



**Department
of Public Service**

Three Empire State Plaza, Albany, NY 12223-1350
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April 15, 2024

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 December 6, 2023 Indian Point Decommissioning Oversight Board meeting transcript. Should you have any questions regarding this filing, please contact me. Thank you.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tom Kaczmarek".

Tom Kaczmarek
Executive Director
Indian Point Decommissioning Oversight Board

1 12/6/2023 - Decommissioning Oversight Board

2 STATE OF NEW YORK

3 PUBLIC SERVICE COMMISSION

4 DECOMMISSIONING OVERSIGHT BOARD

5

6

DATE: December 6 at 6:02 p.m.

7

BEFORE: TOM CONGDON, Chairman

8

VENUE: Zoom

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12 Reported by Howard Hubbard

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1 12/6/2023 - Decommissioning Oversight Board

2 APPEARANCES:

- 3 CATHERINE BORGIA, Board Member
- DAN BENDELL, Board Member
- 4 DANA LEVENBERG, Board Member
- JOHN SIPOS, Board Member
- 5 PETER HARCKHAM, Board Member
- RACHEL ADLER, Board Member
- 6 RICH BECKER, Board Member
- RICHARD WEBSTER, Board Member
- 7 THERESA KNICKERBOCKER, Board Member
- THOMAS CAREY, Board Member

- 8 THOMAS KACZMAREK, Board Member
- SUSAN SPEAR, Board Member

- 9 ALYSE PETERSON, Board Member
- 10 BILL SMITH, Board Member
- DAVE LOCHBAUM, Board Member
- 11 JOE LEARY, Board Member
- JENNIFER WACHA, Board Member
- 12 LINDA MALAVE, Board Member

- 13 FRANK SPAGNUOLO, Holtec
- PAT O'BRIEN, Holtec

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1 12/6/2023 - Decommissioning Oversight Board
2 (The meeting commenced at 6:02 p.m.)
3 CHAIR CONGDON: Hello everyone, good
4 evening. I'm Tom Congdon, Executive Deputy of the
5 Department of Public Service and Chair of the Indian
6 Point Decommissioning Oversight Board and the Indian
7 Point Closure Task Force. I'd like to call this
8 joint meeting of the DOB and Closure Task Force to
9 order. I'd like to thank the Town of Cortlandt for
10 hosting us as always. And I'd like to ask Executive
11 Director Tom Kaczmarek to take attendance for the
12 record and to say a few words about the meeting
13 logistics. Tom?
14 MR. KACZMAREK: As Tom said, my name
15 is Tom Kaczmarek. I serve as the Executive Director
16 of the D.O.B. Please, as I move through the roll
17 call, just indicate quickly your presence as I call
18 your name. Tom Congdon?
19 CHAIR CONGDON: Here.
20 MR. KACZMAREK: John Sipos coming up
21 to the mic. Senator Harckham?
22 MR. HARCKHAM: Here.
23 MR. KACZMAREK: Assemblywoman
24 Levenberg?
25 MS. LEVENBERG: Here.

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2 MR. KACZMAREK: Rich Becker, who's

3 joining over Zoom.

4 MR. BECKER: Here.

5 MR. KACZMAREK: Deputy Supervisor, Jim

6 Creighton?

7 MR. CREIGHTON: Here.

8 MR. KACZMAREK: Mayor Knickerbocker?

9 MS. KNICKERBOCKER: Present.

10 MR. KACZMAREK: Susan Spear?

11 MS. SPEAR: Here.

12 MR. KACZMAREK: Catherine Borgia?

13 MS. BORGIA: Here.

14 MR. KACZMAREK: Rachel Adler?

15 MS. ADLER: Here.

16 MR. KACZMAREK: Alyse Peterson?

17 MS. PETERSON: Here.

18 MR. KACZMAREK: Alex Damiani?

19 MR. DAMIANI: Here.

20 MR. KACZMAREK: Dan Bendell?

21 MR. BENDELL: Here.

22 MR. KACZMAREK: Linda Malave?

23 MS. MALAVE: Here.

24 MR. KACZMAREK: Jennifer Wacha?

25 MS. WACHA: Here.

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2 MR. KACZMAREK: Mark Pattison? Joe
3 Leary?

4 MR. LEARY: Yes, here on Zoom.

5 MR. KACZMAREK: Bill Smith?

6 MR. SMITH: Here.

7 MR. KACZMAREK: David Lochbaum?
8 Richard Webster?

9 MR. WEBSTER: Yup, here.

10 MR. KACZMAREK: All right. Thank you.
11 Before I turn it over to Chair Congdon, I want to
12 provide --

13 CHAIR CONGDON: Tom Carey's on Zoom.

14 MR. KACZMAREK: -- oh, thank you, Tom.
15 Before I turn it back over to Tom Congdon, as he
16 mentioned, I just have some logistics to run through.

17 To our in-person board members and
18 guest presenters, please speak into the mic to ensure
19 your comments are clearly heard and accurately
20 recorded. To our panelists joining by Zoom, please
21 keep your mics muted unless you are speaking.

22 To our Zoom pan -- participants,
23 please reserve the chat feature for reporting
24 technical issues to our audio-visual team. Only
25 questions will be captured in the Q&A field -- only

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2 questions that are captured in the Q&A field can be
3 saved and reviewed.

4 Finally, all speakers tonight are
5 asked to indicate your name before making statements.
6 This will support tonight's court reporter with
7 accurately recording tonight's meeting. With that,
8 I'd like to turn it back to you, Tom.

9 CHAIR CONGDON: Thank you, Tom. Go to
10 the agenda slide, please. By way of a brief
11 introduction to tonight's meeting for any audience
12 members who are new to our meetings, the Indian Point
13 Decommissioning Oversight Board, or D.O.B. was formed
14 in May 2021 by the Department of Public Service,
15 shortly after Indian Point, permanently ceased
16 operations and was transferred to Holtec.

17 The D.O.B. was modeled on legislation
18 introduced by Senator Harckham and then Assemblywoman
19 Sandy Galef, and as called for in the legislation,
20 the D.O.B. meets at least three times per year with
21 more frequent meetings as warranted.

22 As you heard in the roll call, we have
23 membership from key state agencies that may play a
24 role in oversight of state laws and regulations or
25 that may otherwise provide expertise or resources to

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2 the -- to assist the host community through the
3 transition from an operating nuclear plant to a
4 decommissioned site.

5 It includes elected officials from the
6 host community as well as labor leaders. It also
7 includes two additional non-governmental
8 representatives. One from the environmental
9 community, Richard Webster, who is in contract with
10 Riverkeeper and an independent technical expert, Dave
11 Lochbaum, who is retired -- retired from the Union of
12 Concerned Scientists and does not charge for his
13 services to the D.O.B. or in any other arena in which
14 he works now in retirement.

15 Our goal is to ensure decommissioning
16 is safe, prompt and thorough, and to have robust
17 community engagement. We believe that providing a
18 venue for community involvement can help ensure we
19 meet the state's public interest goals for
20 decommissioning.

21 We have a very active host community,
22 and the state makes a deliberate effort to not only
23 provide information to members of the public, but to
24 also listen carefully and pull information from the
25 public to identify areas in need of additional focus.

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2 I'd like to stress that the
3 Decommissioning Oversight Board and the Closure Task
4 Force are not decision-making bodies. We have
5 representative members who do play administrative and
6 policymaking roles, but the D.O.B. itself, as a body,
7 has no formal jurisdiction over the Decommissioning
8 of Indian Point.

9 We are a forum for factual information
10 exchange, which helps provide the community members
11 and affected stakeholders with information about the
12 status of decommissioning and provides transparency
13 around both Holtec operations and state and federal
14 oversight.

15 To that end, our agenda tonight will
16 include updates from state agencies on various work
17 streams affecting the site. We will also hear from
18 Holtec to provide updates on their work since our
19 last D.O.B. meeting. They will also describe, in
20 detail, the reasons for their recent announcement to
21 delay decommissioning by eight years, which I know
22 many of us have questions about.

23 Lastly, we will also have time for a
24 public statement hearing. Before I get to the first
25 presentations on the agenda, I'd like to make some

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2 housekeeping notes for the Indian Point Closure Task
3 Force, which was established by statute.

4 Since our last meeting, the task force
5 issued its annual report as required by law. We did
6 receive some public comments on the report after it
7 was issued, and we have posted those comments on our
8 website. We will take that feedback into account for
9 the next annual report.

10 I'd also like to inform the board that
11 last month I was a guest panelist at a meeting of the
12 Nuclear Regulatory Commission, where I spoke about
13 the role of states in decommissioning and highlighted
14 the importance of public engagement in information
15 exchange.

16 I used the opportunity to thank the
17 N.R.C. for participating in several of our meetings
18 during this year and suggested ways in which they can
19 further improve their important role in
20 decommissioning oversight and -- and community
21 engagement.

22 I was disappointed they couldn't be
23 with us today, but I am sure we will have them at
24 future meetings of the D.O.B. in 2024. At this time,
25 I'd like to move to our agency updates. Go to the

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2 next slide, and I'll turn it over to John Sipos,
3 Counsel to the D.O.B.

4 MR. SIPOS: Good evening. Thank you,
5 Tom. Just want to make sure folks can hear me okay?
6 Seeing no one is objecting, I'll run -- start running
7 through the state agency oversight portion of this
8 presentation.

9 As we have in the past, we are posting
10 right now up on the screen, the various ways to file
11 tips or concerns regarding aspects of decommissioning
12 at Indian Point. And at this time, we have not
13 received any credible detailed specific complaints
14 from -- from our perspective.

15 If we could go to the next slide,
16 please? It would be the monitoring updates, I
17 believe. As we have discussed in the past, there are
18 continuous monitoring devices around the facility and
19 Indian Point is one of only five facilities in the
20 country that have this capability.

21 I -- at the September meeting, Holtec
22 mentioned that it would be willing to -- through
23 discussions continue or transfer certain of those
24 monitors along Broadway, to the east of the plant,
25 for continued operation. And as we have noted in the

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2 past, monitors eight and monitor nine are 1200 and
3 1300 feet from the BV school.

4 If we could go to the next slide.
5 These are results. This is -- this again depicts the
6 16 monitors surrounding the plant. These are the
7 Reuter-Stokes monitors. The data here, I believe, is
8 from November 29th, 2023. They are all within normal
9 parameters.

10 And as -- as they have been in the
11 past and as has been in the previous years. You can
12 go to slide nine. As we have also discussed the 2021
13 joint proposal with Holtec, that was approved by the
14 New York State Public Service Commission.

15 It did require minimum trust fund
16 balances and financial project reporting to the State
17 of New York. These are unique safeguards that the
18 State sought and Holtec agreed to put in place and
19 provide us with the ability to monitor the financial
20 aspects of what is occurring here.

21 Various state agencies, including the
22 Department of Public Service, the Office of the
23 Attorney General, Department of Environmental
24 Conservation and NYSERDA review trust fund balances
25 with Holtec from time to time.

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2 We set out the dates here that those
3 reviews have occurred. The last one occurred earlier
4 this week on -- on Monday. Holtec has reported in --
5 in the most recent review that it remains in
6 compliance with its minimum trust fund balance
7 obligations included in the joint proposal and
8 approved by the Public Service Commission.

9 And we note here where the public
10 information regarding the financial status of the
11 trust funds are available. We have a -- we have a
12 location on our website, the D.O.B. website provides
13 that information.

14 CHAIR CONGDON: John, could I
15 interrupt? Senator Harckham has a question on this
16 slide.

17 MR. HARCKHAM: Thank -- thank you very
18 much, Tom. Thank you, John. A couple of years ago,
19 former Assemblymember Sandy Galef had asked if we
20 could get presentations on a regular basis on the
21 trust funds at the Decommissioning Oversight Board
22 meeting. I realize the information is on the
23 website, but I think it would be helpful.

24 You know, I would suggest at least
25 twice a year for this body to get a presentation on

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2 that.

3 MR. SIPOS: And just in response to
4 that. So every March 31st, Holtec provides a public
5 report as it is required to do so under the Nuclear
6 Regulatory Commission decommissioning regulations and
7 it has done so. It did so this year, all that
8 information is on the NRC website and provided --

9 MR. KACZMAREK: John -- can you make
10 sure you're speaking right into the mic and -- thank
11 you.

12 MR. SIPOS: Sorry.

13 MR. KACZMAREK: Thank you.

14 MR. SIPOS: Get my microphone over
15 here.

16 MR. HARCKHAM: John, I would say
17 though, yes, the information is on the website.
18 That's different than a presentation public to this
19 board. That was something that Sandy Galef asked for
20 and this body agreed to. We haven't done it. So
21 here we are a few years later arguing about whether
22 we're going to do it or not. I'm just saying if we
23 could just do what we agreed to do a couple of years
24 ago.

25 CHAIR CONGDON: I think that's the

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2 purpose of this slide. What did you envision that
3 would be different than this slide?

4 MR. HARCKHAM: Well, I -- I would like
5 a real PowerPoint on the trust fund and the balances
6 as opposed to a slide just saying, here's the
7 website, go look at the website.

8 CHAIR CONGDON: So just the actual
9 numbers from their annual reports?

10 MR. HARCKHAM: Yeah. Yeah.

11 CHAIR CONGDON: Okay. So that, I
12 mean, we can --

13 MR. HARCKHAM: We -- we don't have to
14 do it every meeting, but I think, you know, when --
15 when Sandy asked for that, it was with the thought
16 that it would be on a semi-regular basis, just so
17 someone could take this body through the numbers.

18 CHAIR CONGDON: Got it. So -- so for
19 the balances as reported in March of 2023, there are
20 three trust funds for each of the units. Unit One is
21 558 million. Unit Two, 619 million, and Unit Three
22 is 742 million. And so that's the current publicly
23 available balances of each of those trust funds.

24 And they have minimum balances that
25 they have to maintain, which the state agencies are

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2 reviewing on a regular basis with them, and have
3 confirmed that they're still in compliance with all
4 of those minimum balance requirements.

5 MS. LEVENBERG: And what about the
6 expenditures?

7 CHAIR CONGDON: And that includes,
8 based on the expenditures they've made since this
9 report, they've maintained the minimum balances.
10 They haven't gone below the minimum balances. They
11 remain in compliance.

12 MS. LEVENBERG: How can we understand
13 what the expenditures are?

14 CHAIR CONGDON: You will get that in
15 their annual public reports. This is their
16 information that is -- that is required by the N.R.C.
17 And it is made public on an annual basis, but we
18 maintain, as state agency partners in the joint
19 proposal, to comply with that, they have to show us
20 those numbers in meetings with government.

21 So that's with all the various
22 agencies, including the Attorney General's Office.
23 So that's what we've been doing and we can report out
24 on that. It will be up to Holtec whether they report
25 the balances from those meetings.

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2 But on an annual basis, they have to
3 put that out publicly and we will continue to report
4 that information, which is public.

5 MR. HARCKHAM: I -- I -- I think to
6 Assemblymember Levenberg's point, and you know, the
7 balance -- the balances are good -- it would be at
8 least once, I think, beneficial for this body to
9 understand how those funds work, how the expenditures
10 work as -- as she referenced.

11 You know, perhaps after the annual
12 reporting that Holtec makes, they could make a report
13 to this body. But I -- I think as part of the
14 oversight, we need to have an understanding. I -- I
15 get it, the state agencies are doing it, but I think
16 the public would be well served just by having this
17 information.

18 CHAIR CONGDON: Yeah, I -- I took what
19 Sandy was saying at the time as providing this kind
20 of report. If Holtec can take back the request for
21 providing additional updates on the fund balances
22 between your annual reports to the N.R.C., it sounds
23 like the senator and assembly member would like to
24 get that information throughout the year as opposed
25 to annually.

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2 MR. HARCKHAM: Yeah, I -- I think it
3 would just be beneficial to the public, that's all.
4 Sure, everything's on the up and up but you know, for
5 us to understand how that works, I think would be
6 helpful.

7 MS. LEVENBERG: Yeah, I -- just --
8 knowing Assemblywoman, Galef a little bit I hardly --
9 I cannot believe that she would have been happy with
10 this one. Mine here is that -- that was what she --
11 what she meant when she was suggesting an update of
12 the trust fund balances, I think, you know, again,
13 what she's probably looking for is a more detailed
14 understanding of how, what the expenditures were in
15 the trust funds and how it was being used.

16 MR. WEBSTER: Okay. Can I just --

17 MR. SIPOS: And -- and I -- excuse me,
18 actually. I just -- I really want to make sure that
19 this is now addressed and Senator, I heard you say
20 that we were arguing about it. We are not arguing
21 about it. I am not arguing about it. I just want to
22 make sure, given the comments that were just made in
23 -- as of December 31st, 2022, Indian Point Unit One
24 at \$557 million in -- in its trust fund.

25 Indian Point Unit Two at \$618 million

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2 in its trust fund, and Indian Point Unit Three had
3 \$741 million in its trust fund. I -- I submit that
4 that is a specific, granular report as to the status
5 of the trust fund.

6 MR. HARCKHAM: And -- and I appreciate
7 that. I appreciate those numbers, but again, I -- I
8 think we'd just like a little more granularity on the
9 expenditures and how those transactions are made.
10 That -- that's all we're asking.

11 MR. WEBSTER: Okay. Can I pick up on
12 this because my question is, who's responsible for
13 auditing the expenditures?

14 MR. KACZMAREK: Richard -- Richard,
15 can you speak into the microphone?

16 MR. WEBSTER: Who's responsible for
17 auditing the expenditures? Is it -- is it the state?
18 Is it the N.R.C. or does Holtec have a -- you know,
19 private auditor that they engage?

20 MR. SIPOS: So Holtec does conduct
21 internal accounting controls of its -- of its trust
22 fund. The N.R.C. -- I'm -- I'm sorry, was someone
23 else trying to speak to that? I -- I couldn't quite
24 finish my thought there.

25 N.R.C. also provides regulatory

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2 oversight of the -- of the trust fund amounts, they
3 do this on an annual basis, and the state agencies
4 further, Richard, look at this as well. And this is
5 all set out, Richard, in the joint proposal that you
6 helped negotiate. And you signed, and Riverkeeper
7 agrees to.

8 MR. WEBSTER: Right.

9 MR. SIPOS: So if you're suggesting
10 something in addition to the joint proposal or some
11 change to that? I don't -- I don't know what your --
12 what your comment is actually going to.

13 MR. WEBSTER: No --

14 MR. SIPOS: But Holtec has -- has
15 accounting obligations, generally accepted accounting
16 principles. The N.R.C. is looking at this as well.
17 They have a suite of accountants and the state
18 agencies are watching this.

19 And this is the -- a process that was
20 set up after probably months of negotiation with your
21 client and others. And that is provided now and we
22 are providing status of -- of the -- of the trust
23 fund.

24 MR. WEBSTER: Right, I -- I -- we've
25 got the balances, John. I'm -- you know, the J.P.

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2 was a while ago, so my memory is probably -- but I
3 guess what I'm trying to understand is, you know, the
4 -- the trust fund is for limited purposes, right?
5 Sorry, the trust fund is for limited purposes.

6 Just so the public understands. The
7 trust fund is for limited purposes. It's got limits
8 on what it can invest in. And then there are
9 withdrawals that are allowed, again, for specific
10 purposes, basically decommissioning and spent fuel
11 management, right?

12 MR. SIPOS: And site restoration.

13 MR. WEBSTER: And site restoration,
14 okay. And I'm just trying to understand, I'm not
15 sure, when you say the state's looking at the minimum
16 balances, that tends to imply you're not looking at
17 the withdrawals, right?

18 And so I'm just trying to understand,
19 with a little more detail, I'm trying to refresh my
20 memory here. And also help the public understand,
21 how is this trust fund regulated?

22 MR. SIPOS: The trust fund is under
23 the auspices of the Nuclear Regulatory Commission.
24 It is part of their decommissioning regulations.
25 They have regulators and accountants that view the

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2 data that Holtec provides.

3 Holtec also, as a company, has to
4 provide -- has to comply with generally accepted
5 accounting principles. And -- and -- and the state
6 is also checking in from time to time as provided for
7 in the joint proposal. We look at the end-of-year
8 financial reports and unlike other states, we also
9 negotiated for and we received the ability to get
10 semi-annual updates and that is what we did earlier
11 this week.

12 MR. WEBSTER: All right. Thanks.
13 Thanks, John.

14 CHAIR CONGDON: And you know, in our
15 future invitations to the N.R.C., perhaps what I'm
16 hearing here is that there would be interest in -- in
17 hearing from the N.R.C. further information about how
18 they track the expenditures as well. So I think that
19 -- that could be included in our invitation for
20 future --

21 MR. WEBSTER: Yeah, that'll be great.

22 CHAIR CONGDON: -- future N.R.C.
23 presentation.

24 MR. SIPOS: So turning on to Slide 11
25 again, some updates on D.P.S. oversight activities

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2 including the Unit Three spent fuel cask
3 registrations associated with the [inaudible] spent
4 fuel pool to the dry cask storage pad. To Richard's
5 question in -- about additional oversight.

6 There are monthly meetings with
7 various state agencies and -- and others regarding
8 progress in the decommissioning realm. And our --
9 our state inspector has monitored compliance with the
10 joint proposal commitments. If we could go to Slide
11 11?

12 And this is probably going to be the
13 focus of -- of my presentation, my discussion
14 tonight. As -- as we discussed at the September
15 meeting, we are at a major milestone in the
16 decommissioning. And that's -- sorry. How's that?
17 All right.

18 Both Toms are helping me through this
19 presentation here. And thank you both. As we
20 mentioned at the September 20 -- the September 2023
21 meeting, we are at a major milestone and that is the
22 completion of the movement of spent nuclear fuel from
23 the dry -- from the spent fuel pools to the dry cask
24 storage facility.

25 This is a very, very important aspect

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2 of what has happened in decommissioning. And if we
3 could just run through Slides 11, which is where we
4 were in February of 2023. So roughly, you know,
5 nine, 10 months ago, there was still a lot of --
6 there was still a significant amount of fuel
7 represented by the purple section of -- of the pie
8 chart that was in the spent fuel pool for Unit Three.

9 If we skip over to page 12, you'll see
10 the progress. You'll see that the purple segment was
11 decreasing in size. And if we can now go on to page
12 13, this is sort of like a time lapse photograph of
13 what has occurred at 2023 at the -- at the facility.

14 You see on slide 13 that all the spent
15 fuel has been moved from the spent fuel pools into
16 the dry cask storage. And I think as Dave Lochbaum
17 and others have recognized and discussed previously,
18 this fundamentally changes the risk profile at this
19 site. It is -- is a significant event.

20 The source term that was present in
21 the spent fuel pools for Unit 2 and Unit 3 is now
22 declined to zero. That is, zero source term remains
23 in those spent fuel pools. And the spent fuel has
24 been dispersed into scores of dry cask canisters.

25 So for the host communities, for the

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2 metropolitan area, this is a notable milestone. It
3 is a significant safety achievement that we have
4 reached here and that the state has been pushing for
5 -- for probably close to 15 or 16 years.

6 And so I'd like to acknowledge to --
7 I'd like -- I'd like to acknowledge to the community
8 of -- that this -- that we've reached this important
9 step, but also recognize the important work that
10 Holtec's employees and Holtec's managers did to get
11 there.

12 They worked diligently through 2023
13 very -- on -- on -- on a very focused schedule. This
14 was a schedule that was much, much faster than
15 anything, Entergy ever conceived of, ever agreed to,
16 ever negotiated about. And it is -- we are in a
17 better place today because of this -- because of this
18 step.

19 And -- and again, I want to
20 acknowledge Holtec for living up to its commitment
21 that it made in the joint proposal. In fact, if my
22 memory is correct, they not only did they meet the
23 commitment, but they satisfied it by more than a year
24 before than when they were supposed to.

25 So I think we need to acknowledge

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2 that. And I -- I know, you know, others may be
3 talking about this as well. I -- I think it can't be
4 oversaid how important this is. The reason that the
5 spent fuel was congregating in the spent fuel pools
6 was, when the facilities were first licensed by the
7 federal government, the federal government said,
8 don't worry, communities. Don't worry, Buchanan.
9 Don't worry, Cortlandt. Don't worry, New York
10 metropolitan area.

11 The spent fuel will be removed from
12 Indian Point. They said this in an early licensing
13 document. But the spent fuel will not -- the spent
14 nuclear waste will not be stored in your community,
15 but although they licensed the facility and licensed
16 this operation, the federal government never got
17 around to finding a place for the spent nuclear fuel
18 to go.

19 And because of that, it allowed more
20 and more fuel to accumulate in the spent fuel pools.
21 In fact, it was five times the amount of the
22 original, authorized -- the original designed
23 volume. And that created a -- a -- a very high
24 concentration of spent nuclear fuel in these two
25 very compact pools.

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2 And you know, there are risks
3 associated with that, and I don't want to like,
4 detail all the risks. We've done that in filings
5 with the Nuclear Regulatory Commission, but no site
6 in the country is like Indian Point in terms of
7 population, in terms of nearby water reservoirs, in
8 terms of, you know, seismic questions, and in terms
9 of design basis threats, right?

10 I mean, there are people out there
11 that do not like America and do not like New York
12 state. And this shift from the pools to the casks
13 has -- has eliminated the risk of a severe accident
14 emanating from the spent fuel pools.

15 I think I'll leave it at that on -- on
16 this transfer, but it is -- it is a -- it is a
17 significant achievement. And yes?

18 CHAIR CONGDON: Just -- just one more
19 thought to -- to recognize Bill Smith and U.W.U.A. 1
20 -- Local 1-2 workers who were responsible for this
21 monumental milestone. We're very grateful to all the
22 members and -- and wish them well. Thank you.

23 MR. SIPOS: So thank you very much.
24 New York is a safer place now than it was before all
25 the fuel was moved. And speaking of that, I'd like

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2 to just go on to Slide 14, if I could, in terms of
3 New York State advocacy, we have spoken from time to
4 time about how New York State interacts with the
5 federal regulatory authorities on -- in -- in regards
6 to Indian Point, and in regards to nuclear energy
7 matters in general.

8 As folks probably recall, there were a
9 series of exemptions that Holtec requested from
10 N.R.C. regulations. And these exemptions have been
11 requested at other facilities throughout the country,
12 and they have been granted with, you know, in -- in
13 fairly rapid order following the requests for the --
14 for the exemptions.

15 Sorry, I thought I heard some
16 feedback. So New York saw that these exemptions had
17 -- had gone in and various state agencies reached out
18 to the Nuclear Regulatory Commission and -- and
19 really underscored the items that I just mentioned,
20 how unique Indian Point is in terms of surrounding
21 population, et cetera, et cetera.

22 And NYSERDA, Alyse Peterson, who is
23 here with us tonight wrote a very detailed policy
24 paper to the N.R.C. Tom Congdon and I spoke with the
25 Nuclear Regulatory Commission, you know, emphasizing

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2 the unique aspect of the population and of the
3 potential hazard.

4 And said, look, Indian Point's
5 different. You should -- you should acknowledge it
6 here. Now that we are in decommissioning, you have
7 generally applicable regulations that apply. Maybe
8 you shouldn't be regulating by exemption when it
9 comes to Indian Point.

10 And it ultimately worked out that the
11 exemptions were not granted in -- in 2020 to 2021.
12 They are in the process of being gone through now and
13 being finalized and being issued and being granted.
14 But again, it's after spent nuclear fuel came from
15 the -- came from -- from the spent fuel pool and went
16 to -- and went to the dry cask storage.

17 So I think that's also important to
18 acknowledge that New -- New York has been advocating
19 and advocating in a -- in a -- in a -- in a creative
20 way here to -- to protect the citizens. If we could
21 go on to Slide 15, this, I -- I sort of anticipated
22 what's on Slide 15 and the following ones.

23 So given that the transfer has
24 occurred, has been completed, N.R.C. has begun to
25 start issuing the exemptions. And those exemptions

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2 are set out on page 16 and page 17 here, and these
3 are similar to what has been granted at other --
4 other facilities across -- across the country.

5 And again, now that the spent fuel has
6 been transferred to the casks, there is less risk.
7 There is zero radiological risk coming from the spent
8 fuel pool. And that actually paves the way for --
9 for these exemptions.

10 If we could just go on to page 18,
11 again, some more information about what Cliff Chapin,
12 our state inspector, has been working on at Indian
13 Point, has been watching the spent fuel transfer,
14 looking at the demolition of -- of the turbine and
15 the construction of new security facilities that are
16 focused on the dry casks storage area.

17 Corrective action is also being
18 monitored with respect to industrial safety and there
19 was a -- or there was an incident where there was an
20 oil sheen within the last week which we may talk
21 about a little bit more. Lastly, there was a pre-
22 enforcement meeting that took place down in Rockville
23 in late October.

24 We previewed this to the
25 Decommissioning Oversight Board at our September

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2 meeting. This is the issue where N.R.C. conducted an
3 inspection at the Camden, New Jersey facility and
4 noted that there had been a change from N.R.C.'s
5 perspective in the manufacturing sequence, in the
6 manufacturing process for dry cask storage, involving
7 the positioning and securing of some subcomponents
8 within the -- within the dry casks.

9 We have the hyperlink there for the
10 meeting, and to date, there has been no -- nothing
11 that's been reported out from N.R.C. regarding that,
12 you know, Holtec made a very lengthy presentation at
13 that meeting. I'm sure N.R.C. is considering it, but
14 that is the, you know, the current outstanding
15 enforcement issue, I'll say.

16 And again, it was a pre-enforcement
17 con -- conference. There's probably a lot more that
18 will -- will occur regarding that before it reaches
19 any type of final resolution. And I think with that,
20 that concludes what I was planning to say regarding
21 state oversight and in particular, D.P.S. oversight.
22 I'm going to turn it over to Rachel in the Department
23 of Labor.

24 So thank you very much for your
25 attention. We really appreciate being here tonight.

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2 MS. ADLER: On October 31st, the New
3 York State Department of Labor continues to be in
4 contact with Holtec's H.R. department. And on
5 October 31st, three rapid response orientations were
6 held on site. 24 workers participated. 13 workers
7 utilized our one-on-one resume development
8 appointments.

9 Following the events on 10/31, all
10 participants received follow-up material containing a
11 recording of the orientation and listing of resources
12 mentioned. Workers who were unable to attend
13 received a letter advising services, where they're
14 available, and given our rapid response contact
15 information.

16 A new WARN notice was submitted on
17 10/06, indicating the separation of 138 workers that
18 will occur on 12/29. And a warn postponement for two
19 employees was pushed again to 12/29/2023.

20 On Thursday, November 30th, letters
21 were sent out from the North Atlantic State Regional
22 Council of Carpenters, Westinghouse and Champion
23 Specialty Services Providers to their employees
24 stating that 97 employees will be laid off by the end
25 of 2023.

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2 D.O.L. is working on collecting
3 additional information on this and we will assist all
4 workers impacted by the layoff and we will share more
5 information as it becomes more available.

6 CHAIR CONGDON: I believe Senator
7 Harckham has a question.

8 MS. ADLER: Sure.

9 MR. HARCKHAM: Hi, Rachel. Thank you
10 for everything you and your team are doing. Quick
11 question. Is D.O.L. working with any of the
12 contractors in the Hudson Valley to directly link
13 folks with -- with jobs that may be opening up on a
14 lot of the development that's happening in White
15 Plains and New Rochelle and areas like that?

16 MS. ADLER: Yes. Our Westchester
17 office works closely with the contractors on that.
18 We also have our virtual career fair that's happening
19 on Tuesday, December 19th from 11:00 a.m. to 2:00
20 p.m., as well as Westchester County's next career
21 fair is January 18th, 2024.

22 MR. HARCKHAM: All right.

23 MS. ADLER: But we work
24 collaboratively with them. It's just that, you know,
25 we -- we work with all the different career fairs and

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2 everything like that. And they have specialty career
3 fairs that we have occur throughout the year.

4 MR. HARCKHAM: All right. That's
5 great. Thank you.

6 MS. LEVENBERG: I have some questions
7 as well.

8 CHAIR CONGDON: Go ahead,
9 Assemblywoman.

10 MS. LEVENBERG: Can you help me
11 understand maybe you do know, maybe you don't know
12 when the employees, these 97 employees were
13 onboarded and how many of them are safety -- are
14 safety personnel that they're letting go?

15 MS. ADLER: I'm not sure. I'm not --
16 I'd have to collect that information.

17 CHAIR CONGDON: That might be a
18 question for Holtec.

19 MS. ADLER: Okay. Yeah.

20 CHAIR CONGDON: Rundown of the layoffs
21 from the carpenters that were announced last week.
22 This is Westinghouse --

23 MS. ADLER: Champion --

24 CHAIR CONGDON: -- Champion E.A.S.

25 MS. ADLER: If you -- do we know when

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2 those -- when were those employees onboarded?

3 MR. SPAGNUOLO: So they've been
4 onboarded, you know, on a regular basis since August
5 of 2021. That's when we hired our first contractor
6 with Champions' predecessor, Williams, and then
7 Westinghouse's predecessor, B.H.I. or B.H.I.'s
8 Predecessor, Western. So there is no number. And
9 they're -- they're both different categories. So
10 B.H.I. or the Westinghouse employees are rad waste,
11 R.P. technicians and all of the R.P. supervisors are
12 all part of the Carpenters Union.

13 And then we employ carpenters, O.E.'s,
14 iron workers and electricians from the -- the local
15 units, the local unions here. As projects ramp up,
16 we staff to the projects. We -- Holtec doesn't hire
17 the individuals. Champion and B.H.I. are responsible
18 for hiring the individuals.

19 What we're responsible to do is,
20 develop a schedule and provide that information to
21 Champion, vet out the schedule and determine how many
22 people we need for each craft, from each craft for
23 each project. And then as the projects wind down,
24 prior to the schedule delay, which I'll talk about,
25 we move them on to further projects.

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2 The difference here is that we're not
3 moving them on to further projects. As projects are
4 winding down, the projects that are remaining don't
5 require that staff. So there is no date when any of
6 the 79, one of them could have been August 14th, 2021
7 when we hired them, or it could have been two months
8 ago when we staffed up for a smaller project.

9 MT. KACZMAREK: Just -- just quickly.
10 Frank, a lot of folks don't know who you are. At
11 this meeting, can you introduce yourself?

12 MR. SPAGNUOLO: Yeah, Frank Spagnuolo.
13 I'm the new site Vice President at Indian Point.
14 Rich Burroni has moved up to the Chief Nuclear
15 Officer. Sorry.

16 MS. LEVENBERG: Thanks, Frank. I --
17 and you're going to be doing a presentation a little
18 bit later on the -- on the extended timeline, so I
19 can -- I can ask some of these other questions, but I
20 was curious about some of the -- did -- I'm sorry.
21 Did you say how many of the people from the initial -
22 - that 138 had already been, had found other
23 positions or -- or not?

24 MS. ADLER: From that 138, we wouldn't
25 be able to tell you how many of them have gone to new

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2 positions, but we can tell you how many of them
3 participated in the rapid response.

4 MS. LEVENBERG: And what is rapid
5 response? What does that actually mean?

6 MS. ADLER: Our -- our rapid response
7 team works whenever a WARN notice comes into place
8 and they work to assist individuals to find new
9 careers, jobs or other opportunities such as, like
10 training, certification, all that kind of stuff.

11 MS. LEVENBERG:: Okay. I can ask the
12 rest of my questions.

13 CHAIR CONGDON: But -- but many of the
14 138, I think were within U.W.U.A., so Bill may be
15 able to provide some further color on how long
16 they'll be employed and what you understand from
17 that group of individuals. Are they retiring? Are
18 they moving on to other work?

19 MR. SMITH: Yeah, most are retiring,
20 and this was what their fuel-to-pad -- this was the
21 agreement contractual that -- that said it would be
22 done, and they're done on December 29th this year.

23 CHAIR CONGDON: And that's -- that
24 was planned and scheduled because their jobs are
25 done.

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2 And that was who I was thanking earlier in the -- in
3 -- in -- in the presentation. Okay. Thank you,
4 Rachel. We'll move on now to a presentation by
5 D.E.C., I believe, Dan Bendell is on the line.

6 MR. KACZMAREK: I believe --

7 CHAIR CONGDON: Was there another
8 question? Tom Carey had a question from Zoom. Tom?

9 MR. CAREY: Hey, Tom. Thank you. It
10 may be a question for Mr. Spagnuolo. You know, when
11 we talk about these layoff numbers, I imagined it had
12 nothing to do with the legislation that passed, you
13 know, I know Holtec was talking about, you know,
14 having massive layoffs, you know because of this
15 possible legislation.

16 But it seems to me that a lot of these
17 layoffs were going to be once the fuel was all stored
18 in the dry cask, then that was probably a predicted
19 number. Is that an assumption or is that -- is that
20 true?

21 MR. SPAGNUOLO: This is Frank again.
22 That is a true statement. So this coincides with
23 fuel on pad dry fuel completion. There were probably
24 300 people associated with dry fuel. Both the -- the
25 U.W.U.A and the Teamsters contracts at the last

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2 negotiation had this in their contracts that they
3 understood there would be -- the U.W.U.A. position
4 would be eliminated completely.

5 We're going from an operating
6 agreement to the National Labor Agreement, which does
7 not include the U.W.U.A. and that was all negotiated
8 a couple of years ago before we even shut down.

9 CHAIR CONGDON: That's for the 138
10 here that we're talking about, right?

11 MR. SPAGNUOLO: Yes. So that 138 five
12 years ago, it informed what we're doing.

13 MR. CAREY: Okay. Yeah, I just want a
14 little clarification because I kind of figured those
15 numbers were going to be pretty close to that once
16 the dry cask project, once that portion was
17 completed, then there probably would be minimum of a
18 100 people getting laid off.

19 But I know Holtec, you know, during
20 earlier talks when -- when the question arose that
21 because of the possible legislation that was proposed
22 that there would be massive layoffs. So I haven't
23 seen that and hopefully that doesn't happen. But
24 thanks for the clarification, Frank.

25 CHAIR CONGDON: So -- so Tom, I think

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2 the -- the other thing that Rachel mentioned is that,
3 last week the Carpenters were affected by layoffs by
4 contractors to Holtec that according to the
5 Carpenters were layoffs that were related to the
6 change in schedule, which Holtec is going to speak to
7 later has indicated that it was related to the change
8 in law.

9 MR. CAREY: Okay. Yeah. I'll -- I'll
10 --

11 CHAIR CONGDON: And we'll get into
12 that later on in their -- in their presentation.

13 MR. CAREY: Thank you.

14 MS. KNICKERBOCKER: I'd like to say
15 something. This is a little confusion talking about
16 two different things, talking about the Union getting
17 the stuff on a pad, the spent fuel on the pad which
18 is now completed. But there was a very interesting
19 letter, press release that went out, job killing
20 legislation results and layoffs right before
21 Christmas.

22 So I'd like to read just a few, a
23 little excerpts from there. And this was given by
24 William Banfield, Assistant Executive Secretary,
25 Treasurer at North Atlantic States Regional Council

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2 of Carpenters.

3 MR. KACZMAREK: Mayor?

4 MS. KNICKERBOCKER: Yes.

5 MR. KACZMAREK: Before you begin
6 speaking, could you just speak into the mic?

7 MS. KNICKERBOCKER: Oh, absolutely.

8 MR. KACZMAREK: Thank you.

9 MS. KNICKERBOCKER: So this is the 97
10 jobs that are being lost. So I -- I don't want there
11 to be confusion because of the legislation, this is
12 what's happened. As you know, S 6893 and A 7208
13 prohibiting the discharge of any radiological
14 substances into the Hudson River in connection with
15 the decommissioning of a nuclear power -- power
16 plant, it was recently enacted into law.

17 The North Atlantic Regional Council of
18 Carpenters, along with our organized labor partners
19 at IPEC opposed the legislation over concern that it
20 would lead to several unintended consequences that
21 are actually detrimental to the environment, public
22 safety and economic development, including more
23 precarious onsite water storage at IPEC and scheduled
24 changes in the decommissioning that will pro --
25 protract what is already a lengthy and complex

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2 process.

3 Ultimately meaning extensive layoffs
4 and a long, long timeline for completion. The
5 legislation is duplicative with federal and state
6 regulations and strictly, and strict safety standards
7 already in place at IPEC.

8 As all of the stakeholders on the
9 ground at IPEC said many times during this -- its
10 consideration, it will do little more than slow down
11 the safe decommissioning of IPEC significantly. And
12 I just have a little more to say.

13 Decommissioning activities are already
14 governed by strict regulations set forth by the U.S.
15 Nuclear Regulatory Commission and the Environmental
16 Protection Agency's National Pollutant Discharge
17 Elimination System, both of which gave the necessary
18 approvals to Holtec Decommissioning International.

19 Furthermore, New York's Department of
20 Environmental Con -- Environmental Conservation
21 issued a State Pollutant Discharge Elimination System
22 permit to H.D.I., which allowed for D.E.C. oversight
23 of the project before this legislation was enacted.

24 The technical processes and best
25 practices contained in the array of regulations

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2 governing nuclear decommissioning results in the
3 radiological water discharge from these plants being
4 nearly indistinguishable from the natural
5 radioactivity present in the environment.

6 And like I said, this is part of the
7 letter with the loss of the 97 jobs from William
8 Banfield, Assistant Executive Secretary Treasurer of
9 the North Atlantic Regional Council of Carpenters.
10 These gentlemen, these carpenters, men and women,
11 will be laid off right before Christmas.

12 MR. WEBSTER: Can I -- can I just say
13 on this? That I think we can all agree that this
14 layoff is associated. Can I just check with you, Mr.
15 Spangnuolo? This -- this layoff, the 97 Carpenters,
16 is that associated with the schedule changes that
17 you've announced?

18 MR. SPAGNUOLO: So like I said,
19 there's three different, yeah, three different
20 reasons for each of the layoffs.

21 MR. WEBSTER: Right.

22 MR. SPAGNUOLO: They all have their
23 own numbers. However, people want to count them, I'm
24 not going to get into that. There was a group of
25 people that were going to get laid off if we -- when

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2 we finished fuel on pad, and that was completed on
3 October 15th.

4 They had their demo and layoff is, you
5 know, a lot of them didn't lose -- they stopped
6 working at Indian Point. They went back to whatever
7 project they may have been on.

8 CHAIR CONGDON: Those were planned?

9 MR. SPAGNUOLO: Those were planned.
10 If we finished next year moving fuel, they would have
11 been laid off next year.

12 MR. WEBSTER: Understood.

13 MR. SPAGNUOLO: The U.W.U.A. and the
14 Teamsters, the house people, security, ops,
15 maintenance R.P.'s, they -- their contract expired at
16 F.O.P.P. Now we didn't know exactly when that would
17 happen. So we predicted November 15th, we wanted to
18 give ourselves some time, so November 15th.

19 But we wanted to give some time, so we
20 wanted to push it out to the beginning of December,
21 and we determined, let's -- let's push it to December
22 29th, give us enough margin to make sure that
23 everything is done. It was a lot of work to do
24 besides just the fuel going to the pad, in order to
25 go to that protocol, which I'll talk about later.

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2 So that's a group of people. And part
3 of that is also H.D.I. People associated with fuel
4 on pad protected under H.D.I. will also get laid off.
5 That -- that project is done. Not unknown to anyone
6 that was involved in this.

7 The last group of people, when we
8 looked at our schedule, which I'll talk about later,
9 there are -- what we, historically, if you hire a
10 contractor to do -- to build a building and it's 500
11 people building the building, when the building is
12 done, they get laid off.

13 It's the same concept at Indian Point.
14 So each project is staffed for the past since I said
15 August 14th, 2021, we have just continued to add
16 projects. This project's done. We move on to the
17 next project, next project.

18 With the delay in the schedule that is
19 going to cause projects not to proceed in 2024 that
20 we wanted to do. And that's what I'll talk about.
21 So there's three groups, and that's the reason for
22 it.

23 MR. WEBSTER: Right. Thanks for that
24 clarification. I think I'll just say with regard to
25 the carpenter's letter. First of all, anybody

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2 getting laid off is never a good thing. We all feel
3 for that. Second of all, I don't quite understand
4 how it's associated with the legislation.

5 It seems to be associated with your
6 schedule change, but let's get to that debate after
7 your presentation.

8 MR. SPAGNUOLO: Thank you.

9 MS. KNICKERBOCKER: Frank, sorry to
10 interrupt. I know you use acronyms and -- and, you
11 know, it's just not everybody understands, you know,
12 fuel on pad, F.O.P., and -- and different things. So
13 I'll just kind of -- that's how you guys talk. I --
14 I know that. Just for everyone else. Thank you.

15 MS. LEVENBERG: I'll just -- I'm going
16 to wait until Frank goes through.

17 CHAIR CONGDON: Great. So if we could
18 now turn to the D.E.C. I think Dan Bendell is on
19 Zoom and he's going to walk through a few slides from
20 the D.E.C. side. Dan?

21 MR. BENDELL: Good evening. Can you
22 hear me clearly?

23 CHAIR CONGDON: Little echoey. Dan
24 Bendell from the Department of Environmental
25 Conservation.

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2 MR. BENDELL: Good evening. This is
3 Dan Bendell. Just going through some of the
4 administrative consent order requirements that D.E.C.
5 has worked on since the signing of the joint
6 proposal. The Citizen's Participation Plan, which is
7 required and involves the interaction between the
8 state agencies and the public.

9 We approved the C.P. plan last
10 September 23rd, 2023 -- 2022, I apologize. Scoping
11 work plan which defines the whole remedial
12 investigation of the facility. Scoping work plan was
13 approved also last August '22.

14 The remedial investigation is a series
15 of investigation work plans designed to identify
16 extent of contamination, if any, found at the
17 facility. All the work plans are listed on our
18 website and on the D -- D.O.B.'s website.

19 On the south end of the property, near
20 the Lafarge plant, there's a draft remedial
21 investigation work plan that was submitted. And
22 recently the department approved it in October of
23 2023. Before any work can be done, Holtec has to
24 provide us with 14 days' notice, which as of yet,
25 maybe Frank will tell us when that's scheduled, but

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2 as of yet, we don't have a schedule for that.

3 SPDES which is the discharge, as Rich
4 has spoken about. It's the discharge of water from
5 the facility. The Holtec SPDES has expired on April
6 30th of 2022. However, Holtec has submitted a timely
7 renewal application, so they continue to have
8 coverage under the existing SPDES permit, pursuant to
9 the state administrative procedures law.

10 We are undertaking a review of the
11 permit application to determine what modifications,
12 if any, is necessary. I think it was in October,
13 D.E.C. requested additional information from Holtec
14 to provide us with the necessary points to do a full
15 technical review. We received the information from
16 Holtec in November of 2023.

17 Once we complete the review, a draft
18 SPDES permit will be provided to the public. It'll
19 be noticed in the E.N.B. and then after the comments,
20 then we would issue it in accordance with D.E.C.
21 regulations.

22 Currently, D.E.C. is evaluating
23 whether and to what extent the recent legislation
24 signed by the Governor will result -- if it will
25 result in any possible changes to the facility's

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2 SPDES permit. A couple oversight activities. One of
3 the SPDES that governs the stormwater discharge from
4 the Unit Two transformer moat.

5 On October 21st, Holtec reported to
6 the Department a non-compliance event. The SPDES
7 permit requires Holtec to collect a monthly sample
8 prior to releasing the stormwater from the secondary
9 containment moat.

10 It appears as though it was, an
11 oversight. Prior to discharge in October, Holtec
12 failed to take the sample that was required. And
13 pursuant to -- once they realized that action, they
14 notified the department of that.

15 They took a sample. It was a similar
16 -- it's a non-active secondary containment. They
17 took a sample in October and there was - nothing was
18 noted in the results. It's very similar to a
19 rainfall event that occurred in September, taking a
20 sample to the moat before you discharge it.

21 We've never seen any situations like
22 that that have raised concern before. And Holtec has
23 discussed that they're going to do some operator
24 training to make sure that doesn't happen again.
25 Earlier last -- last week, Holtec reached out to both

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2 the D.E.C. and the D.P.S. involving a petroleum sheen
3 that was noticed on the discharge canal.

4 As you know, Cliff Chapin was already
5 on site. D.E.C. agency personnel also responded to
6 understand the circumstances surrounding the
7 petroleum sheen that was noted in the discharge
8 canal. And it emanated from a sump pit on the non-
9 radiological side of the turbine building.

10 During some work that was being done,
11 it appears that some oil has gotten into the sump,
12 and the sump did not activate or did not activate
13 sufficiently to capture all the oil before it was
14 discharged. As a result, some oil and water were
15 discharged to the canal.

16 Upon noticing that, Holtec shut down
17 the sump pump, contacted their emergency
18 environmental contractor and placed in additional
19 booms to absorb any petroleum in the discharge canal.
20 All the petroleum was contained in the discharge
21 canal and neither D.P.S. nor D.E.C. observe any
22 evidence of oil entering the Hudson River.

23 CHAIR CONGDON: Thank you, Dan. Any
24 questions for Dan?

25 MS. LEVENBERG: I have a couple.

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2 CHAIR CONGDON: Yes, Assemblywoman?

3 MS. LEVENBERG: Just on the review of
4 the permit application to determine if a permit
5 modification is necessary, what would govern that
6 decision?

7 CHAIR CONGDON: Dan, did you hear the
8 question?

9 MR. BENDELL: Yes, I heard the
10 question. It's -- unfortunately, I'm not in the
11 Division of Water. So I, you know, it's -- it's a
12 question of where the standards are, what the
13 releases have been in the past and what the new
14 permit would be.

15 But that's something that our Division
16 of Water technical staff would be reviewing.

17 MS. LEVENBERG: Okay. And -- and
18 presuming that it is -- that the SPDES permit is
19 issued or the draft SPDES permit is issued. And then
20 there would be that opportunity for public review and
21 comment.

22 Is there any kind of date anticipated
23 when that might happen?

24 MR. BENDELL: I don't have a date.
25 The -- the public will be notified via the E.N.B.

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2 The department also will notify everyone on the
3 D.O.B., so everyone else -- so it's noticed. You
4 know, sometimes our permits, they don't always rise
5 to the front page of the paper.

6 So we will notify everybody, there
7 will be plenty of time for public review and comment
8 before we issue it. It's not going to be a snap
9 judgment.

10 MS. LEVENBERG: And -- yeah, I'd like
11 to request that we can --

12 MR. SIPOS: And just -- just for
13 clarification. The phrase E.N.B. refers to the
14 Environmental Notice Bulletin. It's a formal state
15 publication where D.E.C. and other agencies notify
16 the public regarding various environmental actions.

17 MS. LEVENBERG: Great. So maybe we
18 could just request that we also post it on the D.O.B.
19 website and that we mention it in any upcoming
20 meetings if we know about it before or close to the
21 next meeting?

22 CHAIR CONGDON: Sure. We'll post it
23 on the D.O.B. website and talk about it at the -- at
24 each of the meetings that -- that it's open.

25 MS. LEVENBERG: Okay. Great. And

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2 then the last question is, what changes could result
3 as a -- a result of the legislation in -- in the --
4 the SPDES permit?

5 MR. BENDELL: At this point, the
6 department is not -- is not versed enough with the
7 legislation and the requirements of it to determine
8 what possible changes we would have to it, and that's
9 where we're -- that's part of the review process.

10 MS. LEVENBERG: Okay.

11 MR. BENDELL: In addition to the
12 E.N.B., the Environmental Notice Bulletin, the
13 applicant, Holtec is also required to put the notice
14 in the local paper. So it would be in the local
15 paper. It would be in the E.N.B., and also we will
16 notify the D.O.B., so everyone's going to know about
17 it.

18 MS. LEVENBERG: Thank you.

19 CHAIR CONGDON: Any other questions
20 for Dan? Any on Zoom? No? Okay. Thank you. So
21 Frank Spagnuolo is with us from Holtec to provide an
22 operational update. We, as always, appreciate
23 Holtec's participation in our meetings and being
24 willing to answer our questions.

25 Turn it over to you, Frank, walk

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2 through your slides.

3 MR. SPAGNUOLO: Okay. Thank you. So
4 just ignore the U in my name and you'll say it right.

5 CHAIR CONGDON: Okay. Sorry about
6 that.

7 MR. SPAGNUOLI: Everybody. Okay. So
8 for my agenda, I'm going to go through what work we
9 completed since the last meeting in September which
10 is the ISFSI project dry fuel vessel seg, and I added
11 the Unit One demolition because that's been going on,
12 but we haven't discussed it here.

13 So I put a couple of pictures in
14 there. We'll talk about liquid waste storage
15 discussions, schedule changes, license amendments,
16 N.R.C. inspections and activities. And I'll update
17 everybody on that. I'll do a little bit more detail
18 into the oil spill and then the safety.

19 Next slide. So for the dry fuel
20 project, most of this was discussed. So there's a
21 picture, aerial picture of the site with the new --
22 new - that's all the casks on site, that white
23 building near the casks is the new ICASK.

24 So that entire area will become the
25 protected area. When I say fuel and pad protected,

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2 that's what it means. Do you want me to wait?

3 CHAIR CONGDON: Yeah, wait a second.

4 If -- if folks could please silence their phones, I'd
5 appreciate it.

6 MR. SPAGNUOLO: So that's what fuel on
7 pad protected means. It means all the fuel is on the
8 pad and it is the Part 73 Code of Federal Regulations
9 protected area. We will officially be there
10 tomorrow. So right now, today is the first day that
11 -- that security is manning that position.

12 The entire Part 73 fence, the existing
13 one is still in place. So tomorrow is the day. All
14 license amendments I'll talk about, they were all in,
15 they were all enacted. So that is the milestone.
16 There's the number of how many fuel assemblies, how
17 many casks, and then I also added the greater than
18 class C casks.

19 So that's fuel, it's waste that's hot.
20 I'm sorry, I guess that's a phrase. That's highly
21 radioactive and it needs to get shipped to a D.O.E.
22 repository. It cannot be shipped to our -- our
23 repository in Texas.

24 We call them grade and class C casks.
25 And there's two of them in there now and it's waste

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2 that was generated over the 50-year life and stored
3 in the spent fuel pools. So over time, as we do
4 vessel segmentation, there should be about six casks
5 from each of the units and then possibly one cask
6 from Unit One.

7 And there's room on the pad for all
8 those casks that was what it was designed for. So
9 that -- that's it for dry fuel. Vessel -- vessel
10 segmentation. So as you know, our subcontractor for
11 this is actually Holtec International, Holtec
12 Decommissioning International.

13 So it's really, the company is doing
14 its own vessel segmentation. We've been working, the
15 way the schedule is laid out. We started with the
16 Unit Three, upper internals, that work is complete.
17 At the last D.O.B. we discussed it.

18 And they started -- the segmentation
19 team started to work on Unit Three and then they went
20 back to Unit Two to start doing the upper internals
21 on Unit Two. And that was just a change in
22 logistics. Just as we progressed the plan, more and
23 more planning, we realized that the -- the very
24 bottom of the core barrel needed to be inverted in
25 order to cut it with our existing saws.

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2 We had to have a tool designed and it
3 took about six months. So we just shifted from Unit
4 Three to Unit Two. So the plan now is we're going
5 to take Unit Two internals, segment those. They'll
6 go into -- to A and B, C boxes, which will be able
7 to be shipped to Texas over time.

8 And then we'll go back to Unit Three,
9 do the core barrel of the lower internals, finish
10 that. There will be greater than Class C casks there
11 and as well as A and B, C boxes. And then we'll go
12 back to Unit Two, and then we'll do the core barrel.

13 At that point, vessel segmentation on
14 Unit Two and Unit Three will be done. And I'll talk
15 about the actual vessel when I talk about the
16 schedule change. That is the schedule change. So
17 on Unit Two, we set up for vessel segmentation. So
18 that's the gantry, the aux bridge, and knuckle boom.
19 And I have a couple pictures on the next slide of
20 what they look like.

21 The reactor head has been removed from
22 the reactor. It's in a stand that will also be
23 segmented and the team is set up for the upper
24 internal segmentation.

25 MR. WEBSTER: Mr. Spagnuolo could I

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2 just stop you a second, just to say, when -- when
3 you're talking about vessels, you're talking about
4 the reactive pressure vessel, right?

5 MR. SPAGNUOLO: No, what I'm talking
6 about so far. So the reactive pressure vessel is
7 what holds all of these.

8 MR. WEBSTER: Right.

9 MR. SPAGNUOLO: So the reactive
10 pressure vessel, then the core barrel goes in that
11 and then the upper -- the fuel would normally go in,
12 and then the upper internals are on top of that.

13 MR. WEBSTER: Right.

14 MR. SPAGNUOLO: And then the head's on
15 top of that.

16 MR. WEBSTER: Right.

17 MR. SPAGNUOLO: Like a nesting doll.
18 So we take it apart from the head, take the upper
19 internals out, then the lower internals, and that all
20 gets segmented underwater.

21 MR. WEBSTER: Okay.

22 CHAIR CONGDON: Okay.

23 MR. WEBSTER: So where are -- sorry.
24 I -- I hope I'm not the only one that's not
25 understanding this. So -- so -- so what I don't

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2 understand is which bits have you so far segmented?

3 MR. SPAGNUOLO: So on Unit Three, the
4 head has been segmented and the upper internals have
5 been segmented.

6 MR. WEBSTER: Okay.

7 MR. SPAGNUOLO: On Unit Two, the head
8 has been removed, we'll segment that and we're
9 working on the upper internals.

10 MR. WEBSTER: Okay. Thank you.

11 MR. SPAGNUOLO: Then we'll go back,
12 back and forth. Yup. So that's it for Vessel segs.
13 So these pictures that --

14 MS. LEVENBERG: And you said that this
15 happens underwater. Did you say that?

16 MR. SPAGNUOLO: Correct.

17 MS. LEVENBERG: What water?

18 MR. SPAGNUOLO: I'm sorry. I didn't -
19 - the pictures didn't come through. I apologize for
20 that. It's just to explain the knuckle boom cranes.
21 Just a crane that -- that sits on a platform and it
22 extends out. So it's just very, very convenient to
23 move things around as we're cutting them rather than
24 having to use the big overhead crane.

25 MS. LEVENBERG: And so just what

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2 water?

3 MR. SPAGNUOLO: What's that?

4 MS. LEVENBERG: What water is used?

5 Like where -- where -- where is that water?

6 MR. SPAGNUOLO: It's in the reactor

7 cavity.

8 MS. LEVENBERG: Okay. So -- and

9 that's different from the spent fuel pool water.

10 It's not the same water?

11 MR. SPAGNUOLO: The same grade of

12 water?

13 MS. LEVENBERG: No. Is it the same

14 actual water? Because I know that at one point --

15 MR. SPAGNUOLO: Is it communicating

16 with each other is what you're asking?

17 LEVENBERG: No. It was my

18 understanding at one point from -- from Rich Burroni

19 that water was moved from -- from Unit One to Unit

20 Two, like that there was some sort of underground

21 system where the water from the spent fuel pools was

22 used for this or that and -- and kind of, you know --

23 MR. SPAGNUOLO: Okay.

24 MS. LEVENBERG: -- it's shared. Let's

25 just put it that way.

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2 MR. SPAGNUOLO: It's all the same
3 water. It's all reactor coolant system water, right?
4 So we kind of explained this, I think, when you
5 visited. So --

6 MS. LEVENBERG: Yeah.

7 MR. SPAGNUOLO: -- when we were
8 operating the -- the spent fuel pool and the reactor
9 cavity during an outage, would communicate. They're
10 at the same level. We'd open up a gate, and we'd be
11 able to move fuel from the reactor side into the
12 spent fuel pool.

13 So ultimately, it's the same water.
14 And as we drained down, when we're done with the
15 outage, we'll isolate the gate, the spent fuel pool
16 will sit there at 95 feet, and then we'll lower the
17 cavity inside the containment, the big dome and that
18 water will go out to our R.W.S.T., Refueling Water
19 Storage Tank.

20 So that water was used for an outage,
21 and it's sitting up in the tank. And the next time
22 we go for an outage, we take the water out of the
23 R.W.S.T. and put it back in the cavity. But the
24 vessel itself is part of the cavity, so that water is
25 in the vessel.

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2 We'll put everything back together.

3 We'll start up. We'll heat up, pressurize, and it's
4 all the same water. Did I answer --

5 CHAIR CONGDON: You just described --

6 MR. SPAGNUOLO: I'm sorry, did I
7 answer your question?

8 CHAIR CONGDON: -- in operations that
9 was --

10 MR. SPAGNUOLO: That's during
11 operations so --

12 CHAIR CONGDON: -- during operations
13 that it's all the same water.

14 MR. WEBSTER: So is that the same?
15 You used the same thing. You used the reactor -- the
16 reactor, the refueling water storage tank to flood up
17 the --

18 MR. SPAGNUOLO: Correct.

19 MR. WEBSTER: Cavity for
20 segmentation.

21 MR. SPAGNUOLO: Correct.

22 MR. WEBSTER: Okay. And it's not the
23 cooling. I think you mentioned that it was the
24 cooling water, but it's not the cooling water, right?

25 MR. SPAGNUOLO: It is reactor coolant

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2 system water. It is what flowed through the reactor
3 to cool the fuel.

4 MR. WEBSTER: No, to cool the spent
5 fuel.

6 MR. SPAGNUOLO: Spent -- during a run,
7 it's isolated. What I'm trying to say is, this
8 water, what the water --

9 MR. WEBSTER: When the reactor's
10 operational. The spent fuel water isn't used in the
11 reactor cooling, right?

12 MR. SPAGNUOLO: No. Not --

13 MR. WEBSTER: Okay. Thank you.

14 MR. SPAGNUOLO: But I think what you
15 were asking is, is it the same type of water? So
16 that's what I'm trying to. Right now, there's no
17 communication between the spent fuel pool and any
18 other system. There's no communication inside the
19 reactor cavity with any other system. So --

20 CHAIR CONGDON: But during operations,
21 there was?

22 MR. SPAGNUOLO: Yes. If I took a
23 sample of both water, it would be the same water.

24 MR. WEBSTER: Right. So what happens
25 to the water that you flooded the reactor cavity with

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2 once you've done the segmentation?

3 MR. SPAGNUOLO: Well, I'm going to
4 talk about that here in a minute.

5 MR. WEBSTER: Okay.

6 MR. SPAGNUOLO: That's -- that's the
7 crux of the problem.

8 MR. WEBSTER: Okay.

9 MR. SPAGNUOLO: Okay. So Unit One
10 demolition. So that -- that's a -- an overview of
11 what the Unit One ball looks like. The Unit One
12 ball, sorry, the Unit One ball is in the middle of
13 Unit Two and Unit Three, got the lower profile. And
14 this would be, if you couldn't see the cement, if you
15 could see through all the steel, that's what you
16 would see.

17 And it's a -- it's an old -- it's a
18 pressurized water reactor, same as Unit Two, Unit
19 Three, but much smaller. And it has four loops, just
20 like Unit Two, Unit Three, but again, much smaller.
21 So we started segmenting all of the components around
22 the reactor last year.

23 So that's a five-year project, cut the
24 loops out, cut the steam generators out. All of the
25 components, the pressurizer and all of that will be

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2 exempt waste that we'll be able to ship. It's not
3 large. We can ship it in cargo containers down to
4 Texas.

5 So that'll be done over the next five
6 years. All -- the goal here is to get everything
7 inside of the ball. It's a sphere really. Guttled
8 out, so that we can go after the reactor. And the
9 ultimate goal we're going to -- is to be able to
10 pull the reactor whole.

11 We should not have to segment this
12 reactor because of the size, and it is
13 transportable. So we just need to do a little bit
14 more characterization to make sure that we can be
15 able to ship it using D.O.T. regulations. And that
16 will be done this year.

17 The characterization will be done this
18 year, and the decision will be made whether to
19 segmented it or pull it whole.

20 CHAIR CONGDON: I think Senator
21 Harckham has a question.

22 MR. HARCKHAM: Thanks, Tom. Thank
23 you, Frank. First of all, congratulations on -- on
24 the promotion. Quick question. So this -- the
25 reactor one, just for the record, which workers and

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2 from what union are doing that work?

3 MR. SPAGNUOLO: So the National Labor
4 Agreement that we have with the unions is with the
5 operating engineers, the I.B.E.W. electricians, the
6 carpenter's union and the iron workers. So those are
7 the four trades that are doing all the work at Indian
8 Point.

9 MR. HARCKHAM: So who are the ones
10 doing in reactor one for the next five years? Or I
11 guess four years now since you started last year?

12 MR. SPAGNUOLO: The same two
13 subcontractors, Champion and Westinghouse.
14 Westinghouse has the -- the Rad Techs and Champion
15 has the four craft that I just discussed.

16 MR. HARCKHAM: Okay. And how many
17 jobs will that be through the next, I guess, it's
18 four years now instead of five years started.

19 MR. SPAGNUOLO: Well, there is --
20 yeah. I don't have that number on me. It's
21 somewhere around 12, 15 and maybe eight Westinghouse.
22 I'm looking at my site leads for a little shake of
23 the head.

24 MR. HARCKHAM: It's okay. All right.
25 Thank you.

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2 MR. SPAGNUOLO: There may be 20, 20
3 individuals and H.D.I. oversight and Holtec
4 International. Atkins is our sub-contractor.

5 MR. HARCKHAM: Okay. Thank you.

6 MR. WEBSTER: Wait. So does H.D.I.
7 contract with Holtec International and contract with
8 national contracts with Champion and the other?

9 MR. SPAGNUOLO: Yeah. H.D.I. does not
10 employ any of the union labor, right. So the
11 subcontractors employ labor.

12 MR. WEBSTER: Right. But you didn't
13 answer my question, which is who -- who's -- who are
14 Champion and the Westinghouse contracting to? Which
15 company?

16 MR. SPAGNUOLO: For Unit One, Champion
17 is contracting to Atkins, and Westinghouse is
18 contracting to H.D.I. That's the way with the -- the
19 agreement was established. Okay. So here's a couple
20 of pictures of Unit One, just to give you an idea on
21 the -- on the right side, that's one reactor cooling
22 pump, and you can see the guy standing to the left of
23 that to give you a perspective of the size.

24 And that -- so what we're doing is
25 with diamond wire sawing all the loops and pulling

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2 the loops, the valves, the pumps out. The top
3 picture is, where it's staged on the top elevation
4 inside the ball and the bottom picture is where it's
5 wrapped, filled with foam and ready to ship by rail.

6 And then the picture in the middle is
7 the top of the pressurizer. And the picture on the
8 side is just a couple of internal fans and those --
9 those are what we'll go after in 2024. Okay. Liquid
10 waste discharge. So at the last meeting, we had a
11 couple of -- at the last meeting we had a couple of
12 outside vendors interested in proposing tritium, you
13 know, removing tritium from the liquid waste.

14 So we entertained both of those
15 proposals. The first one was with Veolia. They
16 discussed potential tritium removal using a modular
17 detrutiation system. And currently that technology
18 is not in use at any sites or commercial
19 applications. It's in use at a lab.

20 It has been in use at a commercial
21 site, not in this country, I think it was Canada, I
22 don't remember. The -- the processing system has
23 limits. It can only do 40 gallons per hour and it's
24 a large energy because it's a -- it's a -- basically
25 it's a large energy consumption.

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2 About in the megawatt region, per
3 hour, so it's a large energy burner. There's at
4 least one year to design the system that we would
5 need at the Indian Point. So procure it, build it,
6 get the engineering done.

7 We did have a conference with them.
8 They have the action to give me some financial
9 prospectus, plan, what they could do if they can
10 improve the 40 gallons per hour. Because basically,
11 based on those 40 gallons per hour and the limits on
12 processing, re-circuiting, doing samples, it would
13 take almost a decade to remove 1.5 million gallons.

14 So still open to it. We'll -- we'll --
15 - we'll reach out to them again. They haven't
16 reached back. I know Tom is kind of involved a
17 little bit there. And we'll entertain it. The next
18 one is a little bit more, really, we cannot entertain
19 it. Basically, this was the hemp company.

20 So their approach utilizes the natural
21 abilities of plants to absorb and store contaminants.
22 They plant hemp in a hydroponic system within a
23 greenhouse. A hydroponic system delivers liquid
24 wastewater, which is where the tritium is and
25 nutrients directly to plant roots, promoting healthy

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2 growth.

3 And then they harvest it. And this
4 biomass to paralysis basically heats it up and it
5 becomes a gas. A thermal decomposition process in
6 the absence of oxygen in a greenhouse or a dedicated
7 facility. And you can see the rest.

8 The bottom is -- bottom line is, I
9 can't grow hemp per N.R.C. regulations. So if this
10 company can get approved through the N.R.C., we can
11 entertain it.

12 CHAIR CONGDON: So you met with this
13 company?

14 MR. SPAGNUOLO: No, I read their
15 prospectus.

16 CHAIR CONGDON: You read it.

17 MR. SPAGNUOLO: Ran it by and then
18 does not meet N.R.C. requirements and -- and --

19 MR. HARKHAM: You can grow hemp in New
20 York?

21 MR. SPAGNUOLO: Huh?

22 MR. HARKHAM: You can grow hemp in New
23 York?

24 MR. SPAGNUOLO: N.R.C. -- pot is legal
25 in New York, it's not with the N.R.C. So the N.R.C.

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2 has their own laws.

3 MS. LEVENBERG: Hemp is not pot.

4 MR. HARKHAM: Hemp is not pot.

5 MS. LEVENBERG: It's not pot.

6 MR. SPAGNUOLO: I understand it's not.

7 It's just that it cannot be grown inside of a
8 protected area in a nuclear power plant. If they
9 want to go through the effort of an N.R.C.
10 approval, then we can discuss it.

11 MR. WEBSTER: But isn't that --

12 MR. HARKHAM: That kind of unique
13 branding. That's, you know --

14 MR. SPAGNUOLO: Yeah. Yeah.

15 MR. WEBSTER: This is the core problem
16 --

17 MR. SPAGNUOLO: Yeah, nobody -- nobody
18 from the company ever tried to contact us, so we read
19 their information and we ran it through.

20 CHAIR CONGDON: A couple of questions.
21 There's one on Zoom and -- and one from Richard. Go
22 ahead.

23 MR. WEBSTER: Well, I -- I think the
24 core problem with this is that you're going to end up
25 burning it and then releasing the radioactive to the

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2 environment. All right. So --

3 MR. SPAGNUOLO: It really is a long
4 evaporation process.

5 MR. WEBSTER: Yeah.

6 MR. SPAGNUOLO: That's really what it
7 is, so.

8 MR. CREIGHTON: The biochar is still
9 contaminated, so.

10 MR. SPAGNUOLO: Yeah.

11 MR. CREIGHTON: But now it's a
12 farmland. It's --

13 MR. SPAGNUOLO: It would solidify a
14 portion of it and release the rest as a gas.

15 CHAIR CONGDON: Okay. So thanks for
16 looking at it. Tom Carey, I think you had a -- a
17 question on Zoom?

18 MR. CAREY: Yes. Thank you, Tom.
19 Again, for Frank. So I just -- I'm trying to wrap my
20 head around these agreements. Could you -- could you
21 describe which agreement you're currently working on
22 Unit One that you just described, Frank?

23 CHAIR CONGDON: Oh, sorry. Can you
24 go back a couple slides?

25 MR. SPAGNUOLO: So -- so -- so I'm

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2 under the Holtec and -- the Holtec Decommissioning
3 International has an agreement with the four unions
4 that I discussed. And that's -- that's the agreement
5 that I'm under.

6 MR. CAREY: Okay. So originally --
7 originally the -- that agreement was signed a couple
8 of years back with just the three trades, right? The
9 operating engineers, electricians and laborers. How
10 did that now increase to other trades?

11 MR. SPAGNUOLO: The national, I -- I
12 don't really know the details. So hold on. Pat's
13 going to --

14 MR. O'BRIEN: Yeah, Pat O'Brien,
15 Director of Government Affairs and Communications,
16 Holtec. When the initial, I think it was a three-
17 year agreement at the national level was ending, we
18 opened it up, offered it to five unions at the time.

19 Four of those unions chose to sign on
20 to the National Labor Agreements, that's the four
21 that we have right now.

22 MR. CAREY: Okay. Because I just, you
23 know, going back a couple years back, I kept asking
24 the question. They said, no, this -- this was a
25 locked agreement that went back probably, if I had to

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2 guess, I would say a minimum of five years ago. And
3 it was just the three that I stated, the O.E.'s, the
4 electricians, and laborers.

5 So I -- I just was curious how other
6 craft was able to get in on an agreement that was
7 locked, you know, five years ago.

8 MR. O'BRIEN: Yeah, I'm not familiar
9 with the -- the -- what you're referencing five years
10 ago, Tom. I've been with the company four years, and
11 I was kind of going through the process when the
12 contracts were opened and offered. And really all I
13 can tell you is that four of the five of your unions
14 chose to sign, and that's where we are now and what
15 we operate under.

16 MR. CAREY: Okay. And -- and nobody's
17 working under the general president's agreement?
18 Just this -- this Holtec agreement?

19 MR. SPAGNUOLO: So when the ISFSI
20 construction and dry fuel project was ongoing, that
21 was under the president's agreement. If we did any
22 construction on site, that would be under the
23 president's agreement. The national labor agreement
24 is specifically for demolition.

25 MR. CAREY: Okay. All right. Thank

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2 you.

3 CHAIR CONGDON: Thanks, Tom. Senator
4 Harckham, did you have another question?

5 MR. HARCKHAM: I -- I did. Thank you.
6 Dave Lochbaum gave a presentation a few meetings ago
7 on different options that the N.R.C. approves. Back
8 when the N.R.C. was here, they again stated they --
9 they have no preference on one particular method as
10 long as it's one of the ones that they approve.

11 So I -- I see and I thank you for
12 looking at alternative technologies here. Did you
13 look at the other modalities for dealing with the
14 water that the N.R.C. approves? And what are the
15 timelines associated with those other options?

16 MR. SPAGNUOLO: I -- I don't have that
17 much detail on timelines, so.

18 MR. O'BRIEN: Yeah, I would say, I
19 don't have -- I don't have timelines per se. But you
20 know, since this issue arose in Massachusetts, it's
21 something that we've looked at all available options.
22 I think we've kind of always said, you know, eventual
23 disposition of water, we had intended to probably
24 utilize all options.

25 Obviously, legislation challenges the

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2 water discharge here. But we have looked at the
3 others and we're still kind of working through that
4 process since the impact of the legislation.

5 MR. HARCKHAM: Because I -- I think
6 the timeline is critical if we're talking. You're
7 talking about an eight-year pause. I -- I think it's
8 -- it's prudent that, you know, you look at the other
9 options and what are the timelines if -- if that's
10 what we're talking about, or we have to push the
11 timeline back, we've got to investigate those other
12 options to see if there's a shorter timeline.

13 MR. O'BRIEN: No, I -- I understand
14 what you're saying, Senator, and I -- I can
15 appreciate the comments.

16 MR. WEBSTER: I'm a little mystified.
17 So you -- so in Massachusetts, you said there are
18 basically four options, one of which is long term
19 storage, correct?

20 MR. O'BRIEN: No, I have not said that
21 before.

22 MR. WEBSTER: Well, there's a letter
23 here from June 6th, 2022.

24 MR. O'BRIEN: Uh-huh.

25 MR. WEBSTER: From Mr. Singh.

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2 MR. KACZMAREK: Richard, can you --
3 Richard, can you make sure you're using your mic?

4 MR. WEBSTER: Oh, sorry. There's a
5 letter here from Dr. Singh that says there are
6 basically four options. Discharge, trucking to
7 another facility, evaporation and long-term onsite
8 storage, right?

9 MR. O'BRIEN: Yeah.

10 MR. WEBSTER: Does that sound
11 plausible?

12 MR. O'BRIEN: It's something that
13 would have to be permitted through the N.R.C. What
14 we look at --

15 MR. WEBSTER: No, no, it wouldn't.
16 The N.R.C. has said that long-term size storage would
17 not have to be permitted when they were here.

18 MR. O'BRIEN: I -- I understand what
19 you're saying, Richard. To do it where they asked us
20 to in -- in Massachusetts, it would.

21 MR. WEBSTER: Well, maybe it's not --

22 MR. O'BRIEN: It was not -- it was not
23 in the places that are already currently registered.

24 MR. WEBSTER: All right. You don't --
25 you don't -- do you know whether it would need to be

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2 permitted here or not?

3 MR. O'BRIEN: I believe if you are not
4 using something that is currently there, you would
5 need to go through the N.R.C. process for the
6 construction, yes.

7 MR. WEBSTER: All right. Well, the
8 N.R.C. said you wouldn't. So that's going to be
9 resolved, but my question really is, have you
10 finished studying these options?

11 MR. O'BRIEN: We -- we continue to
12 look at all the options.

13 MR. WEBSTER: Okay. Have you
14 finished?

15 MR. O'BRIEN: No, no.

16 MR. WEBSTER: Okay. How do you know
17 that you need an eight-year delay if you haven't
18 finished studying these options?

19 MR. O'BRIEN: To be honest with you,
20 we're two years into this process in Massachusetts
21 and we're no closer to a resolution. We believe
22 eight years is the right timeline for re-sequencing
23 the work that Frank has. Looking at available
24 options, including legal action as an appropriate
25 timeline to extend the project.

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2 MR. WEBSTER: Well --

3 CHAIR CONGDON: Could I -- can I
4 interrupt?

5 MR. WEBSTER: Give me a basis for
6 that. Also why is that an appropriate timeline?

7 MR. O'BRIEN: Two years into it in
8 Massachusetts with no closer resolution, you assume
9 that any legal challenge would be a four-to-six-year
10 process. You're looking at a minimum of eight years.

11 MR. WEBSTER: Well, it's up to you
12 whether you bring a legal challenge, isn't it?

13 MR. O'BRIEN: Yeah.

14 MR. WEBSTER: Okay. So you're saying
15 that's open still?

16 MR. O'BRIEN: Absolutely.

17 MR. WEBSTER: That's one of the
18 options.

19 MR. O'BRIEN: Absolutely.

20 CHAIR CONGDON:: Is it conceivable
21 that an option is identified that could accelerate
22 the schedule and you could change the schedule again?

23 MR. O'BRIEN: It's something that
24 would have to be discussed, yes, but I'm -- I'm sure
25 that there are alternatives. As we've said, it's

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2 liquid discharge, it's evaporative discharge, it's
3 trucking or shipping for liquid discharge or
4 evaporative, depending on what a timeline could be,
5 yes.

6 MR. WEBSTER: Or onsite storage,
7 correct?

8 MR. O'BRIEN: Sure. Except the host
9 community here has said they will not permit that.
10 So that's not really a viable option.

11 MR. WEBSTER: Do you need a permit
12 from them?

13 MR. O'BRIEN: Unless you'd like to do
14 that in -- in the section of the site that is in
15 Cortlandt and not in Buchanan.

16 MR. WEBSTER: Well, I just want to
17 make sure that we understand the basis of your eight-
18 year extension. In Massachusetts, you said that
19 there was a four-year extension because you were
20 short of money.

21 MR. O'BRIEN: No, we said water at the
22 beginning.

23 MR. WEBSTER: No, you said the main
24 reason was financial --

25 MR. O'BRIEN: Richard, I said --

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2 MR. WEBSTER: I just looked at the
3 video.

4 MR. O'BRIEN: Okay.

5 MR. WEBSTER: You said there was a
6 main -- you said the main reason was financial. And
7 the secondary reason was water.

8 MR. O'BRIEN: Absolutely.

9 MR. WEBSTER: Okay. Is there a
10 financial reason for an extension here?

11 MR. O'BRIEN: No.

12 MR. WEBSTER: Okay. So you said the
13 second four-year extension was due to discharge
14 problems, right?

15 MR. O'BRIEN: It's -- it's an
16 additional realistic timeline, yes.

17 MR. WEBSTER: So there's -- so here
18 you have an easier situation in Massachusetts, but
19 you're asking for the same extension. Is that
20 correct?

21 MR. O'BRIEN: No, I don't believe it's
22 an easier situation.

23 MR. WEBSTER: No it's not, because you
24 don't have a financial problem.

25 MR. O'BRIEN: No, it's not. I have a

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2 legal issue.

3 MR. WEBSTER: Of course, you have a
4 legal issue. You have a legal issue in both places,
5 same legal issue.

6 MR. O'BRIEN: Okay, Richard.

7 MR. WEBSTER: It's easier here because
8 you've got money, right? Isn't having money easier
9 than not having money?

10 MR. O'BRIEN: There's plenty of money
11 in Pilgrim as well.

12 MR. WEBSTER: Well, you delayed four
13 years for lack of money.

14 MR. O'BRIEN: I understand that. That
15 -- I was saying, Richard, that is due to the losses
16 in the trust fund last year. To be good stewards of
17 the trust fund, we are required to make these
18 decisions and ensure that there's enough funds at the
19 end.

20 MR. WEBSTER: So you're going to
21 accelerate Massachusetts because now you've got
22 money?

23 MR. O'BRIEN: Well, I'm not saying
24 that. I've still haven't gotten through the main
25 issue.

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2 CHAIR CONGDON: Jim, did you have a
3 question?

4 MR. CREIGHTON: I did. James
5 Creighton. I recognize your timeline and -- and I
6 appreciate your -- your confidence in your lawyers, I
7 guess, on the legal strategies. But I think you
8 clearly have a lot of confidence in the engineers at
9 Holtec and the casks that you guys make, right?

10 MR. O'BRIEN: Correct.

11 MR. CREIGHTON: So I assume that with
12 all these things going on in Pilgrim here and other
13 places, your engineers have been working on casks
14 that don't leak, that don't have bladder problems,
15 that have bladders changed out.

16 So I know that the mayor of Buchanan
17 was dead set against permitting casks on site that
18 would leak. Who wants that? But I'm sure that your
19 engineers are the best in the world because you told
20 us that. And that they make the best casks, and that
21 they clearly must have a solution to what Mr.
22 Lochbaum had suggested is a failure problem. Why
23 can't casks be made so that they can hold water?

24 MR. O'BRIEN: We're a cask company
25 that is designed to hold spent nuclear fuel. We are

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2 not a cask company that designs to hold water.

3 MR. WEBSTER: How do you look for a
4 company that can do that?

5 MR. O'BRIEN: I -- I don't know
6 offhand, Richard.

7 MR. WEBSTER: Can you get back to me
8 on that, please?

9 MR. O'BRIEN: Sure.

10 MR. WEBSTER: And if you haven't
11 looked for it, please look for it.

12 MR. O'BRIEN: Yeah.

13 CHAIR CONGDON: Assemblywoman
14 Levenberg?

15 MS. LEVENBERG: I guess Pat, I just
16 have some questions about timing. I mean, it seems
17 like Holtec kind of put all their eggs in this one
18 basket. And it's not like this was always clear from
19 the beginning. There was a lot of push back first in
20 Massachusetts and -- and then here, there's a lot of
21 public push back for over a year.

22 I mean, again, if you -- if you look
23 in Massachusetts, you said I think has --

24 MR. O'BRIEN: It's two years.

25 MS. LEVENBERG: Two years. And you

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2 know, so knowing that -- that the pub -- this wasn't
3 something that the public embraced knowing that there
4 were other options, I don't understand, also, I guess
5 with what Richard -- Richard saying is why isn't
6 there a timeline for planning -- plan B, plan C.

7 It seems like, you know, again, within
8 the world of nuclear power plants, you always kind of
9 have to have those backup plants.

10 MR. O'BRIEN: Absolutely. And what I
11 would say to you, Assemblywoman, is that we believed,
12 when we signed both the state agreement with
13 Massachusetts and the joint proposal with the state
14 of New York, we understood what the playing field
15 looked like.

16 Those have been, since those
17 agreements were signed, a law has been enacted here
18 and a permit modification was denied, tentatively
19 denied in Massachusetts that changed what was
20 expected and what was understood when the schedule
21 was developed.

22 So when the rules change in the middle
23 of it, you have to adjust it, and that's where we
24 are.

25 MS. LEVENBERG: You also said that the

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2 trust funds had dipped and I thought that John just
3 pointed out that there was -- it was 557 million at
4 the end of 2022 and 558 million at the end of 2023
5 for Unit One. 618 million at the end of 2022 and 619
6 million at the end of 2023 for Unit Two.

7 And then Unit Three, where presumably
8 a lot of the money had been actually spent on the
9 decommissioning process, 741 million and 792 million.
10 So the only one that was more than a million dollar
11 differential was the Unit Three where again, we don't
12 really know because we haven't seen how the money is
13 being spent out of that fund.

14 But theoretically, there was almost no
15 change in -- so -- so how was that --

16 MR. O'BRIEN: How are you saying --

17 MS. LEVENBERG: How are those trust
18 funds --

19 MR. O'BRIEN: I'm not -- I'm not
20 talking about Indian Point Trust Fund, when I said it
21 was dipped, we talked about a four-year exchange at
22 Oyster Creek off of last year's performance and of
23 12/31/22 fund balances. We looked at low fund
24 balance for Oyster Creek and Pilgrim and made
25 adjustments accordingly for years.

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2 Part of that was water in
3 Massachusetts. Part of it was funds. Same thing at
4 Oyster Creek. We did not make that change back in
5 March for these funds. These funds, we -- we felt
6 did not necessitate that change.

7 MS. LEVENBERG: Okay. I -- I thought
8 -- I thought you had just mentioned making a change
9 based on funds.

10 MR. O'BRIEN: That was a question
11 about Pilgrim.

12 MS. LEVENBERG: Okay. All right. All
13 right.

14 MR. WEBSTER: So I have a quick
15 follow-up question. What's your schedule for
16 completing your study of onsite storage options?

17 MR. O'BRIEN: I don't have a timeline,
18 Richard.

19 MR. WEBSTER: Okay. When are you
20 going to give me a timeline?

21 MR. O'BRIEN: I'm not going to commit
22 to give a timeline.

23 MR. WEBSTER: Are you going to commit
24 to doing that study?

25 MR. O'BRIEN: We -- we continue to

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2 work through the process. We'll provide information
3 as we have.

4 MR. WEBSTER: Are you going to commit
5 to doing that study or not?

6 MR. O'BRIEN: I'm not committing to
7 anything, Richard.

8 MR. WEBSTER: You're not committing to
9 anything? Thank you very much.

10 MR. O'BRIEN: No.

11 MR. WEBSTER: No, this --

12 MR. O'BRIEN: Richard, I appreciate
13 what you bring to the board, but you constantly play
14 a game where you try to get us to --

15 MR. WEBSTER: I'm not playing a game
16 here. I'm trying to get this --

17 MR. O'BRIEN: Okay.

18 MR. WEBSTER: -- this wastewater dealt
19 with effectively.

20 MR. O'BRIEN: And I'm just being
21 honest with you.

22 MR. WEBSTER: I'm trying to move this
23 decommissioning ahead.

24 MR. O'BRIEN: Okay.

25 MR. WEBSTER: And you are just telling

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2 me that you're not prepared to do obvious studies.

3 MR. O'BRIEN: No, what I'm saying is
4 we are looking at all available options. That may
5 include a study.

6 MR. WEBSTER: So when are you going to
7 finish looking at the onsite storage options?

8 MR. O'BRIEN: You're looking for a
9 timeline that I can't tell you off the top of my
10 head, Richard.

11 MR. WEBSTER: Well, I'm not asking you
12 off the top of my head. Give it to me next week if
13 you want.

14 MR. O'BRIEN: I said I'll bring it --

15 MR. WEBSTER: You said you couldn't
16 give me a schedule. Can you give me a schedule?

17 MR. SPAGNUOLO: Excuse me?

18 MR. WEBSTER: When you will start that
19 from --

20 MR. SPAGNUOLO: Excuse me?

21 MR. WEBSTER: Yes.

22 MR. SPAGNUOLO: We're not going to
23 commit to a timeline at this meeting.

24 MR. WEBSTER: Okay.

25 MR. SPAGNUOLO: If you -- I'm going to

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2 tell you right now, and I tell Tom. If you're asking
3 us for a commitment, we need it in writing to go
4 through our legal department. That's it.

5 MR. WEBSTER: Yeah, that's fine.

6 MR. SPAGNUOLO: So next week, next
7 month, next year.

8 MR. WEBSTER: Give me a timeline when
9 you can get back.

10 MR. SPAGNUOLO: Yes.

11 MR. WEBSTER: You'll give me a
12 timeline when you can finish your decommissioning.
13 Can you give me a timeline when you can get back to
14 me?

15 MR. SPAGNUOLO: Put your request in
16 writing.

17 MR. WEBSTER: No, my request is here,
18 now, okay? My request is --

19 MS. KNICKERBOCKER: Okay. Let's --
20 let's calm down.

21 MR. WEBSTER: -- for a schedule.

22 MS. KNICKERBOCKER: Let's calm down.

23 MR. WEBSTER: Okay.

24 MS. KNICKERBOCKER: Let's have an
25 adult conversation.

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2 MR. WEBSTER: I'm having an adult
3 conversation.

4 MS. KNICKERBOCKER: An adult
5 conversation calmly. Let's not start fighting here.

6 MR. WEBSTER: My request is for a
7 schedule for when you will complete a study of
8 onsite storage options. When do you think we'll be
9 able to tell me when you can give that schedule?

10 MR. SPAGNUOLO: Give it in writing,
11 give it to my legal team.

12 MR. SIPOS: We'll -- we'll take --
13 well, Richard could provide a request in writing.

14 MR. WEBSTER: I mean, I can provide a
15 request in writing.

16 MR. SIPOS: Richard, I got a question.
17 Is it -- is it your position, and is it
18 Riverkeeper's position that Holtec is unambiguously
19 compelled to provide that to you?

20 MR. WEBSTER: No, Holtec is that --

21 MR. SIPOS: That's all I need. No,
22 that's all I need. Thank you. No, thank you. I
23 want to correct the record here. Assemblyperson
24 Levenberg, I think you were just recently discussing
25 some numbers in your colloquy with --

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2 MS. LEVENBERG: Those are the notes I
3 took that you -- that you had recited.

4 MR. SIPOS: -- Frank, I want to make
5 sure the record is clear. The numbers that I was
6 quoting that I read into the record were from
7 December 31st, 2022.

8 MS. LEVENBERG: Right.

9 MR. SIPOS: I think I heard you say
10 2023. So it was December 31st.

11 MS. LEVENBERG: There was a comparison
12 between -- both numbers were read and I think, I
13 don't know, Tom Congdon, were you the one who read
14 the numbers first?

15 MR. CREIGHTON: I think -- I think he
16 said as of March 2023. But that -- that's probably
17 the numbers.

18 CHAIR CONGDON: That's -- that's the
19 public report.

20 MR. SIPOS: So the way it works is the
21 accounting term runs through December 31st each year.
22 And then the N.R.C. allows regulated entities to have
23 90 days to check their books, do their auditing and
24 then provide the report.

25 So that report will ordinarily come in

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2 at the end of the first quarter of the next year. So
3 in this case, it came in around on or about March
4 31st, 2023, but it is current as of December 31st,
5 2022. So I just want to clear that for the record.

6 MS. LEVENBERG: Okay. So then could
7 you clarify the -- the Unit Three number because --

8 MR. SIPOS: So I'll -- I'll read the
9 record. I'll read the numbers again. For Indian
10 Point, Unit One trust, it was 557 million. For
11 Indian Point Unit Two trust, it was 618 million. And
12 for Indian Point Unit Three trust, it was 741
13 million.

14 MR. WEBSTER: All right.

15 MR. SIPOS: And that information came
16 into ADAMS, the N.R.C.'s document management system
17 at the end of March 2023. So that's -- I'm referring
18 back to a March 2023 report as of balances for the
19 end of December 2022 for those three separate trusts.

20 MS. LEVENBERG: Well, we're going to -
21 - we're going to get some more information about this
22 trust anyway. So maybe we could get some kind of
23 comparison about where -- how that looks compared to
24 the time before that it was reported, so we know what
25 the movement, what the shift is.

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2 MR. SIPOS: Yeah, I'm having a little
3 difficulty following.

4 CHAIR CONGDON: Yeah, we -- we --
5 we've committed to talking with Holtec about making
6 additional information available between the annual
7 reports at the request of D.O.B. members, right? So
8 we can follow up.

9 MR. O'BRIEN: We'll -- we'll see
10 what's available. But what I can -- what I can say
11 is, the annual report is -- is very detailed. So we
12 can show, you know, what the projections were when we
13 did the filing on March 31st, 2022 for the 2021 year,
14 2022, and we continue to do those every year.

15 So you'll see how they are adjusted.
16 Some of that is related to how the funds perform and
17 some of that is related to work, and we'll show that.

18 MR. WEBSTER: And can I -- can I just
19 get there?

20 MR. SIPOS: Yeah, there'll be -- no,
21 excuse me. I'm not finished there.

22 MR. WEBSTER: Well, no, no, no. You
23 cut me off earlier, please.

24 MR. SIPOS: No, excuse me. I'm -- I'm
25 -- yeah.

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2 MR. WEBSTER: Yeah, don't shut me off
3 and then tell --

4 MR. SIPOS: No.

5 MR. WEBSTER: And then say I can --

6 MR. SIPOS: Excuse me, I'm in the
7 middle of a concept here, okay.

8 MR. WEBSTER: Okay.

9 MR. SIPOS: We're all New Yorkers and
10 we should all be able to respect each other.

11 MR. WEBSTER: I hope so.

12 MR. SIPOS: Like Senator Harckham
13 asked us at the September meeting, and I'm going to
14 reiterate and I'm going to invoke the great Senator
15 Harckham and his call for civility. So I want to
16 come back to Assemblyperson Levenberg.

17 There was a report at the end of the
18 sec -- at the end of the first quarter of 2022 that
19 went back to 2021. We can provide that, that is --
20 that is available on ADAMS. And there will be
21 another report likely in four months that will give
22 us the financial balances as of, you know, three
23 weeks from now.

24 MS. LEVENBERG: And that will be a
25 great time to look at the comparison from 2021, 2022,

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2 to 2023.

3 MR. SIPOS: And in 2021 to 2022.

4 MS. LEVENBERG: Exactly. I think I
5 just said it.

6 MR. SIPOS: Okay.

7 MR. WEBSTER: Is it a good time? Is
8 now a good time?

9 MR. SIPOS: Yeah, go ahead, Richard.

10 MR. WEBSTER: Thank you. So I just
11 want to get back to this onsite storage issue. So
12 just mention that --

13 MR. SPAGNUOLO: Please talk into the
14 mic.

15 MR. WEBSTER: My -- you know, my
16 client, I think a lot of other people, I think the
17 state, I hope, shares the goal of getting this
18 decommissioning done as expeditiously as possible. I
19 hope Holtec shares that goal too.

20 MR. O'BRIEN: Absolutely.

21 MR. WEBSTER: Okay. So we believe
22 that onsite storage is likely to be able to be
23 achieved well within eight years. And therefore,
24 should provide a means to reduce this delay, if not
25 eliminate it. I'm very disappointed that you seem

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2 reluctant to even study the option.

3 MR. O'BRIEN: It is an option that we
4 can look at, Richard, but it is not realistic based
5 on the host community's decision to say they do not
6 and will not allow onsite storage.

7 MS. KNICKERBOCKER: But Richard, you
8 asked --

9 MR. WEBSTER: Perhaps if you studied
10 it, and the host community saw how it could work,
11 they might change their minds.

12 MR. O'BRIEN: That's a discussion that
13 you need to have with the onsite -- the host
14 community.

15 MR. WEBSTER: No, well --

16 MR. O'BRIEN: Richard, talk to them
17 regularly --

18 MS. KNICKERBOCKER: Richard and I love
19 to talk.

20 MR. WEBSTER: Yeah, we -- we talk
21 regularly.

22 MS. KNICKERBOCKER: Every day, right,
23 Richard? Go out to lunch, everything. So Richard, I
24 remember there was a meeting and you specifically
25 asked me, do you have a resolution? So I said, no,

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2 but I will have one. And on July 5th, the village
3 board all agreed unanimously to do a resolution that
4 there would be no storage above or below ground or
5 anywhere within the Village of Buchanan.

6 So you asked me if I had that, so I
7 complied with your -- your ask.

8 MR. WEBSTER: So -- so if Holtec
9 devised a means of storing the -- the tritium onsite,
10 or the -- the wastewater onsite where leakage was
11 extremely unlikely. And it could accelerate the
12 decommissioning of the reactor and ensure that these
13 carpenters are not laid off, would you oppose that?

14 MS. KNICKERBOCKER: I would not
15 oppose, if anything that would not allow people to be
16 -- lose their jobs, especially the people that we've
17 had there onsite, who have extreme knowledge of that
18 plant. And that's what we're going to lose with this
19 eight-year delay now.

20 MR. WEBSTER: No, I know, but I'm
21 asking you to say, can we work together to shorten
22 this eight-year delay and work with Holtec?

23 MS. KNICKERBOCKER: I'm not going to
24 put storage, any storage on that property that is
25 going to hurt any -- anybody. Okay. So if it leaks,

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2 that's not a viable option. If it vents from the top
3 and it falls all around on the ground, which as Dave
4 Lochbaum told us what the drawbacks were of this.

5 So it's not -- it's not a viable
6 option. We're looking for a viable option.

7 CHAIR CONGDON: So I -- I will just
8 say that I think it's in all of our interests at this
9 table to see the decommissioning schedule get back on
10 track. And as we've done since our inception, I
11 think the D.O.B. can play an important role in
12 getting more information out there.

13 I think all of us also respect that
14 the law was changed. And with the law change, we
15 have to take seriously options that previously have
16 been discounted. What was feasible when compared
17 against a legal process that had been in place for
18 many years, you know, or I should say what was
19 infeasible against that option may now be more
20 feasible.

21 And so at our next meeting, which will
22 be scheduled February 29th, we have invited Arnie
23 Gunderson at the suggestion of some community members
24 who has looked at the onsite storage option. He has
25 a presentation that's online. The link has been

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2 distributed, I think, to -- to everyone.

3 I'd encourage Holtec to review the
4 presentation and all of the D.O.B. members if you
5 haven't already reviewed it. Develop your questions.
6 I -- I hope Arnie will accept our invitation. And if
7 he comes, there could be a robust discussion about
8 onsite storage, what it means.

9 Holtec can review and -- and talk
10 about what the implications might be for the site.
11 You guys have more information about the site than
12 anyone. And we will continue to provide a venue for
13 that kind of information exchange.

14 And we will look as well at other
15 options and bring other people in to talk about what
16 occurred at Vermont Yankee, you know, with -- with
17 transport offsite. So it's very much in all of our
18 interest and in the public interest to respect the
19 change in law and to evaluate what other options may
20 be feasible.

21 And what we can do to facilitate
22 knowledge exchange to -- to the point where maybe
23 there is a feasible option that Holtec is agreeable
24 to and that can get things back on track from a
25 scheduling standpoint. I think what they've

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2 presented today, and I want to get back to Frank's
3 presentation here in a minute.

4 But what you've -- what you've -- what
5 you've presented in terms of accepting a, you know,
6 business to business meeting with Veolia at our
7 request is a demonstration that you are taking other
8 options seriously, and I think that we can expect
9 there to be a robust discussion at our next meeting
10 to get to the next level of understanding on some of
11 these other options.

12 Is that fair? So maybe, Frank, you
13 can get back to --

14 MR. SPAGNUOLO: Okay.

15 CHAIR CONGDON: Because there are a
16 couple more slides on schedule.

17 MR. SPAGNUOLO: Yeah, I think that's
18 important. I haven't got the schedule change slide
19 yet. Okay. So this is our milestone schedule and
20 this is what we changed. So if you look right in the
21 center, you see the two small square boxes. And what
22 I was talking about before with the reactor vessel
23 segmentation, core barrel which are also called the
24 lower assembly, lower internals, segmentation.

25 Once that's complete, then that's

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2 where the pause on vessel segmentation will occur for
3 eight years. So what that did is that pushed out the
4 partial site release for eight years. And the reason
5 for that --

6 MR. WEBSTER: I'm sorry. I don't
7 understand how you see the change from this chart.
8 Can you just enlighten me how I can see a change.

9 MR. SPAGNUOLO: I'm telling you, the
10 only change is those square boxes right in the middle
11 if you read them, I know it's small but it says,
12 Reactor Vessel Segmentation Unit Three, Unit Two. So
13 if you see the big gap between --

14 MR. WEBSTER: Does unit -- so internal
15 -- internal segmentation Unit Two is over here in
16 2024, right?

17 MR. SPAGNUOLO: Correct, that's on
18 track.

19 MR. WEBSTER: Okay. And where were
20 these before, these two boxes?

21 MR. SPAGNUOLO: They were right next
22 to each other.

23 MR. WEBSTER: Just after --

24 MR. SPAGNUOLO: Well, it was -- they
25 were eight years earlier. That -- that's the change.

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2 MR. SIPOS: They were to the left,
3 right?

4 MR. SPAGNUOLO: Yes, to the left,
5 sorry.

6 MR. WEBSTER: They were like after,
7 they were sequenced after the --

8 MR. SPAGNUOLO: Correct.

9 MR. WEBSTER: -- the internal
10 segmentation --

11 MR. SPAGNUOLO: So my next sentence is
12 going to explain why.

13 MR. WEBSTER: Okay.

14 MR. SPAGNUOLO: Okay. So like I was
15 saying before, the reactor cavity is what we're
16 working in. Right now, that's flooded up to 95 foot.
17 Whenever I say elevations, it's off the river. It's
18 just the way we measure things at the plant. So
19 right now, the water level is at 95 foot. The bottom
20 of the reactor -- sorry, the very top of the reactor
21 vessel, not the internals, the vessel is at 68 foot.
22 Right now, it's about 30 feet of water.

23 The vessel itself is part of the
24 cavity. It's welded to the cavity. Otherwise, the
25 water would not be able to stay in the cavity, so

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2 it's welded. So in order for me to go after the
3 vessel, I need to drain the cavity. So what the --
4 basically, what we're talking about with the bill is
5 immediately, I cannot finish up vessel seg, the
6 internals segmentation and immediately drain down
7 because I don't have any space for that water. So
8 that's -- that's going to be a reservoir for 300,000
9 gallons of water that's in there.

10 MS. LEVENBERG: How many?

11 MR. SPAGNUOLO: About 300,000 gallons
12 in the cavity. Until we determine what our path is.

13 MR. WEBSTER: Can I just ask you a
14 question then because didn't you say that you got
15 that water from the -- the -- the refueling water
16 storage tank?

17 MR. SPAGNUOLO: Correct.

18 MR. WEBSTER: Could you not put it
19 back in there?

20 MR. SPAGNUOLO: I don't have any other
21 storage space. The refueling water storage tank is
22 designed to hold reactor coolant system water. So
23 I'm going to be making waste just as I'm progressing
24 through any process. That waste now, that storage
25 tank, is what I'm going to have to put any other

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2 waste that comes to me into.

3 MR. WEBSTER: Wait, but you're taking
4 300,000 gallons out?

5 MR. SPAGNUOLO: It's already out.

6 MR. WEBSTER: Okay, it's already out.
7 So how much -- how much headroom do you have in the -
8 - in the refilling water storage tank?

9 MR. SPAGNUOLO: I don't have any
10 numbers on me, and it's really irrelevant.

11 MR. WEBSTER: Why -- why is it
12 irrelevant?

13 MR. SPAGNUOLO: It's irrelevant
14 because you don't really, I don't have enough
15 internal storage tanks to hold one-and-a-half million
16 gallons of water.

17 MR. WEBSTER: No, I understand that,
18 but -- but what I thought you were saying was that
19 those 300,000 gallons are stopping you from getting
20 to one of these reactor segmentation jobs. Did I
21 misunderstand?

22 MR. SPAGNUOLO: Yes.

23 MR. WEBSTER: I did misunderstand?

24 MR. SPAGNUOLO: I think so.

25 MS. LEVENBERG: I thought that's what

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2 you said there.

3 MR. WEBSTER: Okay. How much water is
4 there?

5 MS. LEVENBERG: That's what it sounded
6 like you said. He said you -- it sounded like you
7 have 300,000 gallons that you need to get rid of
8 right now.

9 MR. SPAGNUOLO: So basically, each
10 cavity --

11 MR. WEBSTER: Right, so you've taken
12 600,000 gallons.

13 MS. LEVENBERG: One at a time, one at
14 a time.

15 MR. WEBSTER: Right, so you've taken
16 600,000 gallons out of the refueling water storage
17 tank.

18 MR. SPAGNUOLO: No, it's a 360,000
19 gallon tank.

20 MR. WEBSTER: Okay. Where did the
21 other one come from?

22 MR. O'BRIEN: It's been in the
23 process system the entire time when you run the
24 reactor.

25 MR. WEBSTER: Okay. So you have

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2 storage in the process, so you have --

3 MR. SPAGNUOLO: You get --

4 MR. WEBSTER: So you have --

5 MR. O'BRIEN: It's been in the reactor
6 cooling system -- right, so water through the systems
7 -- but water through the systems was the water that
8 was in the tanks. Now everything is in that one
9 volume.

10 MR. WEBSTER: Okay -- okay. So you
11 have some storage in -- do you still have some
12 storage in the cooling system?

13 MR. SPAGNUOLO: Do I have some storage
14 in which system?

15 MR. WEBSTER: In the cooling system,
16 the system you said --

17 MR. SPAGNUOLO: No.

18 MR. WEBSTER: -- it was storing --
19 didn't you just tell me, did that --

20 MR. SPAGNUOLO: I said it's -- it's
21 all water that's in the same cooling system.

22 MR. WEBSTER: Wait, I want you to be
23 precise when you answer my questions because this --
24 this is getting very confusing, okay? I asked you,
25 did you take 600,000 gallons out of the refueling

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2 water storage tank? And you said no, right?

3 MR. SPAGNUOLO: No.

4 MR. WEBSTER: How much did you take
5 out of the refueling water storage tank?

6 MR. O'BRIEN: What was in there
7 during -- during operation?

8 MR. SPAGNUOLO: So 360 the -- the --
9 the refueling water storage tank on both units is
10 360,000 gallons.

11 CHAIR CONGDON: Each?

12 MR. SPAGNUOLO: Each.

13 MR. WEBSTER: And how much water did
14 you take out of those tanks?

15 MR. SPAGNUOLO: About 300,000 gallons.

16 MR. WEBSTER: Okay.

17 CHAIR CONGDON: From each?

18 MR. SPAGNUOLO: From each. Well,
19 yeah, Unit Two were still in the process of filling
20 the cavity, we will do that.

21 MR. WEBSTER: Right, okay. But that's
22 the -- you'll -- you'll take out 300,000 gallons from
23 each tank?

24 MR. SPAGNUOLO: Correct -- correct.

25 MR. WEBSTER: Okay. And then, how

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2 much waste are you going to generate separate to this
3 water that's in the --in the cavity?

4 MR. SPAGNUOLO: As little as possible.

5 MR. WEBSTER: Okay. Estimate?

6 Because 10,000 gallons --

7 MR. SPAGNUOLO: As little as possible
8 so I don't have a plan on what to do with the water.
9 So I -- that's why these -- these projects are going
10 to end.

11 MR. WEBSTER: My -- my question is,
12 why can't you pump the water back into the refueling
13 water storage tank?

14 MR. SPAGNUOLO: Because I need that
15 volume for any other liquid waste that gets generated
16 over the next whatever years I'm doing work.

17 CHAIR CONGDON: Can you give some
18 examples of how the liquid waste would be generated
19 to maybe help give some --

20 MR. SPAGNUOLO: So --

21 MR. WEBSTER: I'd like an estimate of
22 that. Do you not have an estimate of that?

23 MR. SPAGNUOLO: No, I don't have an
24 estimate.

25 CHAIR CONGDON: Let him give some

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2 examples.

3 MR. SPAGNUOLO: I have to be prepared
4 for a worst case.

5 MR. WEBSTER: Sure, the worst case is
6 that, you know, you can't get rid of this water,
7 right? But let's -- why can't we operate on the
8 basis that you can move the job along as fast as
9 possible? It doesn't seem like you're trying to do
10 that. Couldn't you use one of the tanks and --

11 MR. SPAGNUOLO: I have to be able to
12 get rid of the liquid waste to proceed. I have
13 300,000 gallons in the cavity and 260,000 gallons in
14 the spent fuel pool. That's more than 360,000
15 gallons. So I cannot proceed.

16 MR. WEBSTER: Right. Well, wait,
17 wait, wait -- wait, wait, wait. You do -- I thought
18 you said these segmentation jobs you don't -- the
19 spent fuel pool's isolated from these, right?

20 MR. SPAGNUOLO: It is.

21 MR. WEBSTER: Right. So you don't
22 need to empty the spent fuel pool, do you?

23 MR. SPAGNUOLO: So the water is going
24 to stay in the spent fuel pool too.

25 MR. WEBSTER: I know, but you don't

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2 need to, you can isolate the spent fuel pool and then
3 you can drain out this -- this cavity, right?

4 MR. SPAGNUOLO: I can.

5 MR. WEBSTER: Right.

6 MR. SPAGNUOLO: I don't have any place
7 to put it.

8 MR. WEBSTER: Well, I don't know, why
9 can't you put it? Let me repeat the question.

10 MR. SPAGNUOLO: Because the refueling
11 water storage tank is now my only storage tank that I
12 have that for any other liquid waste that's
13 generated.

14 MR. WEBSTER: Okay. So can we go back
15 to Tom's question, which is, where does this other
16 liquid waste come from?

17 MR. SPAGNUOLO: Any other
18 decommissioning activities require water. It
19 requires water to decontaminate, it requires water to
20 cut. It requires water for everything. So any of
21 that waste, anything that we generate I have to have
22 storage for water.

23 MR. WEBSTER: So once you finish --

24 MR. SPAGNUOLO: I don't have an
25 infinite supply of storage right now.

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2 MR. WEBSTER: Sure. We all get that.
3 I mean, this is -- I mean, of course, you don't have
4 an infinite amount of storage. The question is how
5 do you optimally deploy the storage that you've got.

6 MR. SPAGNUOLO: Right.

7 MR. WEBSTER: But my question is --

8 MR. SPAGNUOLO: I have to keep it in
9 reserve because I don't know how long this is going
10 to go on, right?

11 MR. WEBSTER: I mean, it seems like
12 it's going to go on forever if you're not trying very
13 hard to get rid of it.

14 MS. LEVENBERG: Can I just -- can I --
15 can I ask a quick question?

16 CHAIR CONGDON: Yeah.

17 MS. LEVENBERG: Frank, can you just
18 clarify, this is contaminated water --

19 MR. SPAGNUOLO: Correct.

20 MS. LEVENBERG: -- in that refueling
21 water storage tank?

22 MR. SPAGNUOLO: Liquid waste.

23 MS. LEVENBERG: Liquid waste, right?
24 And is it safe in there, or is it leaking?

25 MR. SPAGNUOLO: No, there's no leak.

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2 In the refueling cavity?

3 MS. LEVENBERG: Yeah.

4 MR. SPAGNUOLO: On Unit Three, no.

5 MS. LEVENBERG: No leaking?

6 MR. SPAGNUOLO: No.

7 MS. LEVENBERG: Is there evaporation -

8 -

9 MR. WEBSTER: Could you --

10 MS. LEVENBERG: Is there any
11 evaporation for that?

12 MR. SPAGNUOLO: Well, it's natural
13 evaporation. There's always natural evaporation.
14 Your coffee's evaporating right now.

15 MS. LEVENBERG: Okay.

16 MR. SPAGNUOLO: I mean, that's --
17 that's nature. I can't do anything.

18 MR. WEBSTER: So -- so let me just
19 summarize, make sure I understand this. You've got
20 two refueling water storage tanks. Their total
21 capacity is around 720,000 gallons, is that correct?

22 MR. SPAGNUOLO: Correct.

23 MR. WEBSTER: They have about 60,000
24 gallons in each right now.

25 MR. SPAGNUOLO: I don't know what the

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2 level in the Unit Three because we've been using that
3 for storage. I don't know.

4 MR. WEBSTER: Okay. Well --

5 MR. SPAGNUOLO: And Unit Two is not
6 empty yet, so --

7 MR. WEBSTER: Can -- can I suggest to
8 you that a little more data might be helpful because
9 trying to optimize a problem when you don't have data
10 is very hard.

11 MR. SPAGNUOLO: I understand your
12 question.

13 MR. WEBSTER: All I can suggest is
14 that I think that you could look at deploying these
15 storage tanks in a way that we might be able to speed
16 up the job.

17 MR. SPAGNUOLO: I believe you've made
18 that point.

19 MR. WEBSTER: Thank you.

20 MR. SPAGNUOLO: You're welcome.

21 MS. LEVENBERG: Can I just ask one
22 more question about the refueling water storage
23 tanks? Were those -- who built those?

24 MR. SPAGNUOLO: Whoever built the
25 plant, Westinghouse, I'm not sure if they subbed it

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2 out to Chicago Bridge and Iron in 1974.

3 MS. LEVENBERG: And -- and -- but
4 again, that tank doesn't leak. That holds waste
5 water.

6 MR. SPAGNUOLO: No, it was designed --

7 MS. LEVENBERG: Contaminated water
8 doesn't leak.

9 MR. SPAGNUOLO: It was designed not to
10 leak, yes. It was also designed seismic. It was
11 designed to be an emergency -- that was our emergency
12 core cooling system, was the R.W.S.C.

13 MS. LEVENBERG: I mean, it does seem
14 to beg the question, if you can store this
15 contaminated water for periods of time, many years,
16 in tanks that don't leak, why can't we do that with
17 the spent fuel pool water?

18 MR. O'BRIEN: You wouldn't fully be
19 able to decommission the facility.

20 MR. SPAGNUOLO: In my next slide, I
21 can talk about it.

22 CHAIR CONGDON: Let's go on to the next
23 slide.

24 MR. SPAGNUOLO: Okay, so I think I
25 discussed everything here. So -- so the concept that

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2 I -- I hope everybody understands that the reactor
3 vessel itself is part of the cavity. I cannot remove
4 the reactor vessel with water in the cavity. So
5 that's really the crux of the problem.

6 So basically, that's going to delay
7 the segmentation of the cavity of the vessel itself.
8 And on the next -- go to the next slide and I'll try
9 to talk through this is a really busy slide. It'd be
10 much better if it was on your computer and you could
11 blow it up. But I want to give you an overview of
12 the problems.

13 The -- the solutions that are being
14 presented do not solve the problem of pulling partial
15 site release back in eight years.

16 MR. KACZMAREK: Frank, can you get
17 closer to your mic?

18 MR. SPAGNUOLO: I can get closer to my
19 mic. So the -- so the solutions have, you know, of
20 where we would put tanks. So let me just, yeah, if
21 you can make that as big as you can. The color
22 codes, I love colors, you'll notice that. The color
23 codes are, everything that's yellow has an
24 electrical, an electrical power supply. The blue is
25 a building that contains liquid waste and the pink --

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2 MS. LEVENBERG: It's not blue.

3 MR. SPAGNUOLO: I'm sorry, the green.

4 And the pink, does everybody agree pink?

5 MR. WEBSTER: Yes.

6 MR. SPAGNUOLO: Pink is buildings that
7 are, I need to move the liquid waste, right? So
8 whether it's in the spent fuel pool or in the V.C. or
9 in Unit One or -- or in the P.A.B., all of those
10 support buildings have the installed equipment, but
11 the -- they designed, engineered, piping, tanks,
12 pumps, in order to move liquid waste around.

13 So everything in the middle, the two
14 domes, obviously, the spent fuel pools, and all --
15 and the support buildings, the primary auxiliary
16 buildings, those are all, they all have liquid waste
17 in them.

18 The Unit One dome itself still has
19 liquid waste in some of the components. And what
20 Richard was talking about is I don't really, you
21 know, there are -- there's water in the steam
22 generators that has to get drained in order for us to
23 remove and that -- that is a plan that I need to work
24 on, right? So that could delay Unit One work, but we
25 can't come up with a plan.

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2 So I'm looking for a solution. We are
3 working on it. I know it sounds like we're not, we
4 are, but I'm not going to give you any timelines on
5 what we're talking about. So the -- so the yellow.
6 So right now, all of our power comes in underground
7 from Buchanan. And it follows basically that arrow
8 that runs down the alley. There's three independent
9 13.8 KV feeds. And then they run into the Unit One,
10 Unit Two, and Unit Three turbine halls.

11 From there, they go to all of the
12 support buildings. Everything powered on Unit One,
13 Two and Three comes in off those three feeds and
14 powers everything up. So even the turbine building -
15 - I wouldn't be able to remove the entire turbine
16 building without affecting the electrical power to
17 the rest of the station.

18 And since we're sitting here, I need
19 all of my -- I need electrical power. I need
20 reliable electrical power to make sure that all my
21 equipment is working because we're going to be in a
22 different period. So in order to take down a turbine
23 building, you got to remove all the equipment, remove
24 all the hazards, and you go cold and dark. That
25 means you cut and you gap all of the electrical

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2 cables going into it, and then you can take that
3 building down.

4 So that has an impact. I need the
5 electrical power. I'm not going to start running
6 temporary diesels all over the place, or, you know,
7 extension cords, what we call power, you know,
8 temporary power supplies. They're not as reliable.

9 MR. HARCKHAM: Frank, can I -- can I
10 just ask a quick question? Can't -- can't you shut
11 off the power to one building without interrupting
12 the entire system? I mean, we -- we see that in
13 renovation projects all the time, where -- where the
14 contractor can shut off the power to one building
15 without disrupting the power of the entire block
16 that's where the --

17 MR. SPAGNUOLO: That's where the --
18 but they don't go back to the switchyard and -- and
19 take it out. Right, so it would be like Con Ed. Con
20 Ed would have to cut the power up in Buchanan, which
21 would affect everything. Our distribution system is
22 in -- is in the non-contaminated part of the plant.
23 And it goes through the turbine halls. From the
24 turbine halls, it goes everywhere so I'm trying to --

25 MR. HARCKHAM: I -- I get what you're

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2 saying, that the distribution goes everywhere, but it
3 seems to me you should be able to cut off the power
4 for the individual building --

5 MR. WEBSTER: Yeah.

6 MR. HARCKHAM: -- out of the entire
7 system to be able to take that building down without
8 disrupting your entire power grid.

9 MR. SPAGNUOLO: I can, but I can't
10 take down what I'm -- what I'm trying to point to
11 here, I can't take down the V.C. Dome and leave the
12 cavity full, right? So the --

13 MR. HARCKHAM: No, that I understand.

14 MR. SPAGNUOLO: I can't take down the
15 spent fuel pool and leave the spent fuel pool full.

16 MR. HARCKHAM: Right, no, that -- that
17 we get, but you were talking about, for instance, I
18 think the generator and -- and other outbuildings
19 that -- that are not essential to holding the water
20 that theoretically could come down if you cut the
21 power off to individual buildings, it's not going to.

22 MR. SPAGNUOLO: I don't disagree. So
23 if you, I know this is very busy drawing, I'd be more
24 than happy to go stand at the window with you and
25 look at it, but I can take down the E.D.B. buildings

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2 but they're buried in there, right? So we will take
3 them down. It's just that right now, that's not a
4 priority, right?

5 So -- so I'm kind of give, trying to
6 give you a, you know, it's a very, it's 250 acres,
7 but that's only about 30 acres right there. And
8 that's where everything is. So in order to get to
9 partial site release, you have to remove all the
10 buildings, you have to remove all the buildings and
11 you have to dig down because everyone knows there is
12 a -- there is a plume of waste from the spent fuel
13 pool from the sins of the past that we have to deal
14 with.

15 So the -- in order to get to partial
16 site release between the D.E.C. and the N.R.C., in
17 order to get to less than 10 M.R. and clean soil, the
18 buildings need to be down. The -- you know, and they
19 go down to bedrock. This entire plant was built on
20 bedrock. So I -- it, this is impact, right, I know,
21 I get a sense that you don't believe what I'm saying.

22 I will walk you around buildings if I
23 need to prove it to you. But I can't take down the -
24 - any primary auxiliary building because that's where
25 the design tanks and pipes and pumps are eventually

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2 to transfer waste. Even if I transferred it to an
3 off-site tank, I still need that building in order to
4 do it.

5 If I ship it to Idaho or Texas or
6 anywhere, I still need that building to do it. So
7 we're in a holding pattern here until we make a
8 decision.

9 MR. WEBSTER: Can I -- where --

10 MR. SPAGNUOLO: And this is, I know
11 that you -- you really thought that we believed this
12 law would pass? We didn't, until the day it was
13 signed, okay? So we really --

14 MS. LEVENBERG: Say it again?

15 MR. SPAGNUOLO: We did not believe
16 this law would pass because it's unreasonable, and we
17 do believe that -- that we have all the rights to do
18 this. This is a law that was passed in New York
19 State and we're obeying it. But honestly, we didn't
20 -- we did not take this law and come up with
21 contingency plans because we thought it was so
22 outrageous.

23 MS. LEVENBERG: Okay. I'm just going
24 to say that I -- I think that -- that part right
25 there, I mean, you're actually putting the

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2 responsibility of the loss of work on us. But in
3 terms of timing, how this happened, and laying this
4 out gets back to what you just said, which is that
5 you didn't believe this law would pass and we know
6 that there was an incredible public outcry. People
7 were very upset.

8 There are certainly outside
9 authorities who have disagreed with the N.R.C. in
10 terms of what the safety is of discharging this
11 tritiated water into the Hudson River so many people
12 want -- want us to protect our valuable asset that
13 we've been cleaning up for years from lots of
14 contaminants.

15 The fact that -- that Indian Point had
16 been dumping these contaminants into the river for
17 years doesn't make it right to continue to do, even
18 if it's just a little bit more, okay, a little bit
19 more. So the fact that you didn't take it seriously.

20 That's on you guys. That is on you.
21 That's not Holtec that you didn't take it seriously,
22 you didn't believe that this was going to pass. And
23 you didn't also look into other options because you
24 thought this was the easiest path forward.

25 So I just want to, like, make it clear

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2 for the record that -- that's on you and you've known
3 again for years. And you said -- you said yourself
4 more than a year that we've been hearing from it here
5 at the Hudson because you were also looking at, added
6 up in Massachusetts.

7 So not to take that seriously that
8 just doesn't make sense. And it doesn't make sense
9 to now use the workers as pawns and point at us as
10 the bad guys because we're trying to do the right
11 thing for the environment.

12 And we're trying to do the right thing
13 for this -- for this region. You guys may not agree
14 that it's the right thing because -- because you're,
15 again, in the nuclear industry, this is -- this is
16 just what we do. This is how we deal with the water.
17 We just dump it into another water body and hope that
18 -- that dissolution is the solution.

19 But not everybody agrees that that
20 really is the solution. And for years, nobody really
21 knew that it was happening. So now that -- that, you
22 know, everybody's eyes are open, and they see that
23 it, that this is something that was happening. And
24 again, yes, we've heard all the different sides of
25 this argument.

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2 It doesn't -- it doesn't mean that
3 there isn't a better path forward. And like Richard
4 said, it doesn't mean that if you've been working on
5 a different path forward, that we couldn't come up
6 with a way to do it in -- in a reduced timeline, or a
7 timeline that matches what was originally planned
8 with people continuing to work through Christmas this
9 year.

10 MS. KNICKERBOCKER: Okay, Dana, you
11 know what, I hear what you're saying. This is your
12 political thing going on here. Yes, it is, Dana.

13 MS. LEVENBERG: Oh, you know what,
14 yes, right, Theresa, because I represent the people.

15 MS. KNICKERBOCKER: Because you were
16 not here. I represent my village. I'm concerned
17 about my village. You did not represent my village,
18 Dana, you did not contact me with this legislation.
19 Hey, Theresa, how do you think this legislation will
20 affect this village? So I'm going to -- I'm going to
21 respond because I'm not finished there.

22 So what I want us to respond to you is
23 that in the joint proposal, okay, and also the
24 original closure agreement both of those agreements
25 this statement was in there: radiological

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2 determination, water quality certification holders
3 are required to operate the Indian Point Nuclear
4 Power Plant consistent with the N.R.C. requirements
5 and limitations relating to radiological releases.
6 Okay.

7 This approval certifies that the
8 W.Q.C. holders are currently in compliance with water
9 quality standards relating to the radiological
10 releases from Indian Point to the Hudson River. So
11 here's where it gets interesting, based on the facts
12 and circumstances in the records.

13 But that future radiological releases
14 to the Hudson River, if any, that materially --
15 materially differ from those addressed in the record,
16 may be subject to separate action by the New York
17 State Department, D.E.C., to the extent authorized by
18 applicable law.

19 So that was, so what he's saying,
20 under the agreement, which now we see this agreement,
21 this piece of paper, it is not worth the paper it's
22 printed on, these -- these agreements were signed.
23 So they're assuming the agreement that they signed
24 and I'm not defending them. I read these agreements.

25 Also, the P.S.D.A.R., the Post

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2 Shutdown Decommissioning Activities Report also
3 addressed this. Everyone -- everyone had the
4 opportunity to discuss this, everyone had the
5 opportunity to comment on this before it was signed.
6 So let me tell you who the signatures were on this
7 that read to this.

8 So -- so they're saying they were
9 surprised that it was passed because there were
10 agreements that were made. So on the joint proposal,
11 let's see. We have Anthony Vitale, who worked for
12 Entergy, Pam Callen, Holtec, John Sipos. John Sipos
13 is here in the room.

14 Deputy General Counsel, Letitia James,
15 Attorney General, Basil Seggos, D.E.C. Commissioner,
16 Peter Costello, New York Energy Research and
17 Development, Enrique Catalano, Hendrick Hudson School
18 District myself, Theresa Knickerbocker, Village of
19 Buchanan, Supervisor Puglisi from the Town of
20 Cortlandt, Richard Berkley, Public Utility Law
21 Project, and our friends at -- at Riverkeeper, Paul
22 Gallay.

23 So these were the agreements that were
24 made. They were discussions that were had. The
25 P.S.D.A.R. was discussed --

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2 MR. WEBSTER: I think, Theresa, by the
3 way, those words, I think they may mean different
4 things to different people.

5 MS. KNICKERBOCKER: Possibly.

6 MR. WEBSTER: Putting on my legal hat
7 here.

8 MS. KNICKERBOCKER: Okay.

9 MR. WEBSTER: I think these things may
10 mean different things to different people. I don't
11 think they mean the Holtec was guaranteed no change
12 in the law for the next 25 years.

13 MS. LEVENBERG: Exactly. And it says
14 applicable law.

15 MR. HARCKHAM: Yeah I -- I --

16 MS. KNICKERBOCKER: Under applicable
17 law, they're applicable law.

18 MR. HARCKHAM: I -- I would also -- I
19 would also just say -- say one thing, you know,
20 referring to what Assemblymember Levenberg had said
21 that the public was not aware that this had been a
22 common practice of the industry going back 50 years.
23 The public was just not aware of that.

24 And so when the public heard about
25 this, this was not just an outcry here, an outcry in

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2 Massachusetts, is an outcry in the South Pacific,
3 with Fukushima, with Japan, and South Korea. There
4 are 500,000 people who signed a petition in New York
5 State about this.

6 So you know, this was not Pete and
7 Dana and a couple tree huggers. This was -- this was
8 and -- and I mean that seriously, this -- this was
9 something bigger than all of us, okay? None of us
10 expected this, to get this big but we are where we
11 are, all right, we are where we are.

12 And the options are either you can sue
13 or we have the options that are allowable by the
14 N.R.C. And I think that we should, as -- as Tom
15 Congdon mentioned, we should explore those viable
16 options that are still approved by the N.R.C. and
17 look at those timelines so that we can move as
18 rapidly as possible.

19 We're sitting on, I don't know, what
20 was it? \$1.8 billion or \$1.7 billion, the rough --
21 the rough figures. So the money is there to do the
22 work. The -- the one thing that -- that was also
23 concerning is hearing there are buildings that can
24 come -- come down with all this money and they're not
25 a priority.

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2 But we could be keeping people
3 employed, working on those buildings, that are not a
4 priority let's make them a priority. Let's keep
5 people working and then we can continue to work on
6 what the solutions are to -- to deal with the water.
7 That's -- that's just my point.

8 MR. SPAGNUOLO: So just to add to
9 that. So we do have a crew that is going to continue
10 to strip out buildings during this time period. I
11 can't take buildings down until I can strip it. So
12 we are continuing with decommissioning. It's just
13 not -- it's just not as fast as we would like, you
14 know.

15 MR. O'BRIEN: And I'll be honest, part
16 of that is when you look to take down buildings, you
17 look to take down three, four, five at a time, it's
18 much more economical. Onesies, twosies don't make
19 sense. So the original schedule, the way it was laid
20 out would allow for more than a major demo at the
21 same time. It should allow for, you know, us to be
22 good stewards of the trust fund and ensure that the
23 funds are being used to do what they need, to be on.

24 MR. WEBSTER: Can you quantify that
25 difference, please? If you do, if you do one

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2 building, three buildings, six buildings, what are
3 the economies of scale?

4 MR. O'BRIEN: What was the question?

5 MR. WEBSTER: What are the economies
6 of scale? If you do one building --

7 MR. O'BRIEN: Depends -- depends on
8 the building.

9 MR. WEBSTER: -- three buildings, or
10 six buildings.

11 MR. O'BRIEN: But it's significant
12 when you do mob and demob. You -- you really don't
13 want to bring in a crane for one small building,
14 break it down, go away for three months, you want to
15 schedule that so you have multiple buildings and you
16 can use the equipment mob at once, demob at once. So
17 there's significant dollars.

18 MR. SPAGNUOLO: So we are preparing
19 for that, right?

20 MR. O'BRIEN: Yeah.

21 MR. SPAGNUOLO: So we are keeping a
22 crew, and we are stripping out the buildings. When I
23 talk about stripping out buildings, the generator
24 alone is, the main generator is 250 tons, so these
25 are big components. So we're going after the biggest

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2 components now, on the non-rad side, the rad side
3 already discussed, that's vessel seg.

4 MR. WEBSTER: Okay.

5 CHAIR CONGDON: Supervisor Becker has
6 his hand up from Zoom. Supervisor Becker.

7 MR. BECKER: Thank you, Tom. I
8 appreciate it. I'll be brief. I just want to bring
9 up a couple of points concerning the new legislation
10 that was passed in New York State. It's not just the
11 local representatives aside from the Village of
12 Buchanan, the Senator or the town Board of Cortlandt
13 or the Assemblymember.

14 The support for this legislation is
15 also at the federal level. When we had our rally
16 back in May, we had five United States Congress
17 members right in support of stopping this discharge
18 of nuclear water. So federal officials are on board.

19 In addition, Senator Schumer, the
20 Senate Majority Leader, and our other states, our
21 other Senator Gillibrand also wrote to the N.R.C.
22 asking them not to allow this to happen. So the
23 support against the discharge of water is broad, and
24 it's not just local or state, it's even now federal
25 so I want to make that point.

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2 Secondly, you know, going back to the
3 four original proposals of what could be done with
4 the water, leaving it in on-site, the Village of
5 Buchanan is opposed to that in any form. And you
6 know, I believe in home rule, so even though I think
7 personally it's viable, I will support the Village of
8 Buchanan that maybe it should not be stored there if
9 they don't want it.

10 So I'm concerned that we're not
11 looking at other options, and I certainly don't
12 understand why we say it takes eight years to develop
13 a plan to get rid of this water when we don't even
14 have an idea what any of the plans are going to be.
15 And I still have not gotten an answer as to why it
16 can't be shipped elsewhere, you know, I proposed
17 early that it be tanked out into the ocean.

18 It's got to go somewhere. It's
19 certainly going to be more diluted in the ocean. Why
20 tankers can't take it off-site and into the ocean
21 remains a mystery to me or putting it in tankers and
22 taking it off-site. I mean, we have to get rid of
23 the water, that's point one, we know that.

24 Number two, is it's been decided that
25 it can't, at least for now, and it would take years

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2 of going through various courts to get that water to
3 be in the river if that was possible through the
4 courts. So -- and if we don't allow it to stay on
5 site to respect the Village of Buchanan, you need
6 other alternatives and I have not heard other
7 alternatives.

8 I still think it can be shipped
9 somewhere else. And I'm asking Holtec to explore
10 those possibilities and to report back to us. Thank
11 you.

12 MR. O'BRIEN: Yeah, I could appreciate
13 that, supervisor. And those are the options we're
14 looking at, the additional options so we can do that.
15 I will just say to the shipping when you talked about
16 bringing about to the ocean, that's against
17 international treaty, which is the reason why, yeah,
18 it's something that's not a viable option.

19 MR. WEBSTER: Can I -- can I just say
20 --

21 CHAIR CONGDON: Richard, I'm sorry.

22 MR. WEBSTER: Sorry.

23 CHAIR CONGDON: We -- we -- we still
24 have to get to a public statement hearing.

25 MR. WEBSTER: Yeah, can I have -- so

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2 one -- one last question to what he's --

3 CHAIR CONGDON: Yeah, one -- one last
4 question. I want to turn it back to Holtec to finish
5 their slides, go ahead.

6 MR. WEBSTER: Which is -- yeah, let me
7 just emphasize, I really want to work with you guys
8 to figure out how to get this water dealt with, you
9 know, I, before I became a lawyer, before my sins, I
10 was a hydrologist and did a couple of things.

11 So you know, I think we could, this is
12 a solvable problem. We have the money, right? We
13 even have two tanks on site that could take a lot of
14 the water. So you know, this is a solvable problem,
15 but let's work on it. Like you guys have got great
16 technology for dealing with -- well, at least you
17 claim to have great technology, certainly vast
18 technology, to deal with the spent fuel pool, which
19 is great, right? I mean, I'm really happy that we
20 got that spent fuel pool dealt with.

21 And it seems to me that's a lot harder
22 job than stealing -- than storing some water for 12
23 years. So you know, you've achieved the hard stuff,
24 if we can work together and get the easy stuff done,
25 that would be great. Now my question is where are

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2 the R.W.S.T.'s on this photo?

3 MR. SPAGNUOLO: So if you -- can you
4 blow that up, pretty tight right in the middle? So
5 move your -- move your cur -- right, down just a
6 little bit, see that? No, for a little to the left.
7 Right there. Hang on a minute, that's Unit One. So
8 right to the left of -- yeah, that silver tank.

9 MR. WEBSTER: Yeah.

10 MR. SPAGNUOLO: There are two silver
11 tanks. Yeah, there you go, now, yeah, there you go.
12 That's Unit Two's.

13 MR. WEBSTER: Okay.

14 MR. SPAGNUOLO: And if you kind of
15 scroll the picture up a little bit, I need to see
16 more of Unit Three, up the other up -- the other up,
17 there you go. So here, there's a Unit Three dome,
18 and if you go down the road right from the Unit Three
19 dome, the first tank right there is the R.W.S.T.

20 MR. WEBSTER: Oh! I see, okay. So I
21 mean, I just observed those are pretty small
22 footprints, right? And that's 720,000 gallons of
23 storage.

24 MR. SPAGNUOLO: 360,000 gallons per
25 tank.

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2 MR. WEBSTER: Yeah, right.

3 MR. SPAGNUOLO: 40 feet tall.

4 MR. WEBSTER: We agree -- we agree.

5 MR. SPAGNUOLO: There's always a last
6 time for everything. All right. How about I get
7 back? Tom, you good with me starting again?

8 CHAIR CONGDON: Yeah, please finish
9 the slides. If you could wrap up in five minutes,
10 we'll get to the public statement.

11 MR. SPAGNUOLO: I will be quick. Most
12 of this stuff was discussed on John's slides. So all
13 of the L.A.R.'s have been approved. I know everybody
14 hates the word L.A.R., but that's the N.R.C. process.
15 They picked a bad word for it. So the PDEP was
16 approved, the exemption for on-site, off-site
17 liability, and property damage was also approved, and
18 that was based on the risk, right?

19 So the property damage was based on an
20 operating plant, two plants at 100 percent power, and
21 since all the fuel is on the ISFSI pad, we no longer
22 need that level of insurance. Cybersecurity
23 requirements have been relaxed for inside the
24 protected area. And then cyber requirements on the
25 ISFSI pad are there -- it was designed not to have

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2 any critical digital assets.

3 So the existing network protection is
4 all in place. It's just cyber was critical digital
5 assets. The Unit Two tech spec change. This was
6 administrative only. And we never, first of all, we
7 never enacted the PDEP. It came too late. And we
8 never enacted the tech spec change, it came too late.

9 It's all covered by the bottom three,
10 which are the big three we're waiting for. They're
11 all approved. As of about 28 hours ago, we got the
12 last one, and we're implemented that today, and we'll
13 finish implementing that tomorrow.

14 MR. WEBSTER: Okay.

15 MR. SPAGNUOLO: So right now, the
16 emergency plan is in -- ISFSI only. The tech spec
17 for Unit Two and Unit Three all of the systems have
18 been removed. It's been stripped down to what we
19 require for an -- for the plant. The ISFSI has its
20 own tech spec, which is our bounding document on how
21 we operate.

22 And then the last thing is the
23 security plan, and I kind of drew that out before.
24 So the next slide. N.R.C. third quarter inspection
25 report. So that went from July 1st to September,

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2 included reviews of design changes, mods, PI&R or
3 Problem Identification and Resolution. Performance
4 status, occupational rad dose, environmental
5 monitoring, radwaste management, and transport. It
6 also included the Unit Three dry cask campaign.

7 And they were -- based on these
8 results, there was no violations of more than safety
9 significance. Those are words out of the N.R.C that
10 just means there was no violations, another poor
11 wording. The next inspection was October 2nd to the
12 5th that was ISFSI and dry fuel, no violations, no
13 new issues 10/16th to the 19th rad waste rated
14 Greater Than Class C, no violations, no issues.

15 11/27 to 11/30 last week, year-end
16 close-out inspection. So the OSHA -- our OSHA record
17 is abysmal, none -- none of us are happy with it.
18 The N.R.C. basically refers to OSHA for an outside
19 inspection and we'll support OSHA and we'll -- we'll
20 take whatever actions come out of that.

21 So we do have a potential violation.
22 This is a good example of the level of detail the
23 N.R.C. goes into. So the N.R.C. -- the N.R.C. came
24 in in June for their annual financial assurance
25 inspection, and they left with a question. So they -

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2 - we had several line items that said charitable
3 contributions.

4 So they questioned whether charitable
5 contributions could be part of -- could be charged to
6 the decommissioning trust fund or not. So in June,
7 they took that back, took them about three months to
8 get through their legal review. And the N.R.C.
9 determined that charitable contributions are not an
10 acceptable trust fund expense.

11 So we're going to get a potential
12 violation for that. So immediately we stop
13 charitable contributions from the trust.

14 MS. LEVENBERG: What were the
15 charitable contributions?

16 MR. O'BRIEN: Things like supporting -
17 -

18 CHAIR CONGDON: Riverkeeper, right?

19 MR. SPAGNUOLO: Yeah.

20 MR. O'BRIEN: No, Hendrick Hudson, we
21 had a couple of -- asks over the year for a fashion
22 show, different things that they've asked for, the
23 Blaze is always one that -- that asks for a donation,
24 I'm trying to think. Yeah, there's Chamber of
25 Commerce.

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2 CHAIR CONGDON: How much money are we
3 talking about, roughly?

4 MR. O'BRIEN: About \$60,000 a year
5 in charitable donations around Indian Point.

6 MR. CREIGHTON: But there's no
7 violation if Holtec makes those donations not from
8 it's corporate --

9 MR. O'BRIEN: Correct.

10 MR. CREIGHTON: And to reimburse that.

11 MR. O'BRIEN: Yeah. And if there's
12 found to be a violation of that money, you know, we
13 will reimburse the trust for that.

14 MR. CREIGHTON: So you can still do
15 the charitable work.

16 MR. SPAGNUOLO: Yes. No.

17 MR. CREIGHTON: Just more charitably.

18 MR. SPAGNUOLO: So as an example of
19 what you were asking for, some of these donations
20 were \$500 to the fashion show at Hendrick Hudson High
21 School. We, you know, we support -- we try to
22 support the communities as best we can.

23 But she had a 20,000 line item Excel
24 spreadsheet that she reviewed, so out of that we --
25 we talked about, you know half a billion dollars was

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2 spent last year, that's what was identified. So we
3 accept it. We'll learn from it and it's a fleet
4 issue, it's actually an industry issue.

5 CHAIR CONGDON: Thank you.

6 MR. WEBSTER: Can I get on your
7 Christmas list?

8 MR. SPAGNUOLO: No more money for
9 Riverkeeper, sorry. So we kind of talked about
10 everything in the oil and discharge canal. So I'll
11 talk about what we learned from it, so we've spent
12 the last year-and-a-half removing every above-ground
13 storage, oil storage tank on site, Unit Two and Unit
14 Three, Unit One was gone already.

15 So we did that and, you know, the 5-
16 foot sump is basically our basement, that's where
17 everything is drained for the past 50 years. There
18 was legacy oil, we had an oil skimmer installed on
19 the sump -- the sumps were automatic. So we, what
20 happened is a coincidence, we put aux steam in the
21 day before this occurred.

22 And the aux steam kind of return goes
23 to that sump, it washed down some of the steam clean,
24 some of the floor for us, went to the sump,
25 overwhelmed the oil skimmer and a little bit of oil

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2 went out there. Security identified it at three
3 o'clock, 1500, by 2130 Miller Environmental was
4 already, they had already installed the booms and
5 they were leaving the plant.

6 So we watched the oil, it was a sheen,
7 blotches of oil, you know, only in the discharge
8 canal, never made it to the outpost structure. Never
9 made it past our first set of booms, we had a
10 temporary boom installed within two hours, we watched
11 the oil, Miller came in, they put two additional
12 booms up, so what we did is we used Champion, a
13 subset of Champion Environmental Services.

14 We brought them in the next two days
15 later, we turned all the sumps off so that solved the
16 problem. And we steam-cleaned both five-foot Unit
17 Two and Unit Three. So eliminate the potential in
18 the future. There's no more oil in the -- in the
19 building. Should not get any more oil in the bottom.
20 So we fixed the problem.

21 Unit Three is done, Unit Two will be
22 next week but the sump's are on off. So we -- we
23 have a couple of more actions over the month, I'm not
24 going to go through them. They're all here and we'll
25 follow-up with that. But the D.E.C. did visit. They

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2 did not have any concerns with what we did and they -
3 - they agree it was highly very minor.

4 Next slide. So since the last
5 meeting, we had an OSHA recordable, a teamster
6 slipped while he was -- he was climbing into his dump
7 truck and wound up hurting his back. To us, that's a
8 low -- low probability, high-frequency task, getting
9 in and out of your car, a teamster getting in and out
10 of his dump truck is high-frequency slip.

11 He had three points of contact and he
12 still slipped. We took the learnings from that.
13 Cliff actually helped us, found us some training that
14 Teamsters do on that, and we put that out to the
15 entire station.

16 The last one on first aid, the
17 supplemental worker strained his back, he -- he was
18 trying to put a job box onto a toolbox, onto a
19 forklift by himself, he strained his back. It was a
20 pre-existing condition, but he took a ice pack and an
21 aspirin, and that turned into a first aid.

22 Again, we take the learnings from that
23 seriously. So the pyramid speaks for itself. Our
24 dose for the year is under -- all under our goal for
25 each of the years. That is all I have.

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2 CHAIR CONGDON: Thank you, Frank.

3 MS. KNICKERBOCKER: Can I ask, Frank,
4 right next to the switchyard, there was a generator?

5 MR. SPAGNUOLO: Gas turbine -- gas
6 turbine.

7 MS. KNICKERBOCKER: Oh a gas turbine.
8 Okay, so that's been decommissioned?

9 MR. SPAGNUOLO: That's been removed.
10 So we demoed the entire, both gas turbines, the fuel
11 oil storage tank, and the trailers that were up there
12 for support. And right now, the last building that's
13 up there, Con Ed has a network protector in there,
14 and I'm meeting with them Monday to determine the
15 schedule to remove that.

16 Then we'll be able to remove that
17 block house that's up there, and then that area will
18 be -- it's on, you know, so that area will be cleaned
19 up from equipment. Now, we can go to the next step,
20 which is to remediate it with the D.E.C. Then we can
21 put the condos up.

22 CHAIR CONGDON: Thank you. So at this
23 point, I'd like to turn it to the public statement
24 hearing portion of the meeting. We have a number --
25 I'm sorry.

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2 MS. KNICKERBOCKER: I'd like to say
3 something.

4 CHAIR CONGDON: Okay, Mayor, go ahead.

5 MS. KNICKERBOCKER: Sorry, I know
6 we're running --

7 CHAIR CONGDON: Yeah, we're starting
8 to run behind.

9 MS. KNICKERBOCKER: -- yes.

10 CHAIR CONGDON: But if you want to say
11 one last thing, that's fine.

12 MS. KNICKERBOCKER: Yeah.

13 CHAIR CONGDON: And then we'll move to
14 public statement hearing.

15 MS. KNICKERBOCKER: I'll take a few
16 minutes, but bear with me. So before -- before I
17 start, I want to make it very clear, since there's
18 been some confusion, the Village of Buchanan is the
19 host community of the Indian Point property.

20 240 acres, to be exact, solely within
21 the Village of Buchanan. The goal has been, and
22 we've heard this many times also in the joint
23 proposal, safe, prompt Decommissioning of Indian
24 Point and the restoration of the property. That goal
25 post has now been moved.

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2 So I want to talk to you for one
3 minute about let's start with the save the Hudson
4 legislation. Quotes from the Governor. Number one,
5 protect the economic vitality of the region, and
6 also, I have to say about that, what about the
7 Village of Buchanan?

8 What about the Village of Buchanan?
9 Now, that these goal posts have been moved. Pat
10 O'Brien is now here. He met with the village board
11 yesterday. We received the bad news that they're not
12 interested in releasing any of the property at all at
13 this point.

14 So that puts us in a little bit of a
15 situation because we are not happy that the plant
16 closed, but we accepted it and we were moving forward
17 and we were trying to reinvent ourselves. So that --
18 by releasing that property, allowing us to develop
19 that, would allow us to replace the tax base. So now
20 that seems -- that's not happening, so.

21 MR. KACZMAREK: Mayor, can you just
22 get a little closer to the mic?

23 MS. KNICKERBOCKER: Sure.

24 MR. KACZMAREK: Thank you.

25 MS. KNICKERBOCKER: So the effect on

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2 the village, as we all know, we've lost half of our
3 revenue. We were the largest employer in the area.
4 We lost our largest taxpayer and a good corporate
5 neighbor. Also, we had the cessation fund, which was
6 -- which we're -- which we're, you know, using for
7 the last couple of years.

8 Fortunately, we had that and that ends
9 for us in the fiscal year 27/28. So once again, we
10 are being put into a position here and I'm going to
11 go forward with the next. And I know Peter, you had
12 said something about economic vital -- vitality of
13 the region.

14 The Village of Buchanan has just been
15 left. So we need some help here and we're going to
16 have some conversations going forward. Another thing
17 the governor had said, we are closely working with
18 the local communities.

19 I will give the governor credit. She
20 did before the legislation was signed. She did call
21 me, her team did call me. We had a discussion about
22 the legislation, what it would mean to the Village of
23 Buchanan.

24 She was the only elected official that
25 contacted the Village of Buchanan and said, hey,

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2 look, there's this legislation here. What do you
3 think about it? How will it affect you? And how can
4 we help you? And I'm talking local, I'm talking
5 state and I'm talking federal.

6 Guys, the Village of Buchanan does
7 exist. We are here. We're a wonderful community,
8 good people. That's what this fight has been since
9 2017, since the announcement. We did have support
10 originally, yeah. But right at the beginning we had
11 support.

12 And I do thank Pete and Sandy. I was
13 very proud that we had all worked on getting
14 legislation passed to tax the spent fuel. That was
15 first in the nation. And I got that idea from
16 working with other communities, community in Zion,
17 Illinois.

18 They got decimated and they've been
19 trying to get the STRANDED Act passed. So the
20 STRANDED Act is going after the government, which had
21 -- the D.O.E., had promised that this, all this stuff
22 would be off the property. That was the original
23 agreement.

24 So it's still sitting there and it
25 will sit there for many more years. There's no place

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2 to put it. That's not the industry's fault. That's
3 the government's fault. That's the Department of
4 Energy made an agreement. And so it sits there.

5 So I got that idea from there to make
6 those casks as real property. And they're about a
7 million dollars each. So we have a 127 casks on the
8 property. So think we thought about it like, holy
9 cow, we got a 127 million dollar homes there.

10 So fortunately, and I do thank you,
11 Pete. And I -- I thank Sandy who worked closely with
12 us that got passed. And I know it was New Year's Eve
13 and Pete called me and said, hey, Theresa, I think
14 he's going to sign it, eight o'clock.

15 See what kind of life I have, right?
16 Sitting by the phone waiting for legislation to pass.
17 So -- so going forward, I -- I would like our elected
18 officials, our elected representatives to work with
19 the Village of Buchanan.

20 There -- there's the plant up in
21 Oswego that's been subsidized to stay open. So there
22 must be something because of the change in this plan,
23 the change in this agreement, the agreements that
24 were made. You know what? We subsidized everything
25 else, subsidized renewables, we subsidized everybody,

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2 got to be some money there for Buchanan.

3 It's just -- it's just not right
4 because we were going down a path, we were
5 decommissioning, and we were accepting what was
6 happening.

7 So the other one I'd like to discuss
8 is the restricting of discharges. It's in that
9 legislation. So -- okay. So let's not be
10 hypocritical here, we have other discharges that go
11 into the river. We have industrial, we have medical,
12 we have people who have medical exams.

13 So we're talking -- everyone's talking
14 zero discharge. What about these other things? I
15 mean, I -- I'm sorry Courtney isn't here tonight. I
16 know Courtney at one -- Courtney Williams had
17 mentioned at one point that she works for Regeneron
18 and she does work with tritium.

19 So I don't know, where -- when these
20 industrial -- where does this go? Where does the
21 medical waste go? Where does the waste go when
22 people have medical exams? I know where it goes when
23 they have medical exams, it ends up in the sewer
24 treatment plant and into the Hudson River.

25 So we're not talking zero now. So if

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2 we're going to do zero, all the other industries,
3 everybody else needs to be on board. I'm sorry, I
4 had a lot to talk about. I'm -- I'm a little angry
5 in case you haven't noticed.

6 Once again, the D.O.B. wants a safe,
7 timely, prompt decommissioning and restoration of
8 property. That hasn't changed. That has been the
9 goal. Everyone, as I said before, had the
10 opportunity to comment all through here.

11 And I guess I've heard that not
12 everybody knew that, but the activists and other
13 people that have been involved, and you know, I know
14 Marilyn Elie, my gosh! Right? Since the '90s,
15 Marilyn, we -- we used to go to the N.R.C. meetings.

16 And so you know, I'm not saying that
17 Marilyn -- I'm not telling that you knew about the
18 discharge or anything, but I'm just saying I've known
19 --

20 [Interruption from audience member]

21 MS. KNICKERBOCKER: -- yeah. No, but
22 I'm knowing --

23 [Interruption from audience member]

24 MS. KNICKERBOCKER: -- I'm sorry?

25 [Interruption from audience member]

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2 MS. KNICKERBOCKER: Okay.

3 [Interruption from audience member]

4 MS. KNICKERBOCKER: So -- but this is
5 -- but this is -- we've had these conversations, the
6 N.R.C., for many, many, many, many, many, many years.
7 I've been involved since the '90s. Guess I'm old
8 now. I'm not an expert. I will tell you I'm not an
9 expert. I'm not trained in nuclear.

10 I haven't had the education in
11 nuclear, and I'm not -- had the experience. I just -
12 - I don't have it. I have been to every meeting
13 since the announcement in 2017. I have not missed
14 one. First, it was the community unity. Then it was
15 the citizens' advisory panel. Then now the D.O.B.

16 I'm happy to be on the D.O.B. because,
17 you know, we're the host community. Somebody needs
18 to represent the village. I have traveled to
19 Vermont. I have spoken to other people, other
20 communities throughout the country, talking about the
21 spent fuel, talking about the STRANDED Act, talking
22 about their experiences.

23 I am pretty knowledgeable at this
24 point, but I'm not an expert. I'll tell you that. I
25 had to train myself on all this, so that I could

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2 protect my community. You know what? When you
3 become a mayor or an elected official, there's no
4 course that says, so when your largest employer
5 closes, what do you do?

6 There's no training on that. It's --
7 it's training on-the-job. We talked about the
8 STRANDED Act. I've sat here and I've listened to the
9 experts. And when I say the experts, this -- who we
10 have is the N.R.C., the E.P.A., the D.E.C.

11 This is what we have, whether you like
12 them or not, these are our experts. I've sat in
13 these meetings. I've listened to the D.E.C. I've
14 listened to what the N.R.C. has said about
15 decommissioning, the E.P.A. We had slides up there
16 that showed what the discharge is. I have to go by
17 facts.

18 And you know what? I just -- I can't
19 -- I can't listen to people that -- I understand
20 everybody's passion about this. I get that, I get
21 that. But I have to listen to experts. And so I
22 know my opinion is very different from everyone else,
23 but I'm doing what I think is for the best for the
24 village.

25 I also have said before that I do

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2 realize that decommissioning not only affects the
3 Village of Buchanan where my heart and soul is, but I
4 understand that it affects other people, the
5 decommissioning process.

6 But this -- this -- this slowing down
7 or this pause does not benefit anyone. It does not
8 benefit anyone at all. We save the Hudson, save the
9 people, save the people of the host community.
10 Pausing for eight or more years does not benefit
11 anyone. So thank you for your time.

12 And I would like to say to the
13 activists, we -- we definitely probably disagree on
14 this, but I -- I don't want what I said distorted. I
15 do care about the Hudson River. I -- I'm a fourth
16 generation in the Village of Buchanan.

17 I learned to swim in the Hudson River.
18 I boat on the Hudson River. I love the Hudson River.
19 We want it to stay healthy. Yes, I worry about the
20 air. That's why I'm concerned about having storage
21 tanks there.

22 So there has to be some type of a
23 solution. Listening to the experts, the best
24 solution seemed to be the discharge. Okay, that's
25 listening to the expert. If someone can come to me

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2 and tell me there's a better way, I'm all ears.

3 If someone can come to me and tell me,
4 hey, we're willing to support the Village of
5 Buchanan. We want to work with you. We realize
6 you're going through a tough time. My door is always
7 open and I'm all ears. Thank you for your time.

8 CHAIR CONGDON: Thank you, Mayor.
9 Assemblywoman Levenberg and then Senator Harckham
10 both asked for another couple minutes.

11 MS. KNICKERBOCKER: Yeah.

12 CHAIR CONGDON: And then we'll get to
13 the public statement hearing.

14 MS. LEVENBERG: I just -- I just want
15 to say, of course, we support all of the people in
16 New York. And certainly, I support all the people in
17 the 95th Assembly District. I absolutely want to
18 work with Buchanan on figuring out a solution for
19 your particular financial situation over the next few
20 years.

21 As we heard today, the eight years was
22 hypothetical based on guesses of what might come
23 next. It wasn't based on how long or what a next or
24 other option might be. We know that there are other
25 options. And again, Mayor, while you highlighted the

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2 one that you liked best, obviously, there were many
3 voices that did not feel that that was the best
4 moving forward, even those who listened to the
5 experts.

6 So I think that, again, I'm very
7 committed to moving forward and finding solutions. I
8 do think that we should work collaboratively with
9 Holtec as we move forward to make sure that we can
10 find ways to keep people employed, who should be
11 employed because there is, as was said, multiple
12 times and certainly publicly, that there's plenty of
13 work and that this wasn't part of the -- critical
14 path to decommissioning.

15 So again, continue to be committed to
16 making sure that we keep jobs wherever we can or find
17 alternative jobs. Again, we were also told that the
18 employers that Holtec uses to employ -- to employ all
19 of those folks, carpenters included, had other work
20 on other sites.

21 So even if it wasn't at Holtec, that
22 there were -- there were -- there was a lot of work
23 still to be done elsewhere. So again, would love to
24 make sure that -- that we can keep as many people
25 here, especially those with expertise, as we continue

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2 to work on the decommissioning of this plant.

3 And yes, I am committed to making sure
4 that it gets done safely for all New Yorkers and
5 expeditiously. And I hope, Mayor, that you would be
6 willing to consider creative solutions that may not
7 necessarily be the ones that seem most popular at
8 first glance, but could actually be most successful.
9 Thanks.

10 MS. KNICKERBOCKER: Yes, Dana, yes, I
11 am open to other solutions. I have sat on this
12 D.O.B. board. I've sat on many, many meetings. And
13 on the D.O.B. board, there were options that were
14 brought up and we found that they were, at that time,
15 not viable.

16 So I'm kind of hoping, maybe in the
17 future, there's some type of new technology. But the
18 problem is, now we're on an eight-year delay, maybe
19 10 years, I don't know. So this, you know, it
20 doesn't help anybody, this delay.

21 I am open to other options. If it's -
22 - if it's viable, I'm open. I don't have my heels
23 dug in the ground. I just want to see the safe, all
24 of us, that was the goal, the safe decommissioning.
25 But the prompt part has kind of thrown out the door

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2 now. That's all I'm saying to that.

3 CHAIR CONGDON: Senator?

4 MR. HARCKHAM: Thank you very much. I
5 -- I just want to thank you, Mayor, for your -- your
6 comments and your candor. I think it's safe to say
7 there has been no more passionate advocate for the
8 people of Buchanan than you. And we certainly
9 appreciate it.

10 And we, in the Senate and the state,
11 are -- are committed to continuing the financial
12 support of Buchanan. You remember it was a fight to
13 -- to fully fund the cessation fund and to extend
14 that, we got that.

15 Great partnership on -- on fuel rods.
16 There is a community benefits fund, which the village
17 was one of the -- the beneficiaries of. We've gotten
18 millions of dollars in extra foundation aid for the
19 Hen-Hud School District to support the students, but
20 also take the burden off taxpayers.

21 I personally got an extra million
22 dollars for Hen-Hud from a Senate fund that we have
23 for just this purpose. And if we have to do other
24 things, we -- we are prepared to do it. We work for
25 you. And if there are things that we can do to

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2 financially support -- to support the Village of
3 Buchanan, we're committed to doing that.

4 MS. KNICKERBOCKER: Much appreciated,
5 and a conversation to continue.

6 CHAIR CONGDON: Yup, absolutely. Now,
7 just before we get to the public statement hearing, I
8 do want to also acknowledge Catherine Borgia, who is
9 term-limited. And so this will be her last meeting
10 with us at the D.O.B., and I thank you for your
11 service.

12 MS. BORGIA: Thank you.

13 CHAIR CONGDON: Great. Right, we
14 expect to see a lot more of you at future meetings.

15 MS. BORGIA: Yes, thank you. Thank
16 you. You know, it is -- this a difficult -- this is
17 a difficult process, and I think all of us have been
18 trying to work together to mitigate the -- the
19 efforts. But I do think that there's -- I appreciate
20 -- I appreciate everyone's concern and point of view,
21 but I -- I do think that there's a solution.

22 There are solutions that maybe take a
23 little bit bigger point, broader perspective from
24 many of the stakeholders in -- at this table. I know
25 speaking for the county, and Susan Spear, of course,

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2 is here representing Westchester County as well,
3 that, you know, we don't have a lot of authority in
4 this situation, but we do certainly have advocacy,
5 and we are certainly good partners, and we want to
6 continue to be good partners.

7 So you know, sometimes these meetings
8 take a turn that -- that are -- that is a little bit
9 divisive, but I think that that is actually healthy
10 and important because all of the concerns that are
11 being expressed about it, and we understand that
12 you're a business and you want to decommission.

13 We understand that, and we understand
14 that there's a financial incentive for you to do it
15 as quickly as possible, but you also have to take
16 into account the needs of the people who -- who
17 surround. So we appreciate -- we appreciate that.
18 So that's all I'll say. I have some other questions
19 that I'll ask, but you know what, I'm going to email
20 them.

21 CHAIR CONGDON: Thank you, and look
22 forward to working with you in your future
23 capacities. Tom Kaczmarek, would you please walk us
24 through, reading through the list of pre-registered
25 speakers, and we'll take them in the order they

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2 registered, please.

3 MR. KACZMAREK: Absolutely. Attendees
4 will be called on in the order in which they
5 registered, starting with those participants who are
6 here in-person. Those who did not pre-register to
7 speak this evening we'll be able to direct you to
8 additional opportunities on subsequent slides.

9 So to prepare -- to provide a fair
10 opportunity to speak, there will be a strict three-
11 minute time limit. Speakers will be cut off if they
12 exceed this time limit, so please listen for cues as
13 to how much time you have remaining.

14 With that, our first speaker is Susan
15 Van Dolsen, followed by Jacquelyn Drechsler and Tina
16 Volz-Bongar.

17 MS. VAN DOLSEN: Thank you. This was
18 quite a meeting, and I'm glad I was here. I had
19 written some comments, and I think a lot of things
20 were already addressed, but basically it sounds to me
21 like there's a lot of effort to work towards some
22 sort of solution, and we're getting there.

23 I don't hear this from Holtec at all,
24 and I'm very disappointed because how do you not
25 think ahead that maybe a law would pass? Like,

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2 that's arrogant. And there was a letter circulated
3 to all of you about an incident in 2021.

4 Senator Markey in Massachusetts wrote
5 a lot of questions, and your arrogance -- the
6 company's arrogance, to me, is astounding. How do we
7 trust you? You tell us it's going to take eight
8 extra years, and you can't explain that?

9 You may be suing, and you're not?
10 You're being cagey. And then workers' lives are at
11 stake, and you're not really being creative. So
12 basically, everybody else, I think, is pretty much
13 getting to the point of understanding that there are
14 experts.

15 You say you know how to build a great
16 cask, just like Jim said. Why do you rule out the
17 idea of there potentially being a good way to store
18 this water in a potentially building that exists,
19 maybe? I don't know. I understand what Theresa's
20 saying, but let's think creatively, okay?

21 And I'm not hearing -- I'm just really
22 -- this is not what I was planning to say, but that's
23 what I feel after three hours. This is so
24 disappointing. You've discharged water in -- in
25 Massachusetts, and it violated the NPDES permit back

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2 in 2021.

3 There was an article in the paper
4 today in Massachusetts about that. I just feel so
5 disappointed. I'm a grandmother in Westchester.
6 I've been here my whole life. I have two
7 grandchildren who live here. And I want to know that
8 you will work with these people.

9 All of these people are here to help
10 solve this problem, including all of these people.
11 Why are we here? So you can be arrogant and tell us?
12 You didn't expect the law to pass. You didn't care
13 enough to think about what might be an option.

14 So next month, thankfully, we are
15 going to -- or next meeting, rather, in February,
16 we're going to meet Arnie Gundersen. I appreciate
17 that you are going to have him here. Thank you,
18 Senator Harckham, and thank you, Assemblymember
19 Levenberg, for that, for helping with that.

20 And I just -- I really want to know
21 that this is going to be solved in a way that will
22 help everybody, not in an arrogant way, that you
23 didn't think it was going to pass. That's just
24 disrespectful to this entire operation here.

25 MR. KACZMAREK: 15 seconds.

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2 MS. DOLSEN: So please, thank you very
3 much.

4 MR. KACZMAREK: Thank you. Ms.
5 Drechsler?

6 MS. DRECHSLER: I'm Jacque Drechsler
7 from Valley Cottage in Rockland County. I echo
8 everything that Susan said. I do believe that there
9 are enough bright and brilliant minds in this room
10 and other people that can be accessed to come up with
11 a solution that works for the company and works for
12 the river and works for the people of the town.

13 So thank you for the opportunity to
14 speak tonight. I'm just going to go into something
15 else here. Surprise, surprise, the N.R.C. could not
16 be here. Considering that the D.O.B. must have known
17 this in advance, and instead of wasting our time with
18 N.R.C. nonsense, and approvals for Holtec.

19 And knowing that the community at
20 large has been advocating for the Arnie Gundersen
21 short video to be shown with Mr. Gundersen available,
22 by Zoom, we feel kind of ignored. I'm glad that Mr.
23 Congdon has made the suggestion that this video is
24 posted and that it should be reviewed by people.

25 I think it's very illuminating, and it

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2 may help everyone to kind of calm down and realize
3 that there really could be a solution here. So one
4 of the other reasons that I wanted to speak tonight
5 is because I wanted to talk about another thing that
6 we've been advocating for, something that has been
7 missing, and it went missing a long time ago.

8 When the D.O.B. was originally
9 created, there was planning for, let's call it an
10 advisory panel that was supposed to include citizen
11 participation, expert's participation, and funding
12 for experts. We know that the D.E.C. has, as part of
13 its mandate, a citizen's participation plan, and that
14 is something different.

15 We know that the D.O.B. has David
16 Lochbaum as its expert. However, and not to slight
17 Mr. Lochbaum's expertise in engineering, he's not a
18 medical, radiological, safety and emergency planning,
19 gas pipeline, or seismic earthquake specialist.

20 I am stating that I and others will be
21 working to create a citizen's participation and
22 expert's advisory group, similar to what is in
23 Vermont with the decommissioning citizens advisory
24 panel, and similar to the original intent for Indian
25 Point decommissioning.

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2 There was original legislation that
3 was changed, moved over to the jurisdiction of the
4 D.P.S. without any funding attached. And this should
5 not only apply to Indian Point, but to and for all
6 nuclear reactor communities across New York State
7 that will be confronting the archaic process of
8 decommissioning, the decommissioning of Indian Point
9 should allow for this, what has been missing for all
10 of these years.

11 And I would just also like to speak
12 very briefly to --

13 MR. KACZMAREK: 15 seconds.

14 MS. DRECHSLER: -- I think it was Dr.
15 Becker, who's -- who made a statement that, you know,
16 wanted to dump it in the ocean, and it was said that
17 it was against international treaty. I would just
18 like to say that back in the 1950s, research that
19 Vermont Geological Authority Observatory did,
20 requested by the Atomic Energy Commission prove to
21 the Atomic Energy Commission that there was huge
22 activity in the oceans, and that they would not dump.

23 I would like to end by saying I thank
24 Governor Hochul, once again, for passing the Save the
25 Hudson Bill. No more radioactive pollution, not in

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2 our water and not in our air. And that we hope that
3 the governor will somehow support the concept of safe
4 on-site storage. Thank you very much.

5 MR. KACZMAREK: Ms. Volz-Bongar,
6 followed by Pamela Hudson and Nancy Vann.

7 MS. VOLZ-BONGAR: I think you're not
8 going to believe this, I'm just going to come up here
9 and say how grateful I am, and what a good meeting
10 this was, and really for my representatives, Senator
11 Harckham, Assemblymember.

12 And I want to thank Governor Hochul
13 for understanding what the people of the State of New
14 York want, and that is a healthy and thriving Hudson
15 and community, and that our health and safety comes
16 first, and foremost, no matter what.

17 Since the N.R.C. is coming, I just
18 have a couple of questions. I'm curious if they
19 could respond to the Fifth U.S. Circuit Court of
20 Appeals decision that was made in August about the
21 N.R.C. Actually, the N.R.C. was preempted, Mr.
22 Sipos, so I was very pleased about that, as you can
23 well imagine.

24 So we'd just like to hear about that,
25 if they're going to be addressing licenses and

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2 amendments. I'm very, very disappointed about the
3 emergency funding. As you know, I presented here,
4 and I showed you very clearly how we do not, along
5 with James Witt, you know, in 2004, I believe.
6 Anyway, no, I think it was '03, you know, but.

7 Anyway, I would like to know how much
8 the emergency planning fund was, how much was spent,
9 and how much, in December, Holtec gets to withdraw
10 from that decommissioning trust fund. Those are the
11 kinds of critical questions, just like the District
12 Court, you know, of Appeals decision, that would be
13 great to be addressed here, if -- if that could
14 happen.

15 So I believe in the skills and
16 smartness of Mr. DiNapoli, and so I'm really hoping
17 that he may be able to take a look at this and make
18 an explanation of what's going on. Also, I'm just
19 wondering if the Attorney General's Office is going
20 to attend next D.O.B. because it would be great to
21 hear about the permitting process, like what, you
22 know, in terms of, you know, what kind of
23 jurisdiction, you know, home rule of the Town of
24 Buchanan has, versus N.R.C. and everything else.

25 And Arnie Gunderson does address this

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2 -- did address this in his video and his webinar, so
3 I look forward to, hopefully, that being addressed.
4 That's all, and I hope somebody else gets to speak.

5 MR. KACZMAREK: Thank you.

6 MS. KNICKERBOCKER: Tina, I just want
7 to say the N.R.C. would supersede the local
8 community.

9 MR. KACZMAREK: Next is Pamela Hudson.
10 Ms. Hudson, are you with us? Followed by Nancy Vann.

11 MS. VANN: I just want to say that
12 listening to Holtec today has not at all improved my
13 impression of the company. It seems like they are
14 doing everything they can to make this
15 decommissioning more difficult, more time-consuming,
16 and only are interested in those aspects that will
17 actually profit the company.

18 I mean, one of the things that they
19 mentioned was that they were make -- making donations
20 from the Decommissioning Trust Fund. You don't get
21 to make donations with other people's money. If you
22 want to make a donation and promote goodwill so
23 everybody loves Holtec, do it with your own money.

24 Another thing that they talked about
25 was that they're not taking down buildings on the

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2 property that could be coming down because it's not
3 their priority.

4 So you get to decide the priority of
5 who gets to have jobs, who gets to move along with
6 getting the decommissioning finished, and you decide
7 that the things that you can do you aren't going to
8 do because that doesn't get you through any of the
9 regulatory hoops that you want to get through.

10 How about thinking about the community
11 that you're working in? How about thinking about the
12 people who live here? Another thing on page seven,
13 you were talking about the Phytoremediation plant.
14 That they can't use that particular way of doing --
15 of addressing the tritium because you can't grow
16 hemp.

17 Could I remind you that there are a
18 lot of other fast-growing plants? I mean, bamboo
19 comes to mind, Phragmites that grow in our wetlands
20 come to mind. You decided to choose a plant to grow
21 that you can't grow so that this particular way of
22 remediating the tritium is not available.

23 Another thing that came up tonight is
24 that there's a section of the Indian Point property
25 that isn't in Buchanan. So whether Buchanan wants to

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2 put in --

3 MR. KACZMAREK: 15 seconds.

4 MS. VANN: -- put in tanks is not
5 dispositive of whether this is an adequate solution.
6 There is another option that you haven't even told us
7 about. You haven't mentioned that you've been
8 investigating whether better tanks are available,
9 whether you yourselves with all of your -- your
10 storage --

11 MR. KACZMAREK: Ms. Vann?

12 MS. VANN: -- expertise.

13 MR. KACZMAREK: I'm sorry, please
14 wrap up.

15 MS. VANN: Oh! Okay, thank you. So
16 thank you to everyone for their participation. And I
17 have several other points about Holtec and I guess, I
18 would write them to you.

19 CHAIR CONGDON: We'd welcome the
20 written comments as well. Just as a point of order,
21 I think that the issue is not the type of plant, but
22 the vegetation as a method of any vegetation.

23 MR. O'BRIEN: Well, that, and that was
24 the company that approached us at the last meeting.

25 CHAIR CONGDON: Yeah.

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2 MR. O'BRIEN: And that's how we'll put
3 that.

4 CHAIR CONGDON: So it wasn't just that
5 the type of plant, it was the process of -- but -- so
6 -- and -- right, right.

7 MR. KACZMAREK: So next we have Susan
8 Shapiro, followed by Jen Benson and Deborah Porder.

9 MS. SHAPIRO: Thank you, I'll try to
10 be brief. First of all, your predecessor from
11 Holtec, Mr. Burroni, provided me with effluent report
12 from spent fuel pools two and three. And we're
13 having our experts review that. One of the questions
14 they have is where were those measurements taken
15 from? So if you can provide me with that answer, I'd
16 appreciate that.

17 With -- respectfully, with regard to
18 the issue of the water staying on site and this, you
19 know, plan that -- this belief that the site is going
20 to be quickly decommissioned and that we're going to
21 clean it up quickly, the water doesn't really make
22 the difference.

23 The issue is the spent fuel is going
24 to stay here. There's no place for it to go. So
25 it's a red herring, this idea that -- honestly, you

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2 know, I agree that we all want to work together, but
3 let's be honest about it for a change.

4 Instead of what Holtec promoted, that
5 they're going to clean it up fast and make condos,
6 which is nonsense. So that's -- I just want to state
7 that. Let's all have that real -- let's be
8 realistic. And I agree with you that that spent fuel
9 pools -- the spent fuel tanks is a new use of the
10 land and there should be taxed.

11 It should have been taxed, Minnesota's
12 been doing it. Other states are doing it. We should
13 be doing it here. And I agree, it should go back to
14 the community.

15 With regard to the monitoring, I'm
16 very confused. You say there are 16 monitors and
17 Holtec's agreeing to keep three of them? I don't
18 understand why you're taking down any of the
19 monitors. But you're -- but you're taking down
20 buildings, you're taking down structures that were
21 radioactive.

22 There's blasting, there's -- there's
23 dust, there's stuff that's going on. We need all the
24 monitors, we need more monitors. We don't need less
25 monitors, I don't understand if you can clear that

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2 up, I'd really appreciate that.

3 And also, are you -- what are you
4 monitoring for? Operation monitoring is different
5 than decommissioning monitoring. We have different
6 kinds of materials in the decommissioning. We need
7 monitoring for decommissioning, not the same
8 monitoring that we've had for operations for the air
9 and the water.

10 I've heard a rumor, and I hope it's
11 not true, that there's -- there's a rumor that you
12 have said that you're heating the buildings to 90
13 degrees. Is this true or not? If you can answer
14 after I'm done. Because it's --

15 MR. SPAGNUOLO: I can answer right
16 now. No.

17 MS. SHAPIRO: Okay, good. Because
18 there's -- that would mean that you're trying to
19 evaporate. So I'm glad you're not, and I hope you
20 don't. With regard to New York State's jurisdiction,
21 the D.E.C.'s jurisdiction, the D.E.C. has always had
22 jurisdiction and the D.O.H. on the plume under the
23 plant to clean this up.

24 In New York State, all water has to be
25 potable water, ground water, and clearly that's not

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2 the case. That's why it's a red herring to say this
3 plant's going to be cleaned up at any time soon.
4 We're talking about 60 years, honestly. Let's all be
5 honest. Let's talk about the real honest amount. If
6 ever --

7 MR. KACZMAREK: 15 seconds.

8 MS. SHAPIRO: -- okay. So it's going
9 to take time. So I'm asking, I have three asks for
10 Holtec.

11 MR. KACZMAREK: Please be quick, you
12 only have 10 seconds.

13 MS. SHAPIRO: Will Holtec agree to do
14 comprehensive continuous monitoring and publicly
15 report releases of radioactive effluent from the air
16 outlets of the overpacked modules holding
17 multipurpose cans -- canisters?

18 Two, will -- can Holtec provide
19 reports or studies that it has conducted or sponsored
20 upon which it relies with regard to options for
21 holding radioactive wastewater at the decommissioning
22 or decommissioned nuclear sites for an extended
23 period, more than 10 years?

24 And three, will Holtec agree to
25 inspect a one-fifth of the spent fuel canisters and

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2 overpacks at Indian Point every year to ensure --
3 every five years, to ensure that -- that all
4 canisters -- every year, so that every five years we
5 will know that all canisters have actually been
6 inspected.

7 If inspection is not possible, we ask
8 Holtec to maintain a wet hot cell transfer pool in
9 the event of an emergency. And also --

10 MR. KACZMAREK: Ms. Shapiro?

11 MS. SHAPIRO: -- and also -- or to
12 change the canisters to be ones that can be
13 inspected. Thank you.

14 MR. KACZMAREK: Thank you. Ms.
15 Benson, followed by Deborah Porder and Ed Cooke.

16 MS. BENSON: Hello, my name is Jen
17 Benson and I am the Environmental Action Director at
18 the Hudson River Sloop Clearwater, taking the reins
19 after Manna's legacy. I'm sure you're used to
20 someone shorter, but I'm still trying to fill her
21 shoes to the best of my ability.

22 I wanted to thank Senator Harckham,
23 current Assemblymember Levenberg, and previous
24 Assemblymember, Sandy Galef for requesting that the
25 trust fund balances be shared at the Decommissioning

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2 Oversight Board meetings and --

3 MR. KACZMAREK: Ms. Benson?

4 MS. BENSON: -- shared with state
5 agencies.

6 MR. KACZMAREK: Ms. Benson, you just -
7 - lift the mic, thanks.

8 MS. BENSON: Wow! Normally people
9 tell me to quiet down, so that's an interesting turn
10 of events. So I just wanted to reiterate my thanks
11 and appreciation for the call to have the trust fund
12 balances be presented at the Decommissioning
13 Oversight Board meetings as they are shared with New
14 York state agencies twice a year.

15 I also just want to emphasize that
16 there was a lot of confusion around numbers and
17 amounts of money and dates, and a really simple way
18 to avoid that is just by putting them on a PowerPoint
19 slide. So that would be great. Thank you for making
20 that call.

21 I also wanted to echo the request for
22 presentations on expenditures and transactions as
23 well. And thank you to Dana Levenberg and Richard
24 for asking questions around how much wastewater is
25 where and potential available storage capacity.

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2 I think that that conversation was way
3 more muddy than it needed to be. I think that the
4 questions that Richard was asking were
5 straightforward and being misconstrued. So I'd
6 really appreciate some clarity on where wastewater is
7 now, where there might be space, and then -- and
8 opportunities for onsite storage, and to echo Dana as
9 well on that.

10 I also was curious if within the oil
11 discharge response, if a 6-hour response time is
12 normal. And I also was curious if the new exemptions
13 in response and requirements for emergency response
14 would at all alter the timeline to potentially be
15 longer in future moving forward, just thinking about
16 both the Hudson as well as the community at hand.

17 And then lastly, I know that the draft
18 annual report was published on September 22nd, and I
19 know that it was noticed through all required
20 channels. However, we did meet on the 21st. And so
21 we do have people who may not be reading emails in
22 the same way that I have the luxury of reading emails
23 for my job.

24 And so I think that just in a good
25 faith effort to really communicate openly with the

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2 public, it would have been helpful for there to be a
3 flag that -- that draft annual report was going to be
4 released the following day.

5 MR. KACZMAREK: 15 seconds.

6 MS. BENSON: So just please keep that
7 in mind in the future. I think that we all come to
8 these meetings in good faith. I know we all have our
9 heated moments and our moments of frustration, but I
10 just -- I want to express my appreciation and hope
11 for just a flag for that on behalf of the
12 communities, nonprofits, and other people that sit in
13 the audience to have that in the future. Thank you.

14 CHAIR CONGDON: Totally -- totally
15 fair point. And that was -- that was a simple
16 oversight. Thank you.

17 MR. KACZMAREK: Deborah Porder?

18 MS. PORDER: Thank you. Hello, my
19 name is Deborah Porder. I've lived in Westchester
20 County for almost 30 years, and I live approximately
21 30 miles from Indian Point. I'm a mom, a grandma,
22 and I've lived in the New York area for 60 years, the
23 tri-state area, always in New York.

24 We have a power plant. It's got two
25 faults running under it, three gas lines running

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2 under it. There are about 25 million people living
3 nearby, right? And all of a sudden, we have the
4 N.R.C. making a decision that Holtec doesn't have to
5 be responsible for offsite emergency preparedness.

6 What could go wrong? Please, we have
7 -- I saw that picture, all those casks. It looks
8 like a bullseye for a terrorist attack to me. And is
9 there not one government agency? We've got the
10 A.G.'s office, the E.P.A., state, the county, that
11 won't go to court and challenge the N.R.C.'s
12 decision.

13 And -- and they lifted their insurance
14 requirements. If there's an accident, that means my
15 home is not going to recover anything. My property
16 values will be destroyed. Everybody in this room,
17 who has a house in the area, you're not going to have
18 property liability insurance for damages.

19 Now, I don't know why the Nuclear
20 Regulatory Commission doesn't care about us, but I
21 feel like there must be some government official or
22 agency willing to sue them and challenge that
23 decision in court. That's all I have to say. Please
24 protect us. Don't just let the N.R.C. walk all over
25 us. Thank you.

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2 MR. KACZMAREK: Ed Cooke. And then
3 we'll move to our -- we have one speaker on Zoom.

4 MR. COOKE: Thank you, I'm Ed Cooke.
5 I am a council representative of the North Atlantic
6 States Regional Council of Carpenters. I'm also
7 vice-president of the Westchester Putnam Building
8 Trades. I'm a resident of New York State.

9 We represent about 11,000 members
10 statewide through the Carpenters Union, and about
11 30,000 tradesmen and women in Westchester and Putnam
12 County. No self-respecting labor leader would like
13 any layoffs during any holiday time period.

14 The reality is, is a nuclear power
15 plant is put by a river or a body of water for
16 cooling. That's the plan. That's -- that's how they
17 were designed 50 years ago, 60 years ago. That's the
18 reality. We inherited this.

19 I'm here to talk about the recent
20 layoffs on the heels of Senate Bill 6893 and Assembly
21 Bill 7208, which was swiftly pushed through the
22 legislature over a two-week period at the end of
23 session in June and hastily signed by the governor's
24 office.

25 The purpose of the bill was to

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2 prohibit discharge of any other radiological
3 substance into the Hudson River in connection with
4 the decommissioning of the nuclear power plant. It's
5 an easy position to take and sounds great to the
6 public who has not followed with science.

7 It was basically unaware of the safe,
8 controlled, regulated, and monitored release of
9 treated water that has taken place over 50 years
10 without incident. It's amazing to me that the same
11 legislators who publicly supported Holtec as a proper
12 mechanism to do the decommissioning now turn their
13 backs on them and switched and bait the game halfway
14 through it.

15 I'm disgusted -- actually, I have more
16 to say, but I'm disgusted by telling somebody that
17 I'm a pawn in the labor of the men and women that
18 work at this plant for the last 50 years to keep this
19 population safe are being used as pawn.

20 We understand how nuclear power plants
21 work because we've been in them our entire career.
22 There's an ebb and a flow. If there's work there, we
23 work there. If there's not work there, we don't work
24 there.

25 Holtec and Champion are not using the

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2 men and women of labor as pawns. This is a cause and
3 effect. New York State Assembly and New York State
4 legislator pushed through a popular bill, it's a
5 populist thing.

6 I agree with the woman that said zero
7 should be zero. You shouldn't put medical waste in
8 it, you shouldn't put lead in it. Yeah, we inherited
9 something and the most efficient way to get rid of
10 the water would be to release it into the Hudson
11 River in safe and measurable doses.

12 In fact, Fukushima just started
13 reintroducing water into the Pacific Ocean. It --
14 it's just -- it's insane. We have a community that
15 is being decimated because of the loss of a power
16 generation plant. We have lack of power on the grid,
17 the grid is stressed.

18 MR. KACZMAREK: 15 seconds.

19 MR. COOKE: Our energy costs are
20 higher than they've ever been in New York State. Our
21 taxes are higher than they've ever been in New York
22 State. And to answer -- your question, Senator
23 Harckham, the jobs in White Plains are being done by
24 an undocumented populace with labor brokers that are
25 robbing from these men and women that are trying to

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2 make a better life for themselves while the corporate
3 welfare system of the state of New York --

4 MR. KACZMAREK: Mr. Cooke?

5 MR. COOKE: -- and the I.D.A.'s that
6 represent them are giving them grants and tax relief
7 that hurts every single one of us in this room. So
8 to say I'm a pawn and to say the men and women that
9 work at Indian Point are pawns, shame on you and it's
10 disgraceful.

11 MR. KACZMAREK: Our final speaker this
12 evening is Michel Lee. Michel, you're unmuted, you
13 may speak.

14 MS. LEE: Yes. I -- I think I'm going
15 to, as it's so late, just emphasis, I guess, add to
16 the point that Susan Shapiro was making. A lot of
17 the context for the debate that went on today is
18 really based on a fallacy and a lack of understanding
19 of the history and of the realities of what
20 decommissioning entails.

21 In the -- just today, World Nuclear
22 Status Report 2023 was released. So that's a 549
23 page -- page document that -- that was done by world
24 experts from many different countries who used a lot
25 of the data.

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2 In total, there have only been 11
3 units, nuclear power plants, globally, that have been
4 released from regulatory control. 11!

5 Decommissioning is going to take a long time if it's
6 done safely. The argument that, oh, we -- we have to
7 -- to fire workers because we can't dump radioactive
8 water into -- to a vital waterway is absolute
9 nonsense.

10 And -- and I frankly am incensed that
11 Holtec is trying to, yes, use the workers as -- as a
12 way of -- of trying to intimidate the -- the elected
13 officials of the state. It's a very, very common
14 ploy of corporations when they have financial issues
15 to basically blame regulation rather than blaming
16 their own organizational structure or the way that
17 they're handling their work that they're doing.

18 And frankly, I -- I would hope that
19 the public officials in New York really hold Holtec
20 to task on this. Thank you.

21 MR. KACZMAREK: Thank you. That
22 concludes our public statement portion of the
23 meeting. Just a reminder, the slide in front of you
24 offers other opportunities to comment. This meeting
25 presentation is available on our website.

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2 CHAIR CONGDON: Thank you, Tom. Our
3 next meeting is February 29th. Thank you all very
4 much.

5 (The hearing concluded at 9:12 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 185, 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 13th day of December, 2023.

11

12 HOWARD HUBBARD, Reporter

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