8 discussion. Michel, did you want to say something?
9 Hi, Michel, I think you just need to unmute.

10 MS. LEE: Can you hear me now?

11 CHAIR CONGDON: Yes, we can.

12 MS. LEE: Okay. I just want to
13 emphasize again that the regulations are not
14 validated by actual studies. And that is what the
15 National Academies of Science has said in its study
16 last year. So we can talk from today until, you
17 know, 2090 about what, you know, regulations and what
18 this, you know, was released at what date. A is only
19 reported, what -- what the operator reported.

20 We know that the N.R.C. did not
21 regulate much of -- does not require reporting of
22 underground leaks or leaks from systems that didn't
23 rise to a certain level that was identified by the
24 operator. You have a whole area of a pollution that
25 is effectively has not been regulated and -- and --

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2 and level of regulation that exists is based on
3 science that's 50 years old. You know, the -- the --
4 the emissions in are also, again, cumulative. It's
5 all of the tritium, all of the other radionuclides,
6 all of the other pollutants in -- in the area
7 including the -- the in -- that big incinerator.

8 And those things collectively are what
9 are going to harm human beings and what are going to
10 harm the -- the -- the ecosystem of the river, which
11 is already a -- a superfund site. So I really am --
12 am perplexed to understand this discussion because
13 it's weighing public interest, which is clearly don't
14 -- don't release more toxins into this environmental
15 justice community, into this already damaged,
16 contaminated river against what Holtec and its
17 desired profit is out of the 2.3 billion it took from
18 New York.

19 It put -- did not put one cent of its
20 own money when it -- when it took over this site for
21 decommissioning. And -- and from a cost benefit
22 analysis, you're putting all of the costs on the
23 public and all of the benefit on Holtec.

24 CHAIR CONGDON: Thank you, Michel.
25 Dr. Becker had a comment, and then, John Sipos, I

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2 believe. Dr. Becker.

3 MR. BECKER: Thank you, Tom. I'm the
4 supervisor of the town, and I'm also a doctor. And I
5 also trained at New York Medical College. And you
6 know, you can get snowed a lot by numbers. And here,
7 the bottom line is there is no safe level of nuclear
8 radiation.

9 Guidelines are established, as was
10 said earlier, based on people's best guesstimate.
11 The problem with radiation exposure is that you get
12 it from multiple venues. So you may get it from the
13 river in small amounts. But you have a problem,
14 you're going to go for an x-ray, you're going to get
15 some radiation there. You're going to get on a jet
16 plane and take a trip, and you're going to get
17 radiation there.

18 And all those radiation doses are
19 cumulative. Cumulative in the individual, cumulative
20 in their genetics that will go generations. It hit -
21 - we do not know the effects of dumping this in the
22 river, both short term and long term, and we won't
23 know until we make the mistake.

24 This stuff does not belong in the
25 river. You presented four options, I guarantee there

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2 are more. There may not be now tonight, but there
3 will be in the future. And if the environmental
4 impact to this local community is just too extreme
5 and it's on top of as -- was mentioned earlier, this
6 toxicities from other plants in this community. We
7 already know that there's strontium in the -- in the
8 ground. That was reported years ago.

9 So I think that when you start to say
10 this is a safe level, you know, you can look at the
11 water. I spent a lot of my time on town water, and
12 you'll read about the safe levels of lead. But the
13 safest level is zero. And so all water supplies try
14 to get it as close to zero.

15 We need the water, we have to get it
16 to you by pipes. So there is going to be some lead
17 in it, but we try to minimize it. And adding toxic
18 chemicals without knowing the level, even if it
19 appears dilute, some of it will filter down into the
20 muck. Some will live in the fish that we eat. Some
21 will end up in the ocean.

22 There's got to be a better
23 alternative. So at least I think the position of the
24 Town of Cortland would be not to dump it in the river
25 and to wait until there's a better solution. Thank

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2 you.

3 MR. SIPOS: Tom, did you have
4 something or?

5 Thank you. Dave, you mentioned that
6 you're also working with another group looking at
7 standards. I'm wondering if you could share a little
8 bit more about that. And I also would like it if you
9 could just confirm my understanding that these
10 standards, that this 20,000 Picocurie standard that
11 we've been talking about, that that is a federal
12 government standard.

13 MR. LOCHBAUM: Yes, that -- to answer
14 to that question, it is. As far as the work I've
15 been doing for GRIP, I researched the reference man,
16 which started out as a standard man, and then morphed
17 into the reference man.

18 And one of the things I -- I still owe
19 GRIP some more work on is, in the early eight -- 80s,
20 the Nuclear Regulatory Commission revised the
21 regulations for occupational exposure of workers.
22 They were the same for men and women.

23 In the early 80s, the N.R.C. changed
24 it, so that women who were pregnant, wanting to
25 become pregnant would have a lower limit if they --

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2 they announced their pregnancy. I wanted to
3 understand why that happened, because if you live
4 outside the fence and don't work for the company,
5 it's the same limit for men, women, pregnant women,
6 whatever.

7 So I wanted to understand what -- what
8 the science was that allowed that change to protect
9 nuclear female workers, but not community members who
10 are female. So I want to understand that -- that
11 there may be some leverage there. What was the
12 science ... that's some work I need to do for GRIP
13 that may have some relevance here as well.

14 MR. SIPOS: And when you say G.R.I.P.
15 is looking at this issue, has G.R.I.P. reached out to
16 the federal regulatory bodies that have set this
17 standard?

18 MR. LOCHBAUM: G.R.I.P. -- G.R.I.P. is
19 smarter than that. G.R.I.P. went worldwide.
20 G.R.I.P. is working with the United Nations. Mary
21 Olson, the Executive Director, has made several
22 presentations to the U.N. Commissions that are
23 looking at this, who agree, and it's a lot of their
24 research that shows that young girls, females are
25 more -- have more consequences from the same

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2 exposure.

3 So it's -- they're -- they're not
4 wasting much time. That's my work is to try to
5 figure out how the eighty -- the early 80's changed
6 made in this country to take what they're doing
7 worldwide and make some changes here in the United
8 States.

9 MR. SIPOS: Well, I asked that because
10 the standards that we are dealing with right now are
11 the federal standards. They're standards that have
12 been promulgated by the Federal Nuclear Regulatory
13 Commission and the Federal United States
14 Environmental Protection Agency.

15 We do have various federal
16 representatives attending here tonight, in person and
17 online as well. And so I understand they have gone
18 to the international communities, but I guess, is
19 there also an effort -- are they considering an
20 effort of approaching the federal regulatory bodies,
21 the federal elected representatives to address this
22 question?

23 I know it's an issue that's been out
24 there for a while. I know Senator, then Senator,
25 Barack Obama raised this in 2008. But we have this

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2 standard here right now with the 20,000 limit. So
3 what are -- what is the -- what is the play or the
4 request or the ask to the federal regulatory bodies
5 that have set and have implemented this standard?

6 MR. LOCHBAUM: Well, G.R.I.P. is
7 pursuing parallel paths. Worldwide, they're working
8 with the United Nations and others to figure out what
9 the science is. So you can show, demonstrate why
10 young girls and females have more consequences. So
11 you un -- need to understand why that's happening.

12 On the other path, we're trying to
13 figure out how has change occurred in the past here
14 in the United States, so we can see if any of those
15 lessons are transferrable to conditions today. So
16 once we have the science nailed down, we then figure
17 out what the pathway is to make which federal bodies
18 and what information to make those changes.

19 So those are the two paths that
20 G.R.I.P. is pursuing to get to that outcome.

21 MR. WEBSTER: Maybe I just point out
22 that having different standards for men and women is
23 a norm. It's not unusual. In fact, in the Hudson,
24 the fish advisory does set different standards for,
25 you know, old men can -- can eat more fish than young

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2 women because of the reproductive effect. So it's --
3 it's not uncommon to see that.

4 CHAIR CONGDON: Mayor Knickerbocker, I
5 think you had a comment.

6 MS. KNICKERBOCKER: Yes. I do. Dave,
7 I want to thank you for giving us the four options.
8 I wasn't aware of all the options. The discharge in
9 the river, as you spoke about, has been happening for
10 sixty, approximately, sixty years since the plants
11 have been there.

12 One thing I'm -- I'm not for is the
13 evaporation into the air. Because you're saying also
14 if it evaporates in the air, it also comes down,
15 contaminates the ground. The other option to Idaho,
16 that's very unfair. That's very unfair to another
17 community. We would not want to take that here from
18 another plant.

19 The one thing I'm going to tell you as
20 mayor of the host community that has been dealing
21 with this, I have been involved since the
22 announcement of the closure of 2017. Supervisor
23 Puglisi started the Community Unity, which was
24 informational, which was great. It really, you know,
25 because who's done decommissioning before? None of

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2 us, you know, so it was a great educational segue for
3 us.

4 Then it went to the Citizens Advisory
5 panel, Linda and I were also on that. So all
6 advisory, all informational. We've all learned quite
7 a bit. Now, thank you, Tom, and the state with the
8 D.O.B. It was -- it was better for the state to take
9 over that because they had the monies to bring in
10 experts and if experts had to be paid, you know, so
11 and it was, you know, informational and an advisory
12 panel also.

13 The one thing I will tell you. Okay,
14 hearing about those tanks, hearing about the
15 potential of it leaking, that's -- that's a no-go for
16 the Village of Buchanan. I'm telling you right now,
17 it's not happening. You'll hear me screaming from --
18 from the rafters.

19 It is not happening. We would like to
20 use -- so everybody knows, eventually that property
21 will be decommissioned. Ten years, 12 years, 15
22 years, I don't know. We'll see when it gets
23 decommissioned, but in the end, that property will be
24 reused if possible.

25 So if you're telling me that these

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2 tanks leak, now the tritium is all over the ground,
3 so what's the point? So we have more contamination?
4 So actually I don't think the storage of that on the
5 property is happening. I mean, it was an option.
6 Thank you, Dave.

7 One of the things I had said from the
8 beginning, it's all about the safe commissioning and
9 the safe restoration of the property. That's the
10 mantra, that's the goal. I live in that community, I
11 lived in that community my whole life. My mother was
12 born there, she lived there for 93 years. I'm not
13 going to tell you how old I am, but I've been there
14 too, you know.

15 What I'd like to see, because we're
16 talking about health effects, there are -- there is
17 data, there is medical data that goes back maybe in a
18 ten year period. How many -- how many -- how much of
19 the population there was from 70's, 80's, 90's, you
20 know, each ten year, and what is the percentage of
21 the certain illnesses.

22 I'm sure that's -- that's available.
23 I would be -- I would be very interested in that.
24 But yeah, yeah, because we're talking about illness
25 and -- and different things and I -- I -- in the

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2 Village of Buchanan, our neighbors in Verplanck, our
3 neighbors in Montrose. I'm not really compared to
4 the, you know, the -- the amount of population, I'm
5 not seeing a high incidence of cancer. So and I
6 think that's one of the things with -- with radiation
7 that -- that triggers cancer.

8 So I think, you know, just for the
9 general knowledge, we hear all these things being
10 thrown out. I think that would be interesting for us
11 to kind of have an understanding of that.

12 CHAIR CONGDON: Just -- thank you,
13 Mayor.

14 LOCHBAUM: Quick -- a quick.

15 CHAIR CONGDON: Yeah. Go ahead.

16 MR. LOCHBAUM: Two -- two points.
17 One, in addition to water leaking from the tanks, all
18 the tanks are vented, so some of it will evaporate.
19 So tritium is going to get on the ground, whether it
20 leaks out or evaporates out. As far as the cancer
21 studies, the Nuclear Regulatory Commission launched a
22 study into cancer effects, looking at are there
23 cancer effects around nuco -- nuclear power plants.
24 They discontinued that study because it cost too
25 much, eight million dollars and would've been spread

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2 out over an eight year period, a million dollars a
3 year, which is less than it costs for their annual
4 conference with the industry.

5 MS. KNICKERBOCKER: There you go.

6 MR. LOCHBAUM: But they canceled it
7 because they - was too expensive to know the answers.

8 CHAIR CONGDON: Okay.

9 MS. KNICKERBOCKER: That would have
10 been some good information.

11 CHAIR CONGDON: Yeah. But we've --
12 we've got to sort of get back on the agenda but go
13 ahead. Last -- last question, and then, yeah.

14 MR. WEBSTER: Okay. Which is normally
15 in my experience, you know, when you have
16 contaminated, you know, oils and stuff, you -- you
17 have a secondary contaminant. So if you have a tank
18 failure, then you still -- you still don't leak the
19 stuff into the environment. So I'm assuming that
20 would be in place here, right?

21 MR. LOCHBAUM: Not required.

22 MR. WEBSTER: Well, it could be
23 required.

24 MR. LOCHBAUM: I've got a better
25 chance of winning the lottery.

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2 MR. WEBSTER: Should it -- should it
3 be required, Mr. Lochbaum?

4 MR. LOCHBAUM: I've got a better
5 chance of winning the lottery. And I don't even buy
6 lottery tickets.

7 MR. WEBSTER: Should it be required?

8 MR. LOCHBAUM: No. Because it
9 shouldn't be done.

10 CHAIR CONGDON: Look, I'd -- I'd like
11 to try to wrap up this portion of the agenda because
12 there's still another slide left or two on the
13 regulatory framework on the spent fuel. And -- and
14 John Sipos, you may want to -- you may want to start,
15 and then, and hand it off to Kelly.

16 I think that there was a -- a brief
17 mention in Dave's slides about the Indian Point
18 Closure agreement and -- and a mention of the
19 expectation there. And then, we can hand it off to
20 Kelly as a segue.

21 MR. SIPOS: Sure. Thank you. You
22 know, I have known Dave probably for sixteen or
23 seventeen years, was one of the first experts I
24 brought on in the -- during the power plant
25 litigation. So we go back a long way, and we have a

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2 lot of respect for each other.

3 I think I will say, you know, a couple
4 of comments regarding exactly what was anticipated in
5 the 2017 agreement and the 2021 joint proposal. I
6 think, you know, speaking as the lawyer for -- for
7 D.P.S., I might have a different view as to some of
8 the conclusions that Dave reached, and I think I'll
9 just leave it at that. Just so the record is clear
10 on that and now turn it over to -- to Kelly.

11 MS. TURTURRO: Thanks, John. So I'm
12 going to talk a little bit about New York's
13 regulatory framework. In terms of wastewater
14 discharges, to waters of the state. But I want to
15 take a step back -- back first and start with the
16 Clean Water Act.

17 The Clean Water Act establishes the
18 basic structure for regulating discharges of
19 pollutants into the waters of the United States.
20 This law is implemented by the Environmental
21 Protection Agency, the E.P.A.

22 And through this law, the E.P.A. is
23 able to delegate authority to states to run programs.
24 So that's what E.P.A. has done in New York. E.P.A.
25 has delegated the -- the responsibilities of the

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2 Clean Water Act, so issuance and enforcements of --
3 of permits for discharges to the waters of the state
4 to New York State.

5 It is a program that New York
6 developed. We call it the SPDES Pro -- Program. And
7 it has been approved by E.P.A. So specifically for
8 Indian Point, New York State regulates wastewater
9 discharges from Indian Point through a SPDES permit.
10 The SPDES permit governs non-radiological discharges
11 from the facility.

12 And as I've spoken about in the past,
13 the current status of the Holtec SPDES permit for the
14 Indian Point facility is that it is going --
15 undergoing renewal before the New York State
16 Department of Environmental Conservation.

17 So their prior permit, because they
18 applied to us on time for a renewal, still exists
19 while we go through the process of renewing the
20 permit. New York State D.E.C. has determined that we
21 will be undertaking a full technical review of their
22 SPDES permit. What this really means is we've asked
23 Holtec to submit comprehensive data to identify and
24 characterize the non-radiological waste stream from
25 the facility.

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2 We will be reviewing that information
3 and determining -- determining what the appropriate
4 effluent parameters and limits will be. Once the
5 application has been deemed complete, once the -- the
6 SPDES permit application has been deemed complete.
7 We will draft a permit and put that out to public
8 notice and accept public comment on that permit.

9 So as -- as we continue these
10 meetings, I will continue to keep everybody updated
11 on the status of -- of that permit procedure. And
12 then, just a follow up on -- on what John has
13 mentioned, radiological discharges from the facility
14 are under the auspices of the federal government.
15 Thank you, Tom.

16 CHAIR CONGDON: Thank you very much,
17 Kelly. And I want to just thank all of the speakers,
18 Michel Lee, Dr. Falvo, Dave Lochbaum, Kelly. This
19 was a really very informative discussion and I'm sure
20 the beginning of further discussions on the topic, so
21 thank you.

22 At this time, I'd like to turn to a
23 public statement hearing portion of the meeting. We
24 will -- there are a lot of people who have pre-
25 registered to speak. There will be a three minute

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2 timeline for each speaker. We are going to take the
3 speakers in the order in which they registered,
4 starting with those who are here in person.

5 If we don't get to you during this 30-
6 minute session, we will pick up the list at the end
7 of the meeting for the last half hour. And I want to
8 remind everyone that there is still opportunity and
9 there always is opportunity to submit questions in
10 the Q&A on Zoom, and -- and statements that would be
11 recorded there, as well as comments on our website.

12 And with that I'm going to turn it
13 over to Tom Kaczmarek, who will run through the list
14 of pre-registered speakers. Tom?

15 MR. KACZMAREK: Thanks, Tom. We'll
16 begin with individuals who are participating in
17 person today. Our first speaker will be Marilyn
18 Elie. Marilyn, if you want to start working your way
19 up to the mic. Followed by Nicholas Costalas, and
20 Christopher Vargo. So just be prepared to come up
21 after Ms. Elie has spoken. Hi, Marilyn.

22 MS. ELIE: Hi, Tom. And thank you to
23 the board and to all of our speakers tonight. It
24 certainly has been a very dense information packed
25 meeting. And it's not just the facts, it's also

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2 hearing people be very clear with their opinions and
3 how they want to go forward.

4 I think that's really important. It
5 won't take me three minutes to say the point I want
6 to make. I've been following this issue for a long
7 time, and I'm not interested in looking at any more
8 facts, graphs, charts, or hard data. I've never seen
9 that influence people or change anybody's mind.

10 It just doesn't seem to work that way,
11 in my experience. What I am interested in is the
12 morality of this issue, a medical issue, not a
13 scientific issue per se, but a medical issue that
14 could do harm in the future. And for myself, I am
15 perfectly willing to put aside both the scientific
16 issue and the medical issue because dumping more
17 pollution of any sort into the Hudson River is just
18 wrong.

19 It is not the thing to do. It is not
20 the way we need to manage an historic river that
21 belongs to all of us. It's happened for a long time,
22 too long. It's time for it to stop, period. And
23 they have tanks of tritium in Fukushima. David
24 mentioned that, and I have been thinking about that.
25 Are they leaking? Yeah. Have they been there for a

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2 while? Yeah. Could we make them better? Maybe
3 they'll send us some of theirs and we could improve
4 them.

5 I do not know, but I -- it's
6 impossible to believe that it is not reasonable to
7 make a number of tanks that would hold a limited
8 amount of water and could sit there until we have a
9 better solution. The spent fuel rods are there and
10 as Senator Harckham has said in the last forum
11 they're going to be there in perpetuity. They're
12 going to be there in perpetuity.

13 So what's the harm, except for the
14 money Holtec has to pay, in having a few more tanks
15 of tritiated water, which is much less harmful to
16 anybody. And I guess the last point that I want to
17 make is that we really do need to start looking at
18 what we're doing with an idea of doing what's best
19 for the environment and what's best for future
20 people.

21 And putting that -- putting more
22 poison of any kind in the river does not meet that
23 kind of goal. So I'm really hoping that this body
24 will move forward and figure out a way, maybe divide
25 the property so the part of it can be developed and

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2 part of it --

3 MR. KACZMAREK: Ms. Ellie? Ms. Ellie?

4 MS. ELIE: -- part of it's going to
5 have to be there anyway because the spent fuel rods
6 are there.

7 MR. KACZMAREK: I -- I -- Thank you.
8 I -- I apologize. We're -- we're beyond time.

9 MS. ELIE: And I'm finished right now.

10 MR. KACZMAREK: Okay. Thank you.

11 MS. ELIE: Thank you very much.

12 MR. KACZMAREK: Thank you very much.

13 Mr. Costalas, are you with us tonight? All right.

14 Mr. Costalas, if you come back with us, we'll put you
15 in. Christopher Vargo?

16 MR. VARGO: How are you doing? I'm
17 Christopher Vargo. I live in Verplanck, New York,
18 right down the street from Indian Point. I'm going
19 to repeat myself, I apologize. My name is Chris
20 Vargo. I live at 26 Hardie Street in Verplanck, New
21 York. I've -- I have enjoyed the Hudson River all my
22 life. It gives me great joy to see my daughter and
23 my son sharing the same love of the Hudson River.

24 To say I am concerned about the plan
25 of Holtec to dump radioactive water into the Hudson

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2 River is an understatement. The Hudson River is used
3 by millions of people for recreation, commerce each
4 year. Additionally, hundreds of thousands of people
5 depend on the Hudson River for the drinking water.

6 Dumping radioactive water into the
7 Hudson will substantially affect the tourist and
8 fishing industry, as well as all other activities
9 people enjoy and depend on for their livelihoods.
10 According to the Mid-Hudson Valley community
11 profiles, the Mid-Hudson region contributed 2.2
12 billion dollars to New York State in 2020. Despite
13 the COVID Pandemic. Allowing Holtec to dump
14 radioactive water in the Hudson River could destroy
15 that industry for years. The reason that Holtec is -
16 - the reasoning that Holtec is following the
17 government regulations doesn't make sense.

18 First, if Holtec fails to strictly
19 follow the guidelines or deviates from all of them,
20 then it's too late There's no way to retrieve
21 radioactive water after it's released. Second, the
22 government guidelines are only following safe
23 drinking water standards, and no one knows for
24 certain the bioaccumulation effects on all marine
25 life in the food chain.

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2 Remember, the Hudson River is a
3 hatchery, a nursery, and a home for billions of
4 marine life, birds, and mammals. As a fisherman and
5 a boater, I have to follow laws to protect the Hudson
6 River. Why shouldn't Holtec have to do the same?
7 Also, the marine life in the Hudson River is vital
8 for the fish stocks in the Atlantic Ocean.

9 So it doesn't matter if you're fishing
10 or ... off -- off a steamboat dock in Verplanck or on
11 a 50-foot Viking fishing boat in a ... fishing for
12 tuna.

13 If marine life collapses in the Hudson
14 River, both anglers are screwed. There are -- there
15 are no good solutions for disposing of radioactive
16 water. The Nuclear Regulatory Commission and
17 Environmental Protection Agency has to do better as
18 there are many more nuclear power plants that are
19 either being decommissioned or will be -- or will be
20 decommissioned in the near future.

21 Vermont Yankee was recently
22 decommissioned and all the radioactive water was
23 solidified and buried in an unpopulated area. And no
24 -- and was not allowed to dump any radioactive water
25 into the Connecticut River. It was forbidden.

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2 Please don't put Holtec's profits over
3 the people and the wildlife in the Hudson Valley.
4 There's no reason to allow Holtec to dump radioactive
5 water into the Hudson River. I got a couple
6 questions for David.

7 MR. KACZMAREK: You have about twenty
8 seconds.

9 MR. VARGO: Okay. All right. Real
10 quick. I was told that it's really hard to detect
11 radioactivity in water. And also you left out that
12 they solidify the radioactive water before they bury
13 it. That's just a question. Thank you.

14 MR. KACZMAREK: Thank you. Next, we
15 have Paul Blanch and then followed by Tina Volz-
16 Bongar and Jerry Silverman.

17 MR. BLANCH: Thank you very much for
18 your time. My name is Paul Blanch. I reside in West
19 Hartford, Connecticut. I've work with John more than
20 Dave. In fact, I think I introduced John and Dave to
21 one another. So we go back a long time, I was one of
22 John's experts.

23 I vehemently agree with what Dave
24 said, what Michel said, and what Dr. Lee -- Dr. Falvo
25 said is, we've got a problem. What was not mentioned

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2 here is concentration. What is the concentration of
3 the water and the total activity to be discharged.
4 We haven't got that number.

5 We've done a brief calculation based
6 on some actual facts of about twenty-eight curies of
7 tritium in the spent fuel pools. That is not much
8 when you compare it to the radiation contained in an
9 exit sign that I can buy at Walmart, which is twenty-
10 five curies, not a significant amount.

11 There is a fifth option that we have,
12 and this will also allow Holtec to comply with the
13 regulatory requirements to have a spent fuel pool.
14 It's in their F.S.A.R. We have two spent fuel pools
15 and I believe each one of them is capable of storing
16 about a million gallons.

17 We could comply with the regulation as
18 stated in 10 CFR 72.122 L, to have the ability to
19 retrieve damaged canisters by maintaining those spent
20 fuel pools and storing the water until it decays,
21 tritium decays sufficiently, and we could remove
22 those other isotopes such as cesium, strontium, maybe
23 some cobalt.

24 I urge you to consider, in light of a
25 regulatory commitment by Holtec, to retain the water

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2 in the spent fuel pools that by now are not leaking.
3 We don't have to fill them up. We don't -- we
4 already have gauges on the level.

5 So I thank you for your time, and
6 again, I want to compliment Tom because I've worked
7 with other decommissioning boards, and this is the
8 most well-organized board that I have dealt with and
9 I've dealt with a lot of them. And I want to thank
10 everyone on the board, and I want to thank Dave for
11 coming up here. Dave and I have been friends for
12 almost 30 years, so thank you very much everyone.

13 CHAIR CONGDON: Thank you very much.

14 MR. KACZMAREK: Thank you. Tina then,
15 after that will be Jerry Silverman and Judy Dronzek.

16 MS. VOLZ-BONGAR: Hi. I -- I'd like
17 to reserve my comment until Enbridge makes their
18 presentation about the sinkhole in Yorktown. Is that
19 still on the agenda?

20 MR. KACZMAREK: It is still on the
21 agenda.

22 MS. VOLZ-BONGAR: And I'd like to
23 comment after that.

24 MR. KACZMAREK: And can we bring Tina
25 up at the second -- for the second portion, Tina, for

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2 the second comment session, okay. Thank you, Jerry
3 Silverman. The next up would be Ju -- Judy Dronzek,
4 are you with us tonight? Okay. Again, Jerry and
5 Judy, if -- if you present yourselves, we'll give you
6 an opportunity.

7 Jerry Rivers is next. Okay. I
8 promise these individuals are registered. And if I'm
9 butchering your names, please, forgive me. James
10 Creighton. Following Mr. Creighton, Greta Nettleton
11 and Rachel Fenty.

12 MR. CREIGHTON: Thank you so much and
13 I'm one of the council people here in the town of
14 Cortlandt. The -- one of the host communities here
15 for Indian Point. Look, releasing spent nuclear fuel
16 pool water into the Hudson River has raised so many
17 concerns among our community members.

18 The releases have been described as
19 being dangerous and irresponsible actions that could
20 have severe and long-lasting effects on the health of
21 the river's ecosystem. Our Hudson Valley -- Hudson
22 Valley communities that depend on it and our
23 community, our people.

24 The radioactive materials contained in
25 the water pose a significant threat to our precious

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2 local waterfront and the wildlife, the fish, the
3 people, all of whom rely on the Hudson River for
4 boating, for fishing, for recreation, for drinking
5 water, for recreation, for our local businesses. We
6 therefore believe it's essential that alternative and
7 safer methods for disposal are studied and pursued to
8 protect the environmental and public health. Until
9 we have a good answer, let's not do anything that's
10 going to be something we'll -- we'll regret later.

11 Town of Cortlandt is trying very hard
12 to showcase our riverfront to -- to ensure that our
13 residents can enjoy the beautiful piece of the Hudson
14 Valley that we're stewards of. In 1968, Pete Seeger,
15 when he first stood on the deck of the -- the
16 Clearwater Sloop in its inaugural tour, said that it
17 wasn't going to be the polluters or the politicians
18 who would clean the Hudson River.

19 He said, we want the people to come
20 down to the river again, but the most important thing
21 is to get together. All of us young and old, black
22 and white, rich and poor, long hair and crew cut
23 because we just won't make it unless we can talk to
24 one another and agree on what we have to do.

25 Let's make sure that we can be forward

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2 thinking together enough to avoid the short-term
3 solutions, the ones that make us money. And let's
4 protect our Hudson River for generations to come. We
5 can't dump or discharge harmful, tainted water that
6 will impact us for decades or more. Let's take the
7 time to study properly and get this right. Let's do
8 it right now. Thank you.

9 MR. KACZMAREK: Thank you. Next is
10 Greta Nettleton, and then it will be followed by
11 Rachel Fenty and John Sullivan.

12 MS. NETTLETON: Hi. Thank you so much
13 for letting me speak. I'm very new to this whole
14 topic. And I live across the river in Rockland
15 County and I'm a boater and I use the Hudson River.
16 As a rower, I walk my boat into the water, up to the
17 knees, four or five times a week.

18 And so I'm very aware, since I'm
19 downstream, about what might be coming and so I'm
20 really, really thrilled that people are discussing
21 this. And I can tell you, it's not just your town.
22 It's all of us. Thank you very much.

23 CHAIR CONGDON: Thank you.

24 MR. KACZMAREK: Thank you. Rachel
25 Fenty? Is John Sullivan with us today. And that'll

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2 be followed by Courtney Williams and Lolly Yacker.

3 MR. SULLIVAN: Hi. Thank you for the
4 work you guys are doing. First question is for Dave.
5 How many years would it take storing the fuel, the
6 tritium water. You often quote five half lives.

7 MR. LOCHBAUM: Ten.

8 MR. SULLIVAN: Ten. So it's going to
9 be a 120 years it would need to be stored, if you
10 want to get to zero.

11 MR. LOCHBAUM: If you want -- okay.

12 MR. SULLIVAN: For Kelly and for John,
13 and I don't know whether you guys are in the position
14 to answer this or want to answer this, my
15 understanding is that the E.P.A. has delegated D.E.C.
16 to issue S.P.D.E.S. permits. And one of the -- it is
17 for radiological releases. All right.

18 And one is -- is the health and safety
19 of humans involved, but the other is that it is
20 reasonable -- the least most reasonable level --
21 least reasonable level. In other words -- I actually
22 had it written down so.

23 The idea being that not only do we
24 have to worry about the specific effect on people,
25 but that we are going to do it in the most cautious

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2 way possible. And so it's the least reasonable
3 level, okay. So there are two things for that SPDES
4 permit.

5 The question is this, why is the
6 N.R.C. and I also read the National P -- National
7 Public -- National Nuclear Waste Act. Which reserved
8 it only for defense, didn't reserve it for commercial
9 reactors. All right.

10 And John, the -- the issue is did we
11 give away this in the agreement, okay. So why is it
12 that we don't have -- why is Indian Point different?
13 Why is it not under this? Why is the N.R.C. saying
14 this? Do they in fact have a basis in law? Are we
15 willing to challenge that basis? And why is
16 Massachusetts different? Why do they think that they
17 can stop them? And we are saying we can't so -- and
18 --.

19 MR. SIPOS: So I'll take a crack at
20 that, at least to a couple of the questions. To the
21 question, did the agreement give anything away? No,
22 it did not.

23 MR. SULLIVAN: Okay.

24 MR. SIPOS: And prompt decommissioning
25 is in public interest. Secondly, under -- for this -

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2 - for this facility, the release of radionuclides is
3 under the auspices of the Federal Nuclear Regulatory
4 Commission and the United States Environmental
5 Protection Agency.

6 I think that the citations were put up
7 on the screen, and that's the way it is. It is set
8 up -- that's -- that's the way it is set up here. In
9 Massachusetts, they have -- it's a -- it's a
10 different permit framework. And my understanding is
11 that in that permit it did not specifically reference
12 spent fuel pool water. So different framework,
13 different language, that's why it's different.

14 MR. SULLIVAN: So it's -- we would
15 have to see what the actual legal language is to see
16 the difference?

17 MR. SIPOS: It's a different framework
18 in that the permit that is at issue and is being
19 discussed in Massachusetts is under the auspices of
20 -- of the Environmental Protection Agency. They are
21 the ones who are communicating with Holtec about what
22 the permit in Massachusetts does and does not allow.

23 MR. SULLIVAN: That's the federal
24 E.P.A.?

25 MR. SIPOS: Yes.

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2 MR. SIPOS: Okay. But we're delegated
3 by the federal E.P.A. to set standards, the D.E.C.
4 is, here in New York.

5 MR. SIPOS: We have an authorized
6 program. I want to use my words carefully, but for
7 this facility, for -- for -- for this facility, it is
8 the N.R.C. and the E.P.A. that set the standards.
9 And that's where the 20,000 picocuries per liter
10 comes from.

11 That is the Federal Environmental
12 Protection Agency maximum contaminant level also for
13 drinking water. That is a federal standard, and that
14 is where I would respectfully suggest concerns be
15 expressed.

16 MR. SULLIVAN: Okay.

17 CHAIR CONGDON: And thank you John.
18 And -- and just for the sake, order's sake, in the
19 public statement hearing portion, we -- we -- we do
20 ask that it just be a public statement and not a Q&A.
21 I wanted to allow that only because it felt like
22 there was some confusion about the earlier
23 presentation and I thought it was worth allowing the
24 clarification. So I appreciate your -- your
25 comments, John, and your questions. Thank you.

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2 MR. SULLIVAN: Thank you.

3 CHAIR CONGDON: Tom.

4 MR. KACZMAREK: Thank you. After Ms.
5 Williams is Lolly Yacker. And then we'll move to our
6 Zoom participants.

7 MS. WILLIAMS: Sure. Thank you all.
8 Courtney Williams from Peekskill. It just -- or
9 another reminder, legal does not mean safe. And I say
10 that as a cancer researcher, we know full well that
11 the legal limits are not the same thing as the safe
12 limits.

13 And what is at stake here on one hand
14 is our health and safety, the health of our river
15 versus Holtec's shareholders. I don't think that
16 that's really much of a contest. I would also like
17 to say that the slides on the options for what to do
18 with the water. I couldn't even take screen shots
19 fast enough to get through those.

20 You know, if this -- part of this is
21 going to be public awareness and including the
22 public, we need more meetings. We need another
23 meeting, and we need presentations that are actually
24 accessible to a lay audience. And really, I am so
25 happy to see so many folks here tonight, but this is

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2 not a representative cross section of the people that
3 live in this community.

4 We're not doing a good enough job to
5 make sure folks are aware. So I would suggest
6 meeting more frequently and having more meetings that
7 the public can attend. And six o'clock is hard for a
8 lot of people. I have to rush right here from work.

9 I would also like to say I'm really
10 glad Dr. Becker spoke up on the health impacts, and
11 I'm glad Dr. Falvo was here. But she was here one
12 time. We need a permanent person on this D.O.B. that
13 is versed in the science of radioactivity in terms of
14 the medical and health impacts.

15 We need a -- like not an engineer, we
16 need a doctor. We need a medical researcher that
17 knows these things and can participate in every
18 meeting to be that voice and ask those questions
19 consistently, not come in once, be interrupted 40
20 times, nobody can hear them in the room, et cetera,
21 et cetera. We deserve to have someone to speak up on
22 behalf of our health at every single meeting.

23 When it comes to the spent fuel pools,
24 I have used tritium in my research routinely, doesn't
25 worry me nearly as much as what all else is in that

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2 water that we don't know about. Who tested it, what
3 did they test for, how much can we trust that data?
4 You know, think back, the Hudson's a Superfund site,
5 G.E. had to flip the lever and dump all those
6 P.C.B.s.

7 We conceivably are at that juncture
8 where we are controlling whether or not to flip that
9 switch, and we know full well that once it's done,
10 it's not getting cleaned up. Governor Cuomo let G.E.
11 off. You know, we can't eat fish from the river
12 because of the P.C.B.s. G.E. didn't restore that.
13 We are at a precipice here. We can do the right
14 thing, and frankly, tritiated water has been detected
15 in Rockland County's water supply when they were
16 studying reverse osmosis. So the cat's out of the
17 bag, and we just make it worse.

18 MR. KACZMAREK: Ms. Williams, we're at
19 time now.

20 MS. WILLIAMS: And how about putting a
21 parent on the school monitoring group?

22 MR. KACZMAREK: Is Lolly Yacker in
23 attendance?

24 MS. YACKER: I have learned a lot this
25 evening and I'm so happy to see everybody here and I

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2 appreciate the panel. So we've heard about the
3 suscept -- susceptibilities on health, the safety of
4 individuals. I mean, Hudson River is a historic
5 site. It needs to be preserved. We need to have
6 clean water. It has to be -- I mean we, you know, it
7 affects from the food chain in the water to -- to our
8 standards of living.

9 What I do feel personally, because
10 I've had teaching in the past, is that it's like
11 Holtec is getting away with cheating on a test. And
12 I don't know how we could, you know, hold Holtec
13 accountable or push Holtec past the standards.

14 I -- I know a lot of the meetings, I'm
15 -- I -- I'm not sure how much litigation could be
16 done to make sure that there's zero emissions in the
17 water. I -- so -- so those are the questions that I
18 have is how much can the decommissioning committee
19 do?

20 And if the results are going back to
21 Holtec that they don't, I -- I don't know, mess with
22 the statistics or, you know, change whatever it is
23 that they get the -- the reports. So that's what I
24 have to say, and I appreciate everybody's effort into
25 continuing to work with Holtec on -- on just trying

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2 to get rid of this, the radiation. Thank you.

3 CHAIR CONGDON: Thank you very much.

4 MR. KACZMAREK: Thank you. Next,
5 we'll move on to our Zoom participants who registered
6 to speak. We'll only have time for -- for one or two
7 at this juncture. But as Tom Congdon noted earlier,
8 there will be additional time allotted toward the end
9 of the meeting. First, we have Marie Inserra, our
10 staff are going to unmute you. You may unmute
11 yourself and begin when you're ready.

12 MS. INSERRA: I am going to cede my
13 time. I haven't been feeling well, and I really am
14 not prepared. Thank you.

15 MR. KACZMAREK: Okay. Thank you.
16 next we have Jacquelyn Drechsler and that'll be
17 followed by Suzannah Glidden. So Jacquelyn?

18 MS. DRECHSLER: Hi. Hi. There. Can
19 you all hear me?

20 MR. KACZMAREK: Yes. We can.

21 MS. DRECHSLER: Okay. It's great to
22 be here at this meeting tonight. I'm from Rockland
23 County and I'm speaking also on behalf of my sister
24 Jocelyn Decrescenzo. First of all, water. Dilution
25 is not the solution. It's crunch time for Holtec to

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2 pony up and use money from the two billion dollar
3 decommissioning fund for safe decommissioning.

4 Keyword, safe.

5 Once again, according to the N.R.C.,
6 there is no safe limit of tritium to ingest. Long-
7 term onsite storage of radioactive wastewater is a
8 more expensive option, which will lead in to Holtec's
9 intake of profits, but it is safer than dumping
10 tritium laden water into the Hudson River.

11 Tritium settles in sediment and gets
12 into the food chain. According to Don Shapley of
13 River Keeper, the Hudson River is an engine for life,
14 not only of the river, but for the ocean ecosystem.
15 The small fish from the Hudson are part of the food
16 chain for the whales, when seasonal waters on whale
17 watching tours.

18 Continuing the cleanup of the legacy
19 toxins of P.C.B.s and other toxins and dumping one
20 million gallons of tritium laden waters into the
21 Hudson is nuts. Children and the immune compromised
22 people are especially at risk, and so many people,
23 over 106,000 who rely on the Hudson River water for
24 their needs will be at risk. The International
25 Atomic Energy Agency believes that radioactive waste

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2 needs to be in leakproof containers and not in our
3 water waste.

4 Regarding transportation, removing
5 this waste and transporting it through local
6 communities to far away places such as New Mexico,
7 Idaho, Texas, to disadvantaged and environmental
8 justice communities already overburdened by toxic
9 industrial and nuclear waste is an outrage.

10 People will rise up against moving
11 this hazardous waste by truck barge, or rail. I
12 recently heard Paul Blanch say that transportation
13 and having ... railroads to handle 200,000 pound
14 canisters cannot be done from nuclear power plants.

15 Regarding monitoring, the fact that
16 children and teachers have been attending school
17 without monitoring for air pollution, particulate
18 matters, and radioactive waste matter is
19 unconscionable. What have the children been
20 breathing, they suck up everything like sponges.

21 And as we already know and have heard
22 from many doctors, including Dr. Helen Caldicott and
23 the doctor who was on tonight, Dr. Falvo, children
24 are -- and -- and Michel Lee. Children are
25 especially sensitive and much more affected,

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2 especially to the cellular level. This is not rocket
3 science, it's medical science.

4 Hey. Regarding problems. There's not
5 enough time to go into the exemptions. Exemptions
6 for reporting of daily events, for not having to
7 disclose what's in the water, for not having to do
8 emergency planning, for non-examining ... on task or
9 for violations that this criminal company, Holtec,
10 persistently is fined for violations for workers'
11 health, security violations at Oyster Creek.

12 Instead of the N.R.C. working on
13 redefining what is high or low level waste, the
14 N.R.C. should redefine and overhaul itself into the
15 21st century on the extremely serious and urgent
16 matter of public health and current medical science.
17 The residents --.

18 MR. KACZMAREK: Ms. Dreschsler --

19 MS. DRECHSLER: Yes.

20 MR. KACZMAREK: -- you're at time.

21 MS. DRECHSLER: Okay. Thank you very
22 much. I guess I can send in my comments to
23 somewhere.

24 CHAIR CONGDON: Yes. Absolutely on
25 our website is the feature to submit comments.

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2 MS. DRECHSLER: Okay. Thank you very
3 much. And I just --

4 CHAIR CONGDON: Thank you.

5 MS. DRECHSLER: -- want to just say
6 one thank you, especially, to Tom Congdon and Tom
7 Kaczmarek for all the help with me and for
8 rearranging the content of this meeting to
9 accommodate so many more newcomers. Thank you very
10 much.

11 CHAIR CONGDON: Thank you. Appreciate
12 the kind words.

13 MR. KACZMAREK: Thank you. And I
14 believe we have time for one more at this juncture,
15 Suzannah Glidden. If you're on, we'll -- you're
16 unmuted now, and you may begin when you're ready.

17 Suzanne, you may have to unmute on --
18 on your end. Suzanne, if -- if you're speaking,
19 we're not able to hear you. All right, you -- you
20 may be double muted, in which case your -- your
21 device may be muted as well but I think we've all had
22 experience with that before. But if -- if you're not
23 on at the moment, we will afford an opportunity when
24 we pick this up again in a little while later
25 tonight. Thank you.

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2 CHAIR CONGDON: Thank you. And -- and
3 -- and I know there are other folks on the Zoom --
4 I'm sorry, is Suzannah ready?

5 MS. GLIDDEN: Yes. I mean I --.

6 CHAIR CONGDON: And I -- I think
7 you've been muted, go ahead.

8 MS. GLIDDEN: All right, thank you.
9 So as we've said several times tonight, this is a
10 public health and safety issue. This whole nuclear
11 operation and decommissioning. Dave Lochbaum is a
12 nuclear expert. We need a medical doctor familiar
13 with radionuclides health impacts and an emergency
14 preparedness expert appointed to the D.O.B. and
15 attending every meeting. And we'd like every member,
16 please, of the D.O.B. to also watch our public health
17 and safety forums that members of the public are
18 hosting and please create a section on the docket for
19 these critical videos.

20 As others have said tonight, Holtec
21 must not discharge fuel pool water into the Hudson
22 River, we've worked hard to clean up and protect and
23 that supplies seven upstream municipalities their
24 drinking water. And Holtec cannot be allowed to
25 refuse to reveal the makeup of pool wastewater. So

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2 we call for a sample of wastewater after the rods are
3 out to be tested by an independent lab approved by
4 the citizenry and not funded by industry, to revealed
5 both elements and the amounts of them.

6 Only storing in tanks or kept in the
7 pools is acceptable. The filtering system Holtec
8 alleges it uses before storage must also be
9 identified to understand how much is actually removed
10 and who oversees it. Tritium, however, cannot be
11 filtered out. It remains a lethal poison if
12 ingested. It's taken in by fish, eaten by people, or
13 drunk by people upstream. Cumulative impacts from
14 years of releasing pool water must now stop. No more
15 poisoning us and the environment.

16 Either store it on-site to let the
17 tritium decay for five, or as Dave just said, ten
18 half-lives or best keep it in the pools to decay and
19 also provide by keeping the pools open. The only
20 method N.R.C. allows a leaking canister to be
21 reloaded in the pool water. I think Paul Blanch just
22 said that.

23 Only recently an R.F.P., shockingly
24 only recently, was sent out for bidding to install
25 air monitors for radioactivity, most essentially at

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2 nearby schools. While deconstruction took place
3 without tenting, without monitors, children were
4 allowed to return to school last fall.

5 Does refusing to air monitor thus far
6 indicate Holtec and N.R.C.s intention to let
7 radioactivity be absorbed by the trees, the soil, the
8 water, and by people including our schoolchildren.
9 Holtec has applied for an exemption from emergency
10 preparedness claiming nothing will ever happen. But
11 Holtec's loading system unavoidably scrapes carbon
12 steel onto their stainless steel thin wall canisters.
13 Carbon --.

14 MR. KACZMAREK: Suzannah.

15 MS. GLIDDEN: Yes.

16 MR. KACZMAREK: Unfortunately, you're
17 at time.

18 MS. GLIDDEN: Well, those carbon
19 particles create pit corrosion and cracking. So
20 please keep the pools open for emergency reloading on
21 site. Thank you.

22 CHAIR CONGDON: Thank you, Susannah.

23 And thank you, Tom, for conducting this portion.

24 Before we turn to the -- the -- the next topic, I
25 just got a few points of clarification based on some

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2 of the things we just heard on -- on the public
3 statement portion of the meeting.

4 There was -- there was some
5 insinuation, I think, that there will not be a
6 characterization of the water in the pool. I don't
7 believe that's the case. There will be a waste
8 characterization of the contaminants in the pool.

9 And what I -- what I'd like to follow
10 up with our resident inspector and our team on and --
11 and perhaps with the N.R.C. because I also heard, you
12 know, who's -- who is testing but who is verifying.
13 And so it's an oversight function, I think as a
14 follow-up, we'll take back how we can best verify the
15 characterization that will absolutely be required
16 working with the N.R.C. and our own resident
17 inspector and nuclear experts at the D.P.S.

18 There was another comment that was
19 made pertaining to the beginning of decommissioning
20 without monitoring. We started the meeting
21 importantly with Dave going back over some of the
22 slides that the school monitoring working group had
23 developed early on in the D.O.B. proceeding where we
24 noted the existing network of radiological monitors
25 that are in the community today that have been in the

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2 community for quite some time that are real-time 24/7
3 monitors that are beyond the license requirements
4 will remain intact, are operational and -- and we
5 continue to have data from those in real-time.

6 So I wanted to clarify and be extra
7 clear with the community that there has been, and
8 there will continue to be radiological monitors 24/7
9 in a ring around the plant with several located
10 between the plant and the school that is -- that is
11 close by.

12 So I just didn't want that to be left
13 with -- without clarifying. So with that, I want to
14 turn back to some D.O.B. presentations. And I know
15 that many of you in the community read some news in
16 December related to a sinkhole in the Enbridge
17 pipeline right-of-way, eight miles from the plant in
18 Yorktown.

19 And I thought it would be of strong
20 interest in the community to have Enbridge join us
21 via Zoom and provide a summary of what occurred and
22 what they are doing to investigate the matter
23 further. So with that, I'm going to turn it over to
24 John Sheridan from Enbridge. John. John, you'll
25 have to unmute.

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2 MR. SHERIDAN: Thank you, Mr.
3 Chairman, John Sheridan, government relations for
4 Enbridge in Algonquin. Just to provide an update on
5 the issue of the sinkhole. So on December 24th, we
6 were made aware of a sinkhole near the Algonquin
7 pipeline system in Yorktown, New York.

8 Following our prompt response, we
9 determined that our pipeline system remained in safe
10 operating condition. And we work closely with local
11 officials and first responders to restrict access to
12 the immediate area and support ongoing public safety.

13 We also monitor the area around the
14 clock to evaluate the condition of the sinkhole, the
15 area in our pipeline facilities. Work crews are able
16 to make a safe excavation and expose -- inspect the
17 exposed 42-inch pipeline. A small holiday in the
18 pipeline coating was found.

19 So as part of our maintenance program,
20 we brushed the coating down to clean steel and
21 recoated that section of pipe. The issue was
22 resolved. There was no damage to the pipeline. I
23 also believe D.P.S. acting as an agent of P.H.M.S.A.
24 was on site when the work was completed.

25 In addition, we implemented a plan to

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2 a sinkhole with appropriate materials -- excuse me, I
3 was cut off there a second. So added topsoil to
4 stabilize the site for the winter. Around-the-clock
5 security and fencing remain around the area, the park
6 remains closed, while we complete a thorough review
7 to further assess the geophysical characteristics at
8 this location.

9 Safety of the public and the
10 environment is -- is our top priority. And a highly
11 trained team will continue to work with local
12 officials. I'd also like to add, Mr. Chairman, that
13 when the final review and assessment is complete,
14 we'd be willing to come back and provide an update at
15 the next quarterly meeting. That's really all I have
16 at this time, Mr. Chairman, to share this evening and
17 I'll turn it back to you. Thank you.

18 CHAIR CONGDON: Okay, thank you very
19 much, Senator Harckham.

20 MR. HARCKHAM: Hey, John. This is
21 Pete Harckham, New York State Senate. I guess it was
22 about ten days, two weeks after the sinkhole
23 incident, one of your local attorneys who represent
24 you in matters called me, gave me essentially what --
25 what you just said. And said, in the very near

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2 future there would be a briefing for elected
3 officials, that briefing has never occurred.

4 So you know, you know this community
5 is sensitive to the existence of the pipeline, people
6 are clamoring for information. And there's really no
7 communication from Enbridge to the public at large,
8 or the elected officials who could provide that
9 information.

10 And you know, this is just the kind of
11 thing that doesn't breed confidence in the community
12 about Enbridge being a good neighbor.

13 CHAIR CONGDON: Thank you, Senator.
14 John, do you want to respond?

15 MR. SHERIDAN: Yes, thank you,
16 Chairman, and we're -- we're trying, we -- we -- we
17 want to get a full assessment done so that we can
18 provide up to date and accurate information. So I
19 apologize for the -- for the delay. But we will be
20 circling back with you and other officials in the not
21 so distant future to provide you an update, and to
22 make sure that those communications -- those lines of
23 communication remain open.

24 So I apologize if -- if we haven't
25 gotten back to you as quickly as -- as you would have

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2 liked. But we certainly will close the loop on that,
3 sir.

4 CHAIR CONGDON: John, could you please
5 just clarify exactly what a holiday is? So you know,
6 for the people not versed in -- in gas pipeline
7 safety understand what -- what that was when you
8 mentioned a holiday in the coating?

9 MR. SHERIDAN: Sure. A holiday in
10 industry terms refers to damage to the coating,
11 similar to a scratch you get on your hand. And in
12 this case, it was -- it was an abrasion, it was a
13 scratch on the pipeline. And you know, part of our -
14 - our guidelines, our operating guidelines, whenever
15 we expose a pipe, we're required to do a pipe and
16 coating report. And that's when we discovered a
17 holiday.

18 And so again, we went out there and we
19 -- we brought the coating down to plain steel, and
20 then we coated the section of pipe it -- it's -- it's
21 not unusual that we have to do this along the
22 pipeline system from time to time.

23 CHAIR CONGDON: Thank you, John. If
24 we could turn to Suresh Thomas from the Department of
25 Public Service for an update also on -- on the

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2 pipeline issues. So Suresh, are you with us?

3 MR. THOMAS: Yes, I am here.

4 CHAIR CONGDON: Hi. Thank you.

5 MR. SURESH: Subsequent to the
6 December 22nd sinkhole event notification, our staff
7 engineers were on site immediately after we were
8 alerted. Staff confirmed the site was secured. We
9 observed the testing of the pipeline after it was
10 safe to do the work over there.

11 We did not find any condition
12 warranting altered operation of the pipeline. Staff
13 continues discussions with the operator as
14 investigation continues. That all I have on this
15 topic, the incident.

16 CHAIR CONGDON: Thank you. If you
17 could, on the next slide. Oh. One more. Go ahead,
18 Suresh. Suresh, are you still with us? Or is it
19 Kevin Speicher from D.P.S. with us?

20 MR. THOMAS: Yes, I am here, sorry.

21 CHAIR CONGDON: Okay. It's all right.
22 Go ahead.

23 MR. THOMAS: Regarding the Enbridge
24 exercise, Enbridge currently working with Holtec,
25 D.P.S. and state and local emergency responders to

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2 emergency preparedness, tabletop exercise. In Oak
3 Ridge National Laboratory study, on December 16,
4 2022, P.H.M.S.A. released, an updated assessment
5 conducted by Oak Ridge National Laboratory.

6 Presentation outlines key findings
7 both are available at dps.ny.gov/indianpoint. Some
8 sites are accepting questions from public, and you
9 can submit at P.H.M.S.A. Public Affairs at D.O.T.gov,
10 that link. Thank you.

11 CHAIR CONGDON: Thanks, Suresh, very
12 much. Richard, I think you had a comment.

13 MR. WEBSTER: Yeah. This is about
14 Enbridge. Did -- did this sinkhole occur in an area
15 where you predicted that sinkholes are a possibility?

16 CHAIR CONGDON: John, are you still
17 with us? Did you get the question, John?

18 MR. SHERIDAN: I did not get the
19 question.

20 CHAIR CONGDON: The question -- the
21 question was did -- did the sinkhole occur in an area
22 of the right of way where Enbridge was aware that
23 sinkholes could be a possibility?

24 MR. SHERIDAN: I -- I don't have that
25 information this evening. I can't respond to that.

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2 I would have to circle back with you.

3 MR. WEBSTER: Another question. Could
4 a similar sinkhole occur anywhere else in the right
5 of way?

6 MR. SHERIDAN: Yeah. I -- I --.

7 CHAIR CONGDON: The other question is
8 could another sinkhole occur elsewhere in the right
9 of way?

10 MR. SHERIDAN: Currently, we're doing
11 a full assessment of -- of what occurred and hard --
12 hard to speculate until we have all the facts in
13 front of us before we can, you know, indicate --.

14 MR. WEBSTER: You have the facts,
15 hopefully, you should have had the facts before you
16 put the pipeline there.

17 CHAIR CONGDON: Assemblywoman
18 Levenberg.

19 MS. LEVENBERG: It's kind of a similar
20 -- along similar lines, I guess, one, and also one of
21 the issues that there has been all along with
22 Enbridge is, you know, not knowing from a distance
23 where these -- where the pipelines are being
24 monitored from Texas that, you know, what is actually
25 happening on the ground.

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2 And this is just another example,
3 whether it's a leak or a sinkhole, there's no local
4 oversight and, you know, it's not clear also even
5 from the report that I think there's another
6 question, that report is, I think it -- that when
7 they released it, they said it was actually completed
8 in August, but it wasn't made available to any of us
9 until December, unless it was, and I just wasn't
10 aware of it.

11 And you know, it's not clear what the
12 delay was in getting that information, why that took
13 so long, but again, it gets back to the point of this
14 delay in information pertinent to public safety,
15 which in this case, it is.

16 CHAIR CONGDON: Thank you. I would
17 encourage you to submit that question about the
18 timing to the email for questions because they are
19 being responsive at P.H.M.S.A. to the questions that
20 are being posed.

21 Okay. Anything else on pipeline?
22 Okay. Okay. So moving through to the next item on
23 the agenda, Rich Burroni is here. He's going to go
24 through. Okay, Rich.

25 MR. BURRONI: Hi. Good evening. I'm

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2 Rich Burroni at Indian Point. In the next slide,
3 just look at the agenda. Really, what I want to do
4 is let's talk about our completed activities since
5 the last D.O.B. which was December 7 and where we
6 project we will be by the next D.O.B. which is April
7 27th of this year.

8 MR. BURRONI: What I'll talk to is the
9 dry fuel project which consists of the
10 (unintelligible) unit two spent fuel vehicle status.
11 The unit three spent fuel pool building and the new
12 HI-LIFT crane that we are installing. And then, I'll
13 go into vessel segmentation, and then go to the next
14 slide.

15 I will talk about some building
16 demolition activities --.

17 CHAIR CONGDON: Excuse me, Rich, if
18 you could please bring the mic closer.

19 MR. BURRONI: Okay.

20 CHAIR CONGDON: Thank you, we can hear
21 you but for the transcript it's important.

22 MR. BURRONI: Okay.

23 CHAIR CONGDON: Thank you.

24 MR. BURRONI: We'll go through some
25 building demolition activities. I know you have the

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2 crowds interested in the N.R.C. inspection and their
3 activities. We did get a N.R.C. severity level four
4 violation. I'll talk about it in detail. And then,
5 I will talk about some of our industrial safety trend
6 and our corrective actions.

7 So dry fuel project really concludes -
8 - concludes with all fuel from both spent fuel pools
9 transferred to the independent spent fuel storage
10 installation known as the I.S.F.S.I.

11 All right. The protected area fence,
12 nuisance fence and a vehicle barrier system are
13 required to be installed. The dry fuel project is
14 projected to be complete prior to the end of the
15 fourth quarter of this year 2023.

16 Regarding the I.S.F.S.I. pad, as
17 previously noted, an additional pad had to be
18 constructed to accommodate all of the Holtec high
19 storm 100 casks. A 127 casks are needed to secure
20 all the fuel for both unit two and unit three spent
21 fuel pools. The original pad will hold 75 casks and
22 the new pad will hold 52.

23 And as reported in the previous
24 D.O.B., fencing and monitoring equipment have already
25 been installed such that both pads are now part of

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2 our protected area on site.

3 Since the last oversight board
4 meeting, or the vehicle barriers system installation,
5 that would phase four, is being bid by independent
6 contractors. We expect those bids to be submitted
7 shortly. This system is for a standalone barrier
8 system for the two pads.

9 And then we did start removal of the
10 condensate storage tank and I'll show you pictures in
11 the next slide. Projected activity is through April.
12 We'll have the C.S.T. removed and we'll award the bid
13 to install the vehicle barrier system and start
14 construction activities.

15 Next slide. So this shows the new pad
16 with some of our tasks already on there from unit
17 two. The tank that you see there, approximately, I
18 guess at the three o'clock position. That's the
19 condensate storage tank that's in the process of
20 being removed right now.

21 Next slide. So proceeding to the unit
22 two spent fuel pool defuel status. Recap 896 fuel
23 assemblies needed to be casked at unit two, that
24 required 28 casks. Since the last oversight board
25 meeting, the unit two spent fuel pool offload is

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2 complete.

3 All 28 casks are currently located
4 between the two I.S.F.S.I. pads. This was one of our
5 first major milestones that we did. We completed
6 that approximately three weeks early. So compliments
7 to the deep -- the dry fuel team. They did a great
8 job here.

9 Projected activities through April
10 27th include, there is some necessary equipment,
11 we'll transfer from unit two F.S.B. to unit three
12 F.S.B. and they'll be required for fuel removal. And
13 then, basically we're planning for fuel rack removal
14 over the next two to three months.

15 Right. That means we'll develop work
16 orders to do that. We'll perform preventive
17 maintenance on equipment needed to remove the racks.
18 We'll have -- we need to fabricate a rack lifting
19 device that's being done in our on our Camden
20 facility. And then, we'll order rack containers for
21 disposal of the racks and those will go to W.C.S. in
22 Texas.

23 Next slide. Unit Three, we're working
24 on the modifying the -- the building itself and
25 installing the -- the new HI-LIFT crane. So we

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2 completed modifications to the F.S.B. to the building
3 -- I'm sorry, to support the HI-LIFT. We completed a
4 factory acceptance testing of the crane itself in a
5 facility in Pittsburgh.

6 We shipped and assembled the vertical
7 cask transporter for the unit three HI-TRAC slash HI-
8 STORM cask. These casks are a little bit different
9 dimension. So they require a different vertical cask
10 transporter, and we commenced building the HI-LIFT.

11 Projected activities through April 27
12 include a complete assembling the HI-LIFT crane have
13 performed site acceptance testing will finalize
14 procedure development in the operation of the HI-LIFT
15 and our first few moves currently scheduled for the
16 beginning of May. So 41 casks will be required for
17 all of the fuel in Unit Three spent fuel pool.

18 Next slide. This basically shows the
19 modifications we had to do to the building. We had
20 to modify ductwork for heating and ventilation
21 system. We had to modify a walkway to facilitate
22 installation of the HI-LIFT itself or the suction
23 piping to the cooling system had to be moved again,
24 just based on the configuration of the high lift
25 crane itself.

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2 We put a new floor and rail system
3 into transport casks out of the building and we
4 created openings for HI-LIFT access. Next slide. So
5 this is the construction of the new crane. All
6 right. They're called outriggers and swing arms. So
7 basically, we go west -- we go west, furthest west to
8 east, right, and so we're proceeding with the
9 installation of the HI-LIFT itself.

10 Next slide. And it shows just the
11 further, where we are with the HI-LIFT crane itself.
12 That's all I have for now for dry fuel project, so
13 are there any questions on fuel?

14 MR. LOCHBAUM: Do you use the same --
15 roughly the same team for Unit Three as you did on
16 unit two or --?

17 MR. BURRONI: No, they're independent
18 teams for the HI-LIFT, versus the -- the team that
19 removed the fuel from unit two. They'll now transfer
20 those guys over to unit three.

21 MR. LOCHBAUM: So they'll have that
22 experience and just carry it forward?

23 MR. BURRONI: Absolutely.

24 MR. LOCHBAUM: Thank you.

25 MR. BURRONI: Not only that, right,

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2 some days guys will remain at unit two to remove the
3 racks.

4 MR. WEBSTER: Rich, can I ask you a
5 question that came up from the public comment which
6 is people are suggesting that you can move the -- if
7 there's a problem with the casks, you can move it
8 back to the fuel pools. Will your system accommodate
9 that?

10 MR. BURRONI: I -- could you -- could
11 you repeat? I didn't get it either.

12 MR. WEBSTER: People are saying --.

13 MR. BURRONI: Yeah.

14 MR. WEBSTER: Obviously, tonight, my
15 accent seems to be stronger than usual, I don't know
16 why.

17 MR. BURRONI: That's okay. I -- I
18 grew up in a family full of accents, Mr. Webster, but
19 I just can't take --.

20 MR. WEBSTER: Yes. So I should have
21 brought my translator, you know, I think it will be
22 better. So -- so some members of the public were
23 suggesting that a good reason to leave fuel behind in
24 a -- not fuel, leave water behind in the spent fuel
25 pool is because if you had a problem with a canister

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2 and a cask, then you can transport it back to the
3 fuel pool to be re -- you know, re -- re -- re-cask
4 or whatever -- re-canistered it or whatever, right?

5 MR. BURRONI: I understand.

6 MR. WEBSTER: Can your system
7 accommodate that? Could you transport a cask back
8 from the fuel -- from the -- from the - I.S.F.SI.
9 the ... back to the -- back to the fuel pool? Can
10 you do -- is it -- is it reversible?

11 MR. BURRONI: We can but that's not
12 our business model. What we would do is bring
13 another, it's called the HI-STAR. We would transfer
14 the cask into the HI-STAR, and then, do any analysis
15 we had to do.

16 CHAIR CONGDON: And maybe just explain
17 what the HI-STAR is?

18 MR. BURRONI The HI-STAR would be
19 another container that we would -- the M.P.C. within
20 the cask is what actually holds the fuel.

21 MR. WEBSTER: Yeah.

22 MR. BURRONI: So if there's an issue
23 with the M.P.C. or the HI-STORM, we would transfer it
24 to a HI-STAR. And there, we would do the analysis
25 and see any corrections that were needed to the

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2 M.P.C. itself.

3 MR. WEBSTER: All right.

4 MR. BURRONI: It's not been any
5 leakage with the -- any leakage at all with any of
6 the Holtec M.P.C. themselves.

7 MR. WEBSTER: Right. Maybe we'll come
8 back to that another time. I know it's a complicated
9 topic but thanks for that.

10 MR. BURRONI: No. You're welcome.
11 Any other questions on fuel?

12 MR. WEBSTER: Well, maybe I -- I have
13 the big question, right, which is, you got unit two
14 pool empty, so when do you want to lose the water?

15 MR. BURRONI: Right now, tentatively
16 scheduled to discharge water from the spent fuel pool
17 late August, early September.

18 MR. WEBSTER: And would you be
19 prepared to wait on that until the state gives you
20 the okay?

21 MR. BURRONI: We should be prepared
22 when, I'm sorry?

23 MR. WEBSTER: Would you be prepared to
24 delay that discharge until the State gives you the
25 okay?

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2 MR. BURRONI: Right now, we would just
3 operate with our existing procedures and the
4 requirements that we have either from the State or
5 from the N.R.C.

6 MR. WEBSTER: Right. And I'm asking a
7 question. I'm not asking what the existing --.

8 MR. BURRONI: In full transparency?
9 No.

10 MR. WEBSTER: Okay.

11 MR. BURRONI: I'm not going to -- I'm
12 not going to be here and tell you a different story,
13 right. Our schedule is, again, right, we want to
14 meet this 12-to-15 year requirement. And -- and --
15 and I understand the emotional part about discharge
16 to the river, I get that, and in fact, I even have
17 a recommendation that we can talk about later,
18 right.

19 But right now our scheduled calls for
20 defueling -- or dewatering watering the unit two
21 spent fuel pool late August, early September.

22 MR. WEBSTER: Okay. So can you give
23 us ... that you won't do it before then?

24 CHAIR CONGDON: He asked, from Mr.
25 Webster, would you give a commitment that you won't

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2 discharge before that timeframe, before August,
3 September timeframe that you just said?

4 MR. BURRONI: I -- I won't commit to
5 that, I mean, it all depends on how we proceed with
6 the rack removal. There will be some cleanup that's
7 required within the pool itself, right. The racks
8 had the Boraflex, which we believe did leave some
9 sediment on the bottom of the pool.

10 MR. WEBSTER: Uh-huh.

11 MR. BURRONI: So we'll have to clean
12 all of that.

13 MR. WEBSTER: Uh-huh.

14 MR. BURRONI: Right. We'll vacuum
15 that up. Again, transport that.

16 MR. WEBSTER: Okay.

17 MR. BURRONI: In accordance with the
18 rules and regulations. So I -- I -- I don't want to
19 commit to August, September. We may be real
20 efficient and be able to -- to move that up.

21 MR. WEBSTER: All right. Let me --
22 let me try one last thing, Rich, I know we're going
23 to get a yes at some point, but we just -- we just
24 have to work at it, right. So can you give us a
25 commitment that you'll give us a months' notice

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2 before you discharge to the river?

3 MR. BURRONI: Sure.

4 MR. WEBSTER: And there we go, see.

5 MR. BURRONI: Okay.

6 MR. WEBSTER: And thank you.

7 MR. BURRONI: Thanks.

8 CHAIR CONGDON: Assemblymember

9 Levenberg, please.

10 MS. LEVENBERG: Does D.P.S. have any
11 control over that or not?

12 MR. BURRONI: Has -- I'll turn it over
13 to my counsel.

14 MS. LEVENBERG: I think you said it
15 before, but I just want to clarify.

16 MR. SIPOS: So the framework for
17 releasing water from the pools is a United States
18 Federal Environmental Protection Agency and Nuclear
19 Regulatory Commission framework. It is their
20 auspices that controls that.

21 MS. LEVENBERG: But do we have any
22 control over it? I -- I mean, I heard what you said,
23 but I -- I think that the question is still relevant.
24 You know, can we -- can the state in fact, if we
25 have, you know, any evidence that -- that we believe

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2 this is not the best way to proceed whether or not
3 the federal government has control, I mean, can we
4 impact that -- that timing at this point, that's the
5 question.

6 MR. SIPOS: Yeah. I think we'd have
7 to explore. I think that would be the most
8 appropriate thing for me to say right now. But I --
9 I really do want to come back to the issue of
10 effluent -- liquid effluent discharge is a federal --
11 is under the auspices of two federal agencies.

12 And the place to advocate and to
13 interact and communicate and suggest an initiative is
14 with those two agencies and the federal elected
15 representatives.

16 CHAIR CONGDON: County legislator
17 Colin Smith?

18 MR. SMITH: Yes, thank you, mister --
19 Mr. Chairman. So I -- I do have a question with
20 respect to everything that we've not only heard here
21 tonight about, you know, what is -- is known with
22 respect to the discharge into the -- into the Hudson
23 River.

24 The very deep and grave concerns that
25 the community has, that local industry has with

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2 respect to that, do -- I mean, has -- has Holtec
3 looked at that at all before this? I'm -- I'm not
4 trying to be tongue-in-cheek here but I mean, have --
5 have you had any conversations surrounding that, you
6 know, that issue, you know, in your decision
7 regarding if and when you're going to discharge.

8 I understand that it's under the
9 federal auspices, but I'm just asking as a -- as a
10 business consideration and -- and as, you know,
11 considering the -- the concerns in the community as
12 well as in local industry, local businesses. Is --
13 is it something that, you know, Holtec has just not
14 at all considered or has there been any consideration
15 taken up until this point?

16 MR. BURRONI: Well, in this case,
17 Holtec is me, right. So I -- I'll tell you this.

18 MR. SMITH: You bet.

19 MR. BURRONI: Our releases per
20 A.L.A.R.A. program, which is as low as reasonably
21 achievable. That's what A.L.A.R.A. stands for,
22 requires us to discharge radionuclides less than one
23 percent of what the N.R.C. -- what the N.R.C. limits
24 are. So that's -- that's number one.

25 Number two, I did talk to my

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2 decommissioning director on the way here today.
3 Almost what Courtney said, I -- I -- I think if we
4 can have a discussion, not with a 1000 people, that's
5 not going to work, right. But we have a radiological
6 environment operating report that goes to the N.R.C.
7 on a yearly basis, tells you every radionuclide that
8 we discharged to the -- to the river, right, and its
9 effects, right, so we can go over that report.

10 Monthly, we send a report to the
11 D.E.C., right. That again, shows all of the
12 discharge parameters. We'd be -- I'd be more than
13 willing to sit down with a -- I -- I think a smaller
14 group would work best, right. Just so everybody
15 understands what the issue is, and then we could
16 communicate it to everybody.

17 I -- I really think that -- that would
18 -- well, it won't -- it won't appease everybody, I
19 get that. But -- but I -- I think long term at least
20 people understand where we are with this.

21 CHAIR CONGDON: I think I hear
22 agreement between something Courtney Williams said
23 and what you said which is we need more --.

24 MR. BURRONI: Yeah. It's amazing.

25 CHAIR CONGDON: We -- we -- we need

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2 more meetings. So -- so we'll -- we'll take that
3 from both of you as -- as a good recommendation for
4 follow-up.

5 MR. SMITH: And might I just, I'm
6 sorry.

7 CHAIR CONGDON: Yes, please.

8 MR. SMITH: And just, I mean, I'm not
9 trying to accuse you, you know, of doing anything,
10 you know, untoward or not being, you know, vested and
11 involved in this process, but it just -- it sounds to
12 me like, there is -- there is a disconnect here for
13 whatever reason and I think that meeting in a smaller
14 environment where people can sit down and have much,
15 you know, better --

16 MR. BURRONI: Right.

17 MR. SMITH: -- much -- much more
18 valuable and efficient use of time would be, you
19 know, a great idea. And I -- I think it would
20 potentially go, you know, a long way towards
21 allaying, at least allaying some of the concerns --

22 MR. BURRONI: Yeah.

23 MR. SMITH: -- that the community has
24 with regards to --.

25 MR. BURRONI: Let's be honest, right,

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2 I'm not going to appease everybody. I know it,
3 right. But at least we have some science, and we
4 have some basic facts behind what we do.

5 MR. SMITH: Yeah. Of course.

6 MS. BORGIA: Also not intended to be
7 disingenuous, but for what reason do you send that
8 report to the D.E.C.?

9 MS. TURTURRO: I'm sorry.

10 CHAIR CONGDON: For what reason --.

11 MS. BORGIA: For what reason do you
12 send that record to D.E.C.? What is the reason --?

13 MS. BURRONI: It's a monthly
14 requirement.

15 MS. TURTURRO: I -- I can -- I can
16 talk about that.

17 MS. BORGIA: Yes, so but it's a
18 requirement but there's no --.

19 MS. TURTURRO: Yeah. As part -- as
20 part of the SPDES permit, every permittee is required
21 to submit what we call a discharge monitoring report.
22 So it's a monthly report of all the discharges from
23 the facility that are regulated under the SPDES
24 permit.

25 So it only shows the effluent limits

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2 that are regulated under the New York State's SPDES
3 permit and the levels monthly that were discharged
4 from the facility.

5 MS. BORGIA: And if there's anything
6 that is notable in that -- in that it's higher than
7 normal or something unusual, what does - what's their
8 role then, the D.E.C.?

9 MS. TURTURRO: If one of the limits in
10 the SPDES permit, if -- if a discharge shows that the
11 discharge is over the limit in the SPDES permit, then
12 we will advise the facility. And then we have an
13 enforcement process that we can take we -- we
14 typically start with a notice of violation, and then,
15 determine appropriate next steps.

16 MS. BORGIA: Yeah. Being from the
17 county, we're very familiar with that \$17,000 a day
18 fine. But that seems a little bit different than
19 there's no rule at all for New York State, to me.

20 MS. TURTURRO: So I don't think we're
21 saying there's no role at all for New York State. I
22 think that the -- the distinction is between
23 radiological discharges and non-radiological
24 discharges. And what we're talking about when we're
25 talking about a SPDES permit is non-radiological

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2 discharges, what John was referencing was
3 radiological discharges.

4 And based on what I've heard today,
5 much of the community concern surrounds radiological
6 discharges.

7 MS. BORGIA: Understanding that, but
8 they are sending you a report, I thought I heard --

9 MR. BURRONI: Yeah.

10 MS. BORGIA: -- that the radiological
11 discharge is part of the report that they send to the
12 D.E.C.

13 MS. TURTURRO: No.

14 MS. BORGIA: Is that -- was that
15 incorrect?

16 MR. BURRONI: I -- I know I send a
17 monthly report.

18 MS. TURTURRO: So monthly report that
19 comes to D.E.C. only addresses the effluent limits
20 that are in this SPDES permit.

21 MR. BURRONI: And then, I --.

22 MS. BORGIA: It does not include
23 radiological discharges.

24 CHAIR CONGDON: Kelly -- Kelly, hold -
25 - hold on a second. So was - there were a couple of

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2 people speaking at the same time. Was there a
3 question -- another question from your side? Okay.
4 John, you wanted to say something?

5 MR. SIPOS: Rich, do I have this -- am
6 I understanding this correctly? There are reports
7 that you send to the Nuclear Regulatory Commission
8 and the Environmental Protection Agency, two federal
9 agencies is -- do I have -- is that correct?

10 MR. BURRONI: Yeah. Annually.

11 MR. SIPOS: Right. And I assume you
12 work hard to make sure that those reports are
13 accurate?

14 MR. BURRONI: Absolutely.

15 MR. SIPOS: Because you want to be
16 accurate and also because there's a federal
17 requirement that they be accurate for enforcement
18 purposes, right?

19 MR. BURRONI: Absolutely.

20 MR. SIPOS: And those reports are
21 publicly available?

22 MR. BURRONI: Absolutely.

23 MR. SIPOS: Thank you.

24 MR. LOCHBAUM: Those reports are
25 posted on the N.R.C.'s website on one web page. All

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2 the ones when you point dating back to like 2005,
3 something like that.

4 MR. BURRONI: Yes.

5 MR. LOCHBAUM: Both the annual report
6 and the effluent report are there as well as the
7 Groundwater Protection report?

8 MR. BURRONI: Right. So the questions
9 before were, what do we know about unit one when they
10 discharge to the river, right? Those reports are
11 available all on the N.R.C. webpage.

12 MR. LOCHBAUM: Yeah.

13 CHAIR CONGDON: I just want to do a
14 time check for the group. We wanted to try to have a
15 stop at nine thirty. That's a half an hour extra
16 from what we were originally scheduled that was meant
17 to provide another public statement opportunity which
18 I'm still committed to, and I hope everyone is -- is
19 willing to stay a little beyond nine thirty. We have
20 --.

21 MR. BURRONI: I can stop right now.

22 CHAIR CONGDON: No, the best part is
23 yet to come -- the best part is yet to come. So we -
24 - we had -- we had discussed briefly at the last
25 meeting N.R.C. violations, is that next on your -- on

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2 your agenda because I -- I thought that got short
3 shrift at the last meeting and it was a lesson
4 learned for me that I want to ensure full
5 transparency on any kind of N.R.C. inspection
6 activity.

7 Citations, any state inspection
8 activity that results in any kind of state action and
9 your response to it so the community can hear both
10 what the violations were, what the corrective actions
11 were and ideally what the State is doing to follow up
12 on this corrective actions.

13 And so I do want to have that piece of
14 the discussion and I would like to try to do at least
15 another few public speakers at the end, if that's
16 okay with my fellow D.O.B. members.

17 MR. BECKER: I just want to make a
18 comment that's in follow-up to what all the other
19 elected officials said. And that to say that this
20 community has concerns about the discharge of the
21 water into the river and the D.O.B. will not have
22 direct oversight of that because that's federal.

23 And so I think I can transmit to at
24 least Steve, sitting right there. I don't want to
25 put you on the hot seat, but you are a representative

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2 from Senator Gillibrand's office and I think the
3 elected officials here would like to meet with you at
4 some point to transmit this communities' concerns to
5 the federal level.

6 CHAIR CONGDON: Thank you, Rich. Rich
7 Burrioni, back to you.

8 MR. BURRONI: So I'll proceed with the
9 segmentation. Do you want me to jump to the
10 violations?

11 CHAIR CONGDON: I think -- I'm sorry,
12 Steve, did you want to say something?

13 MR. KOLLIAS: Well, I just want to
14 add, we don't have a ... So I just wanted to make
15 that clear ... that our representative don't have a
16 seat at the ... So we're not part of this, you know,
17 not to part of this committee and meeting.

18 We can participate by sitting here
19 observing and, you know, on Zoom. We're not allowed
20 to be part of the actual committee, we were being
21 more than happy to be --.

22 CHAIR CONGDON: Thank you. So Rich, I
23 think on the segmentation, Dave and John, Rich --
24 Richard, do -- do you think we should have this as --
25 as a written submission and -- and fellow D.O.B.

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2 members and let's skip to the violation --

3 MR. WEBSTER: Yes.

4 CHAIR CONGDON: -- it's the most
5 important part for them to finish up, so --.

6 MR. WEBSTER: I think we should
7 segment, Richard ... presentation and go the
8 violations.

9 CHAIR CONGDON: Yeah. Please go ahead
10 to the violations.

11 MR. BURRONI: And so if we go to page
12 24. So we did receive a N.R.C. severity level four
13 violation. It's equivalent to a green finding from
14 operating reactors. It's not subject to enforcement
15 action as long as its placed into the corrective
16 action program to prevent recurrence.

17 I and it's a severity level four
18 N.C.V. is the lowest level violation, very little
19 safety significant documented in the inspection
20 report. The N.R.C. inspection report documents
21 N.C.V.s along with inspection activities and
22 observation from the inspections.

23 A notice of violation is different
24 from an N.C.V.. It's a written notice setting forth
25 one or more violation of a legally binding

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2 requirement and normally requires a written response
3 from the licensee and indicates some written
4 regulatory enforcement actions are required.

5 In the inspecting report dated
6 November 17th, 2022, the N.R.C. identified an N.C.V.
7 of very little safety significance subtitle 10 10C of
8 part 20.1406 minimization of containment and the
9 details of that violations are as follows.

10 The violations states that H.D.I. did
11 not have an adequate procedure or engineering
12 controls to make sure that airflow would not escape
13 the equipment hatch during radiological work as
14 stated in engineering change E.C.I.P. And there is
15 the number.

16 The engineering change documents
17 stated that no airflow will travel outward of the
18 enlarged equipment hatch area, only inward. And the
19 inspector questioned the site on monitoring and
20 controls in place to execute the E.C.

21 Based on the N.R.C.'s question, we
22 correctly enter the issue of concern into our
23 corrective action program, the following corrective
24 actions were generated in response to the incident
25 report.

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2 A smoke test was performed at five
3 different elevations of the new equipment hatches on
4 both containment buildings and covered the full
5 height of both equipment hatches. The test results
6 indicated no outward flow and indicated either no
7 flow or inward flow at the number of the elevation
8 check points.

9 This result was not consistent with
10 language in the engineering change which stated only
11 inward flow. And so we revised the E.C. to reflect
12 field conditions. Our ventilation systems were
13 changed following the test results to further promote
14 inward flow.

15 Our procedures were revised to provide
16 explicit direction to close or verified closed, the
17 equipment hatch during any work activities that
18 potentially generate airborne radionuclides. For
19 example, a well ... construction activities and the
20 internal transport of radioactive materials.

21 This direction was initially provided
22 in the station standard, and now better resides in
23 the procedure. The N.R.C. inspector noted in the
24 inspection note in the inspection report that no
25 aggressive work, that will be cutting or grinding,

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2 was being performed at the time of the observation.
3 And the inspectors noted that the air sample taken
4 that date did not indicate any release of material.

5 It should be emphasized that the
6 N.R.C. stated that there was no release of
7 radioactive material from containment. Additionally,
8 no activities were performed at the time of the
9 inspection that a potent -- could have potentially
10 generated airborne material or contaminants with the
11 hatch open.

12 Only equipment that's been surveyed is
13 clean or appropriately packaged can be transported at
14 a containment hatch. Again, while no other work is
15 being done in containment that could generate
16 airborne radionuclides.

17 Inside containment a H.E.P.A. filter,
18 local ventilation system is always employed to
19 capture and control radionuclides and contaminants,
20 when work that could generate airborne radionuclides
21 is performed, again, with the hatch closed. So that
22 would be a local HEPA filter at a welding activity.

23 Engineering controls at the equipment
24 hatch have always included HEPA filters at the
25 ventilation systems, continuous air monitors, air

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2 sampler and surveys directly outside the equipment
3 hatch. At no time have radionuclides or contaminants
4 left the building.

5 The Reuter-Stokes monitors located at
6 the site boundary have never shown any increase in
7 airborne activity. The N.C.V. references a different
8 site where reactive vessel segment act -- reactor
9 vessel segmentation activities result in a
10 radioactive particles in soils samples which is
11 likely attributed to a lack of negative pressure in
12 the containment building.

13 As directed by processes and
14 procedures the I.P.E.C. equipment hatch is always
15 closed during vessel segmentation work, and then
16 monitoring in place confirms no release. That was
17 before the N.R.C. even inspected us. A discussion
18 with the N.R.C. Region One leadership was conducted
19 on December 20th, discussing N.C.V. write up and the
20 inspection report. And we acknowledge that D.C.P. -
21 E.C.P., which is the engineering change, could have
22 been more explicit on expectations for controlling
23 the hatch. We also acknowledge that the written
24 procedure to control the hatch is preferred to a
25 standard.

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2 Lastly, it should be enforced, again,
3 at no time, that radionuclides or contaminates left
4 the containment building as confirmed with our site
5 monitors. We have incorporated a corrective actions
6 and lessons learned into our work practices and are
7 confident that this issue had been adequately and
8 thoroughly addressed.

9 This was a good lesson learned for us.
10 We further strengthened our defense, made our
11 standards more clear through the use of procedures.
12 That's all I have for that violation. Thank you.

13 CHAIR CONGDON: I think Dave Lochbaum
14 has a question.

15 MR. LOCHBAUM: Yes, you mentioned --
16 you mention lessons learned and the opportunity, did
17 those lesson include looking at why your team didn't
18 find this problem before the N.R.C. inspectors found
19 it?

20 MR. BURRONI: We -- we -- we could
21 have done a better job there, Dave. Admittedly. I
22 mean, that's why we did the smoke test. And like I
23 said, up front, we should have done that. But at no
24 time -- again, we were pretty confident that at no
25 time that we ever released anything out of

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2 containment.

3 MR. LOCHBAUM: Yeah. I wasn't -- I --
4 I just --.

5 MR. BURRONI: No, I get that.

6 MR. LOCHBAUM: Okay. Thank you, I
7 understand.

8 MR. WEBSTER: Well, as a follow up.
9 What did you do to verify that there would be
10 negative pressure before telling everybody in this
11 meeting that was negative pressure?

12 MR. BURRONI: We have pressure
13 indicators within our containment building that will
14 show us -- its differential pressure across roughing
15 filters, right. So that D.P. will tell us if there
16 is negative pressure going into the building, right.

17 So we always had those, right. The
18 roughing filter some of them had to get changed ...
19 because they did get clogged just based on dust in
20 the environment, right. But we always had the
21 roughing filter D.P.S. to verify that we had inward
22 flowing into containment.

23 MR. WEBSTER: Right. But it -- but
24 just because you have inward flow, doesn't mean to
25 say that there's an -- if you had the hatch fully

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2 open, that hole of the hatch has an inward flow, it's
3 just a net inward flow, right? Some of it could be
4 going out and some of it could be going in.

5 CHAIR CONGDON: Did you catch that?

6 MR. BURRONI: No -- no.

7 CHAIR CONGDON: With the hatch open,
8 I think Richard is suggesting that the monitors you
9 just referenced may be showing net negative pressure
10 but it's not measuring the flow of air through the
11 hatch back and forth.

12 MR. WEBSTER: Well, in other words,
13 the air could be flowing in -- in part of the hatch
14 and out in a different part of the hatch. So
15 there's net in, but there is outward flow as well.

16 MR. BURRONI: I'd have to look at it.

17 CHAIR CONGDON: We'll have to follow
18 up.

19 MR. WEBSTER: Well, I mean, let me
20 just say that this has been a problem at Holtec's
21 facilities, which is that the design -- the design
22 documents over promise, and then the actual
23 implementation underdelivers and --

24 MR. BURRONI: ...

25 MR. WEBSTER: -- most of the solution

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2 to this seems to be the name change, the over promise
3 in the design documents to then go back to what's
4 actually happened. And I really think this is a very
5 concerning thing for us to hear, and I'm glad that
6 you admit that you could have done better on this and
7 I'd like you to really think about how you must do
8 better on this.

9 Please do not come to this board again
10 and tell us something which is factually incorrect.

11 MR. BURRONI: First of all, you made -
12 - you made a global statement that I -- I don't know
13 where you're getting the information from.

14 MR. WEBSTER: Yeah, well, the design
15 changes on that -- on the casks where design changes
16 are made to the casks which then turn out to be
17 design changes that were essentially -- that needed
18 N.R.C. approval, which you haven't asked for, all the
19 other ones though.

20 MR. BURRONI: You're talking about the
21 issue at ... totally different than us.

22 MR. LOCKBAUM: Oyster Creek where work
23 was contaminated because of the change Holtec made, a
24 unauthorized change

25 MR. WEBSTER: Oh that was the -- the

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2 valve the --.

3 MR. LOCHBAUM: Vacuuming.

4 MR. BURRONI: It -- it just seems
5 you've taken a global swipe at every engineering
6 change that Holtec does with one or two examples.

7 MR. WEBSTER: Well, I mean --.

8 MR. BURRONI: We can go -- we can go
9 further and talking about all the engineering changes
10 but I don't want to be combative here.

11 MR. WEBSTER: Okay. Rich, why don't
12 you come next meeting? We'll list all the violations
13 that Holtec's had that are associated with design
14 changes and we'll go over it. And let's see whether
15 there's a pattern.

16 MR. BURRONI: If -- if you want to do
17 that, Mr. Webster, you're more than likely -- more
18 than welcome.

19 CHAIR CONGDON: Any other questions?
20 So you want to move on, Rich?

21 MR. BURRONI: Industrial Safety? Yeah.
22 We're really not proud of this one to be honest with
23 you. Right. So recent history in New York State
24 Department of Public Service, Office of Resilience
25 and Emergency Preparedness submitted a letter to us

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2 on November 14th with concerns of our industrial
3 safety trend in Indian Point.

4 The letter cites concerns with near
5 misses, fitness for duty testing and a number of OSHA
6 recordable entries. And in a letter addressed to Mr.
7 Wisely, dated December 7th. We did respond that we
8 appreciate and share the same concern regarding the
9 industrial safety performance Indian Point. Our
10 response acknowledges two near misses and three OSHA
11 recordables.

12 Unfortunately, now the total is six.
13 So to me, right, you really have to look at the cause
14 of the events, right. So let's be clear that we know
15 and acknowledge that no one comes to work wanting to
16 get hurt, right. But we do need to address and
17 understand the cause before we could put meaningful
18 solutions in place.

19 So with that said, we looked at the
20 cause of some of these issues. One was where wrong
21 tooling was used far oversight of the task at hand.
22 Body positioning between eye-hand coordination.
23 Preexisting condition of the worker and the material
24 condition of the facility. You know and that's one I
25 take personally -- I am personally accountable and

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2 responsible for. And one not meeting site standards.
3 Those are basically the causes of the safety issues
4 we've had.

5 So corrective actions to date. We
6 continue with safety discussions every day at pre-job
7 briefs and station meetings. We'll continue with
8 Union led Safety Committee Meetings on a monthly
9 basis. We -- we solicit and we want to hear from
10 Union personnel what the issues are, and we will
11 resolve them as needed.

12 We started issuing a station wide red
13 and yellow member -- memo addressing the event
14 distributing them station wide. So when guys walk
15 into work if somebody got hurt, right, depending on
16 the severity it will be the red memo or yellow memo.
17 This way, it's a site correspondence throughout.

18 We established the coach of the week
19 roster, right where supervisors and managers will go
20 out and observe a job. And then what they'll do is
21 we'll report back, we call it a Leadership and
22 Alignment Meeting and we'll discuss what the
23 supervisor manager saw and any on the spot
24 corrections we had to make. We developed an
25 expectation of document to be signed by all members

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2 of the leadership team as an acknowledgment to uphold
3 station standards and expectations.

4 We'll perform periodic craft labor
5 safety walk downs where we'll take a craft person
6 with a sit -- with a safety managers or manager or
7 any manager really, and just watch a job to make sure
8 all the safety precautions are being taken. We'll
9 perform periodic housekeeping walk down. So one --
10 one thing we did find was our housekeeping needed --
11 needed to be addressed. And so we've done that the
12 last two weeks.

13 We've committed ourselves to do that
14 continuously. All right, we'll report back to that
15 on a -- at the L.N.A. meeting also. But I was
16 disappointed in some of the housekeeping things we
17 saw. We need to maintain our standards, right? We
18 need to maintain our standards in safety. We need to
19 maintain our standards and in housekeeping.

20 I -- I've told all the guys that,
21 everybody acknowledges that. Because we're a
22 decommissioning plant doesn't mean we let our
23 standards go, right, and we're -- we're reinforcing
24 standards and making sure that they're kept. And I'm
25 confident now with the corrective actions we've put

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2 in place, our safety record will improve.

3 I wish I could promise everybody in
4 this room that nobody would get hurt the rest of the
5 year. I wish I can. I can't. All -- all we could
6 do is put these in place and then if something -- if
7 an event occurs again, we'll have to look at it in
8 detail and see what we can tweak to make things
9 better. That's all I have to say.

10 CHAIR CONGDON: Thanks, Rich. I think
11 Dave has a question.

12 MR. LOCHBAUM: Yeah, about seven,
13 eight years ago, Exelon made a presentation at the
14 N.R.C.'s Regulatory Information Conference on
15 Industrial Safety and they seem to have a very sound
16 robust program. So I was wondering, on issues like
17 this, does Holtec do much benchmarking against
18 industry practices to see if your standards and
19 communications and stuff are at or above industries
20 averages?

21 MR. BURRONI: I -- I have to pull that
22 string. I know one of our major contractors is
23 Champion. They have a whole safety team, right. So
24 they look at some of their industry events that
25 they're at the sites. Giordano does the same thing.

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2 Right, looking at safety precautions at their sites,
3 other -- other job opportunities there. So I would
4 bank on them to give us anything that they need. But
5 I'll pull the string to see what we do with Holtec.

6 MR. BURRONI: Thank you.

7 CHAIR CONGDON: Thank you. John, did
8 you have anything?

9 MR. SIPOS: So one of the things we
10 did tonight in order to have more time for community
11 discussion was to shrink down a discussion of state
12 oversight. We do have slides, they are on the
13 website. I would recommend folks who are interested
14 to go look at that. There are two things that I
15 would like to just flag right now.

16 And, Tom, one of the things is I think
17 it's -- it's -- it's on the last, probably in the
18 last page of the deck, we put it in here. Right. So
19 I think, you know, we've had a -- we've had a very
20 good robust discussion tonight. One thing I want us
21 to keep our mind, you know, keep our eye on is the
22 reduction of risk, the reduction of sitewide risk
23 where there could be an airborne migration of
24 radiation in -- in, you know, N.R.C. parlance this is
25 called a severe accident or beyond design basis

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2 accident.

3 And the main site risk now remains the
4 spent nuclear fuel in the spent fuel pools. I think
5 there's -- there's good news. And there's also, you
6 know, considerations to keep in mind going forward.
7 And this slide shows what has happened I believe in
8 the last 20 months since Holtec has taken over the
9 site from Entergy.

10 Holtec and -- and I want to -- I want
11 to acknowledge this with -- with Rich and his -- his
12 colleagues here. Holtec has moved a substantial
13 amount of spent nuclear fuel out of the Unit two
14 spent fuel pool and into dry casks. Make no mistake,
15 that is reducing risk. That is reducing risk to the
16 community. That's reducing risk to the emergency
17 planning zone and to the New York Metropolitan Area.

18 That's one point six casks on average
19 per month, or 19.2 casks per year. That is much
20 faster than what Entergy was doing and what Entergy
21 had, you know, had suggested. So that is -- that is
22 progress. That is risk reduction. And I -- I think
23 that's important to acknowledge.

24 One other aspect is, I know
25 Assemblymember Galef had asked on a number of

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2 occasions. Well tell us about the exemptions. What
3 are going on in the regulatory exemptions? This is
4 where the request is made to the Nuclear Regulatory
5 Commission. Oh, well, you have a generally
6 applicable rule that you -- you promulgated through
7 the Administrative Procedure Act notice and comment
8 process. It applies generally to every single
9 reactor site in the country.

10 And then various operators asked for
11 an exemption from those rules. The N.R.C., you know,
12 has a process for an exemption. I think as we have
13 discussed in the past there is an exemption for the
14 Post Defueled Emergency Preparedness Plan or P.D.E.P.
15 That plan -- that -- that exemption request for that
16 exemption request went in a while ago.

17 New York State submitted detailed
18 comments on November 22nd, 2022. Those comments were
19 not posted by the N.R.C. on publicly available
20 A.D.A.M.S. Tom has followed up -- Tom Congdon has
21 followed up with the N.R.C. about this in a follow up
22 letter. I posted both of them on the D.O.B website.
23 For folks who are interested in the exemption
24 process, I would recommend you review that.

25 And again, this is an exemption

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2 request to the Federal agency to the Nuclear
3 Regulatory Commission. And if folks have concerns
4 about those exemption requests, I would suggest
5 advocacy, comments, letters, to the N.R.C. -- to the
6 N.R.C. Commissioners, to the N.R.C. staff, and again
7 to Federal elected officials. What is -- what is
8 proposed is to reduce the emergency preparedness
9 aspects that protect the host community around Indian
10 Point.

11 And given the first topic I was
12 talking about I would suggest that it is more than
13 reasonable to maintain those emergency planning
14 precautions until the last spent fuel assembly is out
15 of the Unit Three spent fuel pool. So there is
16 progress. Risk is re -- is being reduced. But risk
17 is not zero. And those are two things to keep eyes
18 on.

19 CHAIR CONGDON: Thank you, John. I
20 want to turn back to the public statement comments
21 and try to take at least the next five speakers.
22 Tom, if you if you could come back. Okay I -- I
23 understand if some of the D.O.B. members need to --
24 need to leave we -- we were ten minutes past what I
25 said we would -- we would be so I understand. But I

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2 do want to allow another five speakers to get onto
3 the record, please.

4 MR. KACZMAREK: Absolutely. And we'll
5 begin with Tina. I understood you wanted to defer
6 your time to now.

7 MS. VOLZ-BONGAR: Yes. Hi. Thank
8 you. Yeah, I'm very concerned, you know, about the
9 sinkhole in Yorktown and Enbridge's response. And
10 how there is -- doesn't seem to be any urgency or
11 oversight on the whole process. And I'm happy to
12 hear that my elected officials share that concern
13 too. But it's sort of like, well, what are you going
14 to do about it?

15 So when we -- the sinkhole happened we
16 contacted expert, you know, Rick Kuprewicz about it
17 and he said, you know, of course you got to check the
18 integrity just what Enbridge is doing and also the
19 welds. Is there any mention of the welds? No. So
20 when the pipeline was being built, a lot of us looked
21 and watched this process going on and looked at parts
22 of the -- what the D.E.C. requires for good practices
23 in building this thing.

24 And I mean, we have a record of it on
25 their docket and everything else. And we just didn't

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2 have the oversight through the D.E.C. for a lot of
3 what happened with this pipeline. And especially in
4 Blue Mountain. You want to see problems and erosion
5 and everything else. You want to see a bunch of
6 violations. Go to the pipeline, you know, segment in
7 -- in Blue Mountain and take a look at that.

8 So the fact that the sinkhole happened
9 was just not a surprise for us. So I've asked this
10 board and my community presentation about the
11 pipelines next to Indian Point and the integrity
12 management systems. And so the integrity management
13 systems of these pipelines is really about like how
14 are problems looked at and how are they found.

15 This problem with the sinkhole was
16 reported by somebody walking their dog on December
17 24th. So that tells you what Enbridge's integrity
18 management system really is. So in my community
19 presentation, I pointed out the fact that the
20 National Transportation Safety Board has cited PHMSA
21 and Enbridge.

22 Okay, they've -- they've -- they've
23 cite -- they've made recommendations to them because
24 you see, there's really no oversight. We really
25 don't have any teeth here as we're seeing with some

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2 of these Federal agencies and regulations, okay. So
3 the Nat -- look at -- take a look at what the
4 National Transportation Safety Board or you can watch
5 my community presentation again and at the very end
6 the recommendations that they make.

7 They make recommendations to
8 Enbridge's Integrity Management systems and they also
9 make a recommendation about PHMSA's evaluations of
10 the P.I.R.s.

11 MR. KACZMAREK: You've got 30 seconds
12 left.

13 MR. VOLZ-BONGAR: Okay, that's the
14 potential impact rights. So, you know, the D.E. --
15 on PHMSA had, you know, with the O.R.N.L. risk
16 assessment that's posted on the D.P.S. website and
17 everything. It's just like they do not have these
18 recommendations in them. So in terms of a risk
19 assessment, it's really not a risk assessment.
20 Because the real risks that PHMSA has found and are
21 probably going to become policy in what two years or
22 whatever are not being applied to the pipelines next
23 to Indian Point. And so in the risk assessment, so -
24 -.

25 MR. KACZMAREK: Tina -- Tina, I

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2 apologize. We're at three minutes.

3 MS. VOLZ-BONGAR: I know I'm out of
4 time. But anyway, I just wanted to hear what
5 Enbridge was going to say. And, you know, it's just
6 very disappointing. And again, to hear about
7 oversight that should be happening and it should be
8 happening through our government, really. And it's
9 that, you know, industry determines all of these
10 things really, and -- and policy and regulations.

11 And, you know, here we are in the same
12 boat and it'd be great to hear public safety and, you
13 know, public health mentioned on the same lines as
14 the spreadsheet. You know, the financial spreadsheet
15 and the same -- with the same kind of urgency, that,
16 you know, decommissioning is, you know, the deadline
17 for that. All right. Thanks. That's it.

18 MR. KACZMAREK: Thank you. Next --
19 next, we'll -- we'll move back to the Zoom
20 participants. I believe it's Mari Inoue.

21 MS. INOUE: Hello, can you hear me?

22 MR. KACZMAREK: Yes, we can.

23 MS. INOUE: Oh, thank you so much.

24 I'm a resident of New York City and I'd like to
25 express my concerns and a strong opposition to

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2 Holtec's proposed dump of radioactive wastewater in
3 the Hudson River. I'm concerned that such dumping
4 can negatively affect the health of local communities
5 and the sustainability of the environment.

6 As other speakers mentioned, there is
7 no safe dose of ionizing radiation. All exposures
8 are cumulative, and some isotopes are extremely long-
9 lived and I'd like to emphasize that dumping of
10 radioactive wastewater cannot be and should not be
11 justified on the grounds that creating water with
12 other radioactive wastewater is routinely dumped by
13 nuclear power plants and other nuclear facilities.

14 I would also like to draw your
15 attention that the Holtec's proposed dump is a direct
16 threat to the universal human right to access a
17 clean, healthy and sustainable environment.

18 Universal human right to access a clean, healthy and
19 sustainable environment was declared in the historic
20 resolution that was adopted by the United Nations
21 General Assembly in July last year. And the
22 resolution calls upon not just governments, but also
23 business enterprises, to scale up efforts to ensure a
24 healthy environment for all.

25 In regard to training, there was a

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2 scientific report published in December 2013 in the
3 Journal of Environmental Radioactivity. In the
4 report, the report is called current understanding of
5 organically found tritium O.B.T. in the environment.
6 And in this report, scientists highlighted that
7 unlike for tritiated water, the environmental
8 quantification and behavior organically bound tritium
9 are not well known.

10 Therefore, any plans related to the
11 discharge of tritium and radioactive material into
12 the environment should be avoided based on the
13 precautionary principle that Dr. Falvo highlighted.
14 And I believe that New York Decommissioning Oversight
15 Board recognizes its social responsibility to call
16 for precautionary measures in order to protect --

17 MR. KACZMAREK: 30 seconds.

18 MS. INOUE: -- the public from
19 exposure to harm. As Holtec's proposed action has a
20 suspected risk of causing harm to the public and the
21 environment. I strongly hope that the New York
22 Decommissioning Oversight Board takes necessary steps
23 to ensure that radioactive wastewater from the spent
24 fuel pool of the Indian Point will be stored on site
25 such as in the robust containers with leak prevention

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2 and leak detection functions, instead of evaporating
3 into the environment or dumping into the Hudson River
4 or shipping it to the other communities. Thank you,
5 sir.

6 MR. KACZMAREK: That's -- that's --
7 oh, thank you. Next, I'm going to offer Steve from
8 Senator Gillibrand's office.

9 MR. KOLLIAS: Yes, thank you. So hi,
10 I'm Steve Kollias. I'm Senator Gillibrand's Hudson
11 Valley Regional Director. I want to thank Dr. Becker
12 for what he had said. And I just wanted to say to
13 Mr. Sipos as well we don't have a seat at this table.
14 This is a -- and so the public knows, the federal
15 representatives do not have a seat on the D.O.B.

16 So we don't have an opportunity to
17 respond to these questions from constituents,
18 probably from individuals here. But I wanted to
19 respond to Dr. Becker that we are more than happy to
20 meet with anybody who has a question about this. But
21 we cannot and we're not allowed to sit at the table
22 to have this -- to be part of this discussion unless
23 I signed up to do this exactly what I'm doing
24 publicly speaking and asking questions.

25 MR. SIPOS: So I just want to actually

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2 clarify. My -- my comments were about federal
3 representatives were in the vein of legislative
4 oversight of two Federal agencies. Not necessarily,
5 you know, within the four square corners of the
6 Decommissioning Oversight Board. But these are
7 federal agencies and perhaps there's opportunities
8 for oversight.

9 MS. LEVENBERG: Is it not allowed, is
10 it not allowed by the federal government or not
11 allowed by ...

12 CHAIR CONGDON: No, it's -- the -- the
13 D.O.B. is a -- is a state oversight entity was
14 created by State Agency and we established the
15 membership through the bylaws. So that's what he's
16 referring to.

17 MS. LEVENBERG: I see.

18 MR. KACZMAREK: Next, we have Sally
19 Jane Gellert on Zoom.

20 MS. GELLERT: Yeah, hi. I'll tell you
21 what, my notes are really garbled. I'll send a
22 written comment. Thank you. Save time.

23 MR. KACZMAREK: Thank you. Next, we
24 have Joel Gingold.

25 MR. GINGOLD: Can you hear me?

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2 MR. KACZMAREK: Yes, we can.

3 MR. GINGOLD: First of all, I'd like
4 to thank the Board for this opportunity. My name is
5 Joel Gingold. I live in Croton-On-Hudson, where I'm
6 a member of the Village Sustainability Committee and
7 also serve as a client or the Climate Environment
8 Chair for CoHOPE indivisible. And -- and I spent
9 about a 60 year career as a consulting nuclear
10 engineer to the commercial nuclear power industry.

11 First, I am unalterably opposed to the
12 dumping of the water into the Hudson. For a variety
13 of reasons, most of which have already been expressed
14 by others, I won't repeat them. I would also point
15 out that the Hudson is not really a river. For much
16 of the year, it's a tidal estuary and the waters in
17 the river slosh up and down and rarely get discharged
18 into the ocean. So whatever goes into the river will
19 probably stay there for quite a long time.

20 My preferred method for the
21 disposition of the water would be to solidify it and
22 bury it. I would point out to those who have
23 concerns with this, many of the radioactive
24 components from this plant and all the other plants
25 that are being decommissioned, are shipped to areas

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2 usually in the West Texas, Idaho or wherever and they
3 are buried. So, there will be a great deal of
4 material from Indian Point that will be buried in the
5 West.

6 To add whatever this will require, the
7 material will be solidified. The bad actors will be
8 immobilized. The whole thing will be buried with the
9 other waste from the plant. I believe the storage of
10 liquid on the site for 50 or 100 years is not a great
11 idea, again, for reasons that have been mentioned by
12 others.

13 But the one thing I would like to
14 point out I have not heard mentioned that Holtec has
15 faced this identical issue at a Pilgrim plant in
16 Massachusetts. Everybody in the area is opposed to
17 their dumping water into Cape Cod Bay. Starting with
18 Senator Edward Markey and Senator Warren, for the
19 state officials in Massachusetts and the local
20 officials and the community groups and the
21 environmental groups and the individuals who live in
22 that area.

23 And Holtec insists that they are going
24 to do it despite what anyone says. And I fear that
25 we're going to face the same issue here. And if I

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2 may segue from this point --.

3 MR. KACZMAREK: Quick interruption.

4 You only have about 15 seconds left.

5 MR. GINGOLD: Okay, well, I'll save
6 that for another time. Don't -- don't dump it in the
7 river.

8 MR. KACZMAREK: Thank you. We are
9 going -- we're going to get to one final public
10 speaker, Theresa Kardos who's joining via Zoom. And
11 following Ms. Kardos, we'll outline some other public
12 statement opportunities.

13 MS. KARDOS: Can you hear me now?

14 MR. KACZMAREK: Yes.

15 MS. KARDOS: Great. As an
16 environmental educator and field biologist, I feel
17 very strongly that Holtec should not be dumping the -
18 - the spent pool water into the Hudson River. In
19 addition to all the points everybody else made, I
20 would like to remind everybody that climate change is
21 stressing ecosystems and wildlife.

22 And we are also currently at a time
23 when there is a serious and alarming decline in -- in
24 wildlife species. We're almost at -- at a species
25 extinction. And every little stressor is important

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2 and we should not be doing this. I'm also morally
3 opposed to our putting a burden on -- on other states
4 and the transport of our nuclear waste can not only
5 be a risk in transport, if -- if there's some kind of
6 accident, but I mean, that's also the transport
7 increases greenhouse gases.

8 I -- I -- I am also really concerned
9 about the request for an exemption for -- for an
10 emergency preparedness plan that should at least be
11 in place until the last spent fuel is transferred
12 especially considering that there are -- there --
13 there's a geological fault in the area and the two
14 gas pipelines. You know, it's just that we really
15 needed an emergency preparedness plan.

16 I also agree that we should have a
17 permanent medical expert on -- on the panel and I'm
18 probably nearing the end of my time period. So other
19 comments, I guess I will submit in writing. Thank
20 you very much.

21 MR. KACZMAREK: Thank you very much.

22 CHAIR CONGDON: Thank you, Tom. You
23 have a slide to present? Yes. Great. So folks can
24 still submit written comments via the Indian Point
25 website. There are instructions here on the slide.

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2 We encourage folks to submit questions and we take
3 questions through the Q&A and recorded these. I see
4 72 or so. We will endeavor to have all of those
5 answered before the next meeting of the D.O.B.

6 Next slide please. We encourage folks
7 to sign up for updates. These are the instructions
8 on how to subscribe to our document library and our
9 service list. I understand it can be a bulky
10 process, but it's well worth it and we can assist you
11 if you're having technical difficulties getting on.

12 Next slide please. Again, just a
13 reminder of the website for the D.O.B.
14 dps.ny.gov/indianpoint. There's a wealth of
15 information there and our next meeting will be on
16 April 27th, 2023. As we said before, during this
17 meeting we are also going to look for some times for
18 the school monitoring working group to coordinate
19 with the school and find time to meet with parents in
20 the school community. And with that, I will adjourn
21 tonight's meeting. Thank you all very much.

22 MR. PATTISON: Thank you, Mr.
23 Chairman.

24 (The proceeding concluded at 10:00
25 p.m.)

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2 STATE OF NEW YORK
3 I, HOWARD HUBBARD, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 188, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 9th day of February, 2023.

11 
12 HOWARD HUBBARD, Reporter

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