

**Responses to Public Comments and Questions
March 17, 2022 DOB Meeting**

<u>Administrative</u>	<u>Environmental Management</u>	<u>Cyber Security</u>	<u>Decommissioning & Spent Fuel Management</u>
<u>Monitoring and Dust Mitigation</u>	<u>Emergency Management</u>	<u>Gas Pipeline Safety</u>	<u>Labor and Economic Development</u>

The source of the responses and the data contained herein should be assumed to be New York State unless otherwise noted.

ADMINISTRATIVE

1. Can answers to questions raised by the public be posted ahead of the meeting?

Yes, answers to questions raised by the public can and should be made publicly available in advance of the following meeting. We will endeavor to post responses online no fewer than two weeks in advance of each subsequent meeting.

2. Why are community concerns limited to a segment of this meeting and why is it a non-community member that delivers them? Several of the concerns my community has were not included in the Public Engagement presentation.

In order to provide greater opportunity for community engagement, the DOB requested that its environmental representative and other local DOB members meet regularly with community members between DOB meetings. The idea of reserving time on DOB meeting agendas for a report from this community engagement was intended to ensure that we efficiently heard and discussed feedback from community members. The DOB continuously works to facilitate substantive and constructive community engagement and participation with the DOB. To that end, the DOB adopted several administrative changes, including the establishment of a more accessible DOB website (www.dps.ny.gov/indianpoint), to improve communications and encourage greater participation. The DOB will also be inviting guest speakers from the community to make presentations on topics of interest at future DOB meetings. During such time, guest speakers will be able to interact with DOB members. The DOB hopes to be able to solicit a diverse set of views and concerns by opening up the guest community speaker slot to multiple individuals throughout the year.

3. Can the Q&A be set up so that meeting attendees can see all questions and answers? That way we can all have the same information.

The “Q&A” function during virtual DOB meetings has been set up to collect questions. All questions are recorded and answers provided in writing ahead of the following meeting.

4. Why can't all of the participants see who is on the Webex meeting and why can't we all see the chat?

There are known technical limitations with the virtual meeting platform used by the DOB with alternatives being explored to afford the visibility of all participants. The chat function is

intended to support members of the public with technical issues and administrative questions related to the DOB meeting. All questions raised in the Q&A are recorded and answers are subsequently provided in writing ahead of the following meeting.

5. Why include a clickable link to the web form and not the actual web address for the tip line? What's the address?

The weblinks visible on DOB meeting presentations are usable and posted online the following day after the meeting with clickable links. To better communicate this information, direct links will be spelled out on slides where feasible. The whistleblower hotline is also available at www.dps.ny.gov/iptips and 518-486-1487.

6. Beyond the public DOB meetings, what work is done by the Board to address community concerns?

The DOB takes all concerns and recommendations of the community seriously. The DOB and supporting staff not only reply to each substantive question received, but also elevate issues raised by the public and, when warranted, advocate for improvements to be made. The community's elected representatives, independent technical and environmental experts, and agency staff champion those concerns raised by the public and work to ensure compliance with regulations and agreements, and advocate for the safest achievable outcomes.

While DOB public meetings may be the most visible component of the Decommissioning Oversight Board, each meeting serves as an important part of the much broader scope of work conducted by members of the DOB to promote a safe and responsible decommissioning. Each year, thousands of staff hours are invested by Board members and their staff conducting rigorous state and local oversight that goes above and beyond what is statutorily required (in addition to federal oversight), providing substantive responses to questions and concerns raised by the public, and preparing for DOB meetings.

ENVIRONMENTAL MANAGEMENT

7. Will there be public hearings on the Citizen Participation Plan?

NYSDEC's regulations (6NYCRR Section 375-1.10) require all remedial programs to include citizen participation activities which, at a minimum, shall include the preparation of a citizen participation plan, establishment of a document repository and public notice with a prescribed comment period at select milestones. The primary goals of the citizen participation program at sites are to facilitate communication with individuals, groups, and organizations that have expressed interest in or are affected by the site or the site's program in the decision-making process associated with the remediation of sites. The Citizen Participation (CP) Plan (CPP or CP Plan) that is under review will provide information about how NYSDEC and Holtec will inform and involve the public during the investigation and cleanup of the Site. Holtec has agreed to cooperate with the Department and provide reasonable assistance in soliciting public comment on the work plans and reports identified for public comment in the CPP, proposed remedial action plans, and additional work plans and/or reports as the Department may require. The CP Plan will be available to the public once approved by NYSDEC.

8. Where does the processed and unprocessed water go? Where does the removed asbestos go?

Processed and unprocessed water is monitored (each tank is sampled and analyzed by qualified technicians prior to release) before being discharged into the discharge canal and then to the river through a variety of tanks and outfall piping. If the monitoring results indicate concentrations are higher than desired, then the water is retained for additional treatment prior to discharge. The concentrations in the discharged water are summarized and reported to NYSDEC (for non-radiological contaminants) and US NRC (for radiological contaminants), in accordance with Holtec's SPDES Permit and NRC License, respectively.

Prior to demolition activities, the local municipality must issue a building demolition permit. Holtec's contractor is required to perform an asbestos assessment prior to any demolition. If asbestos is detected, abatement is required and the NYS Department of Labor (NYSDOL) must be notified, and is responsible for overseeing the proper testing, abatement and disposal from an asbestos contaminated structure. NYSDEC has been in contact with NYSDOL and they are aware of the potential asbestos at this facility.

9. How high of a radioactivity concentration is allowed for discharge into the river?

The discharge limits are based on the doses resulting from exposure to contaminants which are compared to the overall dose limits required by two federal agencies, the US NRC (10 CFR Part 20 regulations) and US EPA (40 CFR Part 190 regulations). Wastewater is sampled and analyzed to ensure that any water that is discharged meets the acceptable limits. These limits are based on a calculation of the potential doses to the public using the possible exposure pathways laid out in Holtec's Offsite Dose Calculation Manual (ODCM) which are compared to the regulatory limits for doses to the public. According to Holtec:

The station liquid discharges are maintained well below our internal guidelines and do not exceed 1/10th of 1% of the allowable NRC and EPA limits. This demonstrates that historically, [Indian Point's] discharges have been and will continue to be far below the regulatory limit.

This information is reported annually in the Annual Radiological Effluent Release Reports, which are available to the public on the NRC website at: <https://www.nrc.gov/reactors/operating/ops-experience/tritium/plant-info.html>.

10. Didn't Holtec say there would be no discharges to the river?

At the March 17, 2022 DOB meeting, Holtec indicated its plans for additional discharges in stating:

Total number of gallons between the two [reactor water storage tanks] and the spent fuel pools is about 1.3 million gallons. This water will not be discharged until all fuel is casked and segmentation efforts are complete. [This is estimated to occur in] 2023 [or] 2024.

Holtec also provided additional detail on the discharge filtering and monitoring process, contextualization of all processed and unprocessed water remaining at Indian Point, and state and federal regulations governing discharges. Holtec's full presentation may be found [here](#).

NYS will ensure that any discharge from the facility meets Holtec's State Pollutant Discharge Elimination System (SPDES) permit requirements.

CYBER SECURITY

Has Holtec discussed potential cyber-attacks with Enbridge and PSC? Especially in light of Russian attacks on nuclear power facilities.

Indian Point and the interstate transmission pipelines near Indian Point are under the auspices of separate federal government cyber security regulations.

The systems and equipment responsible for the safe storage, handling, and cooling of all spent nuclear fuel at the Indian Point site are disconnected from any other network connections. This security measure creates a nearly impenetrable cyber barrier between Indian Point's spent fuel and malicious actors. The Cyber Security Rule, as contained in 10 CFR 73.54, applies to licensees currently licensed to operate a nuclear power plant. NRC staff has determined that 10 CFR 73.54 does not apply to reactor licensees that have submitted certifications of permanent cessation of operations and permanent removal of fuel under 10 CFR 50.82(a)(1). However, Holtec indicated its Cyber Security Plan (CSP) at Indian Point will be maintained until the license condition is removed from the site's operating licenses. The CSP license condition requirements can be eliminated after the zirconium fire window is surpassed in August 2022. Holtec indicated it plans to submit a license amendment request (LAR) to remove the condition in early May 2022. New York State plans to review the LAR when submitted.

The interstate gas transmission pipelines in proximity to the Indian Point facilities are covered by separate emergency plans and regulations. Cybersecurity regulations for critical infrastructure, such as pipelines, is overseen by the federal Department of Homeland Security (DHS) Transportation Security Administration (TSA). In response to the Colonial pipeline ransomware attack in May 2021, the TSA released an initial security directive on May 26, 2021 requiring operators of critical pipelines to report confirmed and potential cybersecurity events to DHS, designate a Cybersecurity Coordinator to be available 24 hours a day, review current practices against TSA security guidelines, identify any gaps, and report results and related remediation measures to DHS with 30 days.

On July 20, 2021, the TSA issued a second directive to critical pipeline operators requiring operators to implement specific mitigation measures to protect against ransomware attacks and other known threats to technology systems. According to the TSA, the specific mitigation measures are based on guidelines published by the National Institutes of Standards and Technology (NIST). In addition, the second directive implemented recommendations from the Cybersecurity and Infrastructure Security Agency (CISA) requiring operators to develop cybersecurity contingency / response plan and perform annual cybersecurity design reviews to test the effectiveness of their cybersecurity practices.

Enbridge, the company that operates the pipelines, states that it is following both directives and working closely with the TSA.

11. Cyber-attacks have been documented in gas pipelines before (Colonial Pipeline). This is a very serious consideration. Gov. Hochul put together a special task force because of potential cyber-attacks.

Cybersecurity threats on our national infrastructure are taken seriously and we will consider that issue for a future DOB meeting.

DECOMMISSIONING AND SPENT FUEL MANAGEMENT

12. Can an independent individual be on-site to know the work occurring on a daily basis and communicate those plans with the public?

The Department of Public Service (DPS) is in the process of hiring a State Inspector to monitor spent fuel management and decommissioning activities. This state inspector will provide more regular monitoring and oversight of decommissioning and spent fuel management activities and other operations on a day-to-day basis and will be asked to provide regular reports to the DOB. While the state does not have the same jurisdiction as the NRC, it can and will refer any matters that may be beyond the state's jurisdiction to relevant regulatory bodies.

13. Does SNC-Lavalin and Holtec no longer partnering in CDI change the Joint Agreement? Does Holtec have the money and decommissioning experience needed to safely complete decommissioning?

On January 19, 2022, Holtec notified regulatory agencies that Holtec terminated its partnership with SNC-Lavalin and its joint entity Comprehensive Decommissioning International (CDI), transitioning all decommissioning activities previously performed by CDI to Holtec Decommissioning International (HDI). As SNC-Lavalin and CDI is not a named party or signatory to the April 14, 2021 Joint Agreement, Holtec's termination of SNC-Lavalin and CDI did not directly impact the corporate obligations included in the Joint Agreement.

At the March 17, 2022 DOB meeting, Holtec stated:

"Holtec performs all activities previously performed by C.D.I. at all of our sites, including managing and performing decommissioning and spent fuel management activities . . . Decommissioning resources and technical capabilities remained intact.

"There were no personnel changes on site as a result of the transition. The migration of resources from C.D.I. to H.D.I. is not expected to impact project costs, or decommissioning schedules at any of the Holtec sites. Further, Decommissioning Trust Fund financial assurances remain unaffected by this transition . . . H.D.I. is the licensee. It remains primarily accountable for regulatory licensing and compliance, the outcome of site investigations, responses to N.R.C. requests for information, et cetera. This change presents an opportunity to streamline and enhance H.D.I.'s organization."

In addition, Holtec recently submitted a report on Indian Point's decommissioning trust funds. See Holtec *"Report on Status of Decommissioning Funding,"* dated March 25, 2022 (NRC ADAMS Accession No. ML 22084A059).

14. Holtec indicated it wants to transfer fuel out of the spent fuel pools at record pace. Are the rods being taken out of the pools too quickly, quicker than recommended?

Observing the proper protocols, using the proper equipment, and loading fuel in configurations and at temperatures verified to be safe, spent fuel is safer in dry cask storage than in a spent fuel pool.

Fuel transfer into storage casks is controlled by criteria in the Certificate of Compliance (COC) for

NRC-approved casks. The criteria cover three main fuel characteristics: enrichment, fuel burnup, and cooling time, with cooling time governing the allowable timing for transfer. The minimum cooling time per NRC regulation is one year (see [10 CFR 72.2](#)). One year is also the minimum cooling time specified in Amendment 15 of the COC for Holtec's HI-STORM 100, which is the version referenced by Indian Point. You can access the full COC for Holtec's HI-STORM 100 cask at NRC's website here: <https://www.nrc.gov/waste/spent-fuel-storage/designs.html>

To date, NRC has found Holtec in compliance with COC criteria. The transfer rate is faster than experienced at Maine Yankee but is consistent with the rates experienced at Vermont Yankee and San Onofre. In March 2022, Holtec received approval to upgrade the Davit crane in Unit 3 to facilitate faster spent fuel transfer. As spent fuel transfer proceeds, DPS staff continues to monitor the process and will notify the public if potential violations are identified or should Holtec seek additional changes to the currently approved spent fuel transfer process.

15. When does Holtec expect to remove the spent fuel from the spent fuel pools completely and placed on the pads?

Consistent with the 2021 Joint Proposal between New York State, Holtec, and other parties, Holtec must complete the transfer of all spent nuclear fuel from the spent fuel pools to dry cask storage by December 31, 2024. At the March 17, 2022 meeting of the DOB, Holtec indicated it anticipates the transfer of all spent fuel assemblies from the spent fuel pools to dry cask storage will be completed by Q4 2023.

16. What is "Plan B" for spent fuel storage if the United States Department of Energy (US DOE) does not allow spent fuel to be shipped to a central repository?

The Department of Public Service has reminded the US DOE about the federal government's obligation to remove the radioactive spent nuclear fuel from the Indian Point site. See March 26, 2021 letter from DPS CEO John Howard to DOE Secretary Jennifer Granholm. Absent establishment of a federal repository or interim storage facilities, it is likely that spent fuel will remain at the Indian Point site in dry cask storage in the spent fuel storage installation (or ISFSI).

17. Is damaged fuel being transferred to dry cask storage? If so, is it a concern? What safeguards are in place to prevent it?

During the March 17, 2022 meeting of the DOB, Holtec stated "We are submitting an exemption request by early next week to allow us to cask damaged fuel that may contain a primary secondary source."

Holtec filed that exemption request on March 24, 2022. Some of the specific fuel information is classified as proprietary and is not available to the State. Damaged fuel bundles and neutron source assemblies (NSAs) are only allowed to be placed in certain slots within the dry cask containers. They are placed within special sleeves (known as inserts) to contain any loose or damaged parts or debris. Holtec's exemption request asks NRC to increase the number of NSAs allowed in each cask.

MONITORING AND DUST MITIGATION

18. Why are students deciding what the monitoring needs are for BV Elementary School? Why not a firm with relevant experience and a track record by those that already have their degrees?

The School Monitoring Working Group includes experts in radiological monitoring, public health and air quality monitoring, and environmental monitoring. As the next phase of decommissioning nears (tentatively Q4 2023), the School Monitoring Working Group continues to convene to identify next steps and make additional recommendations, including appropriate monitoring equipment, ancillary needs, and resources necessary for maintenance. As one input to this process, a Columbia University graduate class, led by Cortlandt resident Professor Jonathan Hollander, PhD, is working on a project to evaluate the potential impacts of decommissioning activities at the BV Elementary School, and they will make recommendations to the DOB, School Monitoring Working Group, and Hendrick Hudson School District on potential uses of the \$500,000 grant. These recommendations made by the Columbia University students will be subjected to rigorous expert review by New York State agency staff and the DOB's technical expert.

19. What will happen if the monitoring plan recommended by the student project is more than the budgeted \$500,000?

The DOB, School Monitoring Working Group, and Hendrick Hudson School District will assess monitoring needs against available resources and make further recommendations as warranted.

20. How does the public view the radiation monitoring that happens every 15 seconds?

The DOB and its School Monitoring Working Group are actively assessing the appropriate monitoring tools and processes, including the potential for providing the Hendrick Hudson School District with direct access to Reuter-Stokes radiological monitoring data. A public announcement will be made once final recommendations on radiation monitoring are made.

EMERGENCY MANAGEMENT

21. I would like to better understand Holtec’s evacuation plan. It seems to be tailored to exclude the most vulnerable and requires an internet connection.

At the upcoming May 19 meeting of the DOB, the New York State Department of Homeland Security and Emergency Services (DHSES), Department of Public Service (DPS), Department of Environmental Conservation (DEC), Department of Health (DOH), Westchester County Emergency Services, and Verplanck Fire District will jointly present on Emergency Management procedures, trainings, drills, and public communications related to emergency events at Indian Point, including the highly unlikely triggering of evacuation orders. Holtec has also been asked to present on its license amendment request related to emergency plans and how on-site emergency management would change if the license amendment request is approved by the federal NRC.

The emergency plan for Indian Point is posted on [Holtec’s Decommissioning website](#). The website includes Emergency Guides for Westchester, Rockland, Orange, and Putnam counties with specific evacuation information tailored to each community. These guides also include guidance, websites, and phone numbers with additional information and planning preparations for the evacuation of facilities such as hospitals, nursing homes and correctional facilities, and people with special needs, such as mobility impairment, visual or hearing impairment, or need specialized transportation or equipment.

22. The whistleblower tip line should be communicated to every single worker at the Indian Point site, including subcontractors.

The DOB has worked with local labor leaders to provide information on the whistleblower process to union members working at the Indian Point site. Tip line information also appears on the DPS website and DOB page. In addition, the state inspector will help communicate this information to personnel on site. The DOB continues to explore avenues to ensure every worker understands the whistleblower process.

23. Will the training of local first responders be jointly done with Holtec and Enbridge? Or will they each be done separately? Given emergency guidance sent to residents about the pipeline and the plant contradict one another, it seems joint training is necessary.

The training exercise held by Enbridge will include Holtec.

24. What is the format of the training provided by Enbridge and Holtec?

The training exercise held by Enbridge will be a tabletop exercise, a discussion-based session where team members meet to discuss their roles during an emergency and their responses to a particular emergency situation.

25. What are the current emergency plans for Indian Point with regards to the pipeline? Does the emergency planning Holtec is doing include the risk of fire from pipeline rupture?

More information on Indian Point risk analyses and emergency preparedness related to pipeline incidents may be found at www.dps.ny.gov/indianpoint under “FAQs.” The federal government promulgated regulations concerning fires or explosions at nuclear power facilities and requires

owners and operators of nuclear sites to address such incidents and mitigate fuel damage. See 10 CFR Part 50, Appendix R; also 10 CFR §50.155.

26. Does Holtec still believe that they can combat a pipeline rupture fire with fire hoses?

During the March 17, 2022 DOB meeting, Holtec indicated that their fire work is to protect critical structures at Indian Point, not to suppress fires at the source of a hypothetical pipeline rupture. In addition, Holtec provided the following response:

Holtec maintains that we have the capability to use fire hoses to help local fire departments combat a pipeline fire as stated. Note that any pipeline fire would be outside the protected area. Our procedural guidance is to notify offsite assistance when combating a fire outside the protected area. Along with the local fire departments, the Enbridge contact information is readily available in each control room.

GAS PIPELINE SAFETY

Pipeline Integrity Management Work

27. What is the nature of the pipeline integrity management work that needs to be done? What is wrong with the pipeline?

The planned pipeline integrity work will connect the 24” auxiliary pipeline crossing the Hudson River to the 26” pipeline traversing the Indian Point site. The work is expected to take place from early April into June. The work is to allow the passage of inline inspection tools and inline cleaning tools. Previous assessments of the pipeline had to be performed using tethered inspection tools; this work will allow the passage of more traditional (although more advanced) inline inspection tools through the 24” pipeline.

28. What is the volume of gas that will be vented to work on the pipeline? Will the community be notified of the release?

Venting of the 24-inch and 26-inch pipelines took place in Rockland County, across the Hudson River and approximately 1.5 miles from Indian Point. The volume of gas released was approximately 190,000 standard cubic feet (SCF). Enbridge notified the following public entities in advance of the planned venting activities: DEC, DHSES, New York State Police, Orange and Rockland Utilities, Rockland County Fire and Hazmat, Rockland County Department of Health, Stony Point Police Department, Stony Point Fire Department, Holtec, Verplanck Fire Department, and Westchester County Emergency Services.

Decommissioning

29. What is the subsurface concrete structure Enbridge plans to build [related to the gas pipelines]? What state or Federal agencies need to sign off on these modifications?

According to Enbridge, the pipeline operator is exploring the installation of a concrete bridging slab, which would be installed in the soil between the existing roadway and the pipeline on the Indian Point site. Plans for the bridging slab are tentative and preliminary. The pipeline operator is also exploring other options such as replacement of the section of 26-inch pipe directly under the roadway. The bridging slab may require environmental permitting approvals. Enbridge would coordinate with Holtec for any such work it performs.

30. When did Indian Point establish a direct line with Enbridge?

Following the Department of Public Service’s involvement in the pipeline risk assessment at Indian Point, which was completed in June 2018, DPS took a number of state actions that staff believes to be common-sense approaches to reduce the risk profile at the site. These actions included ensuring that strong communications channels existed between then-owner and operator Entergy and Enbridge. Following the sale to Holtec, DPS continued those efforts. Specifically:

- On August 9, 2018, DPS received written confirmation from Indian Point (Entergy) that they had Enbridge control room contact info in the Indian Point Control Room. Entergy included in their written confirmation to the DPS a copy of the Control Room Emergency

Notification Binder demonstrating to the DPS that Enbridge's accurate contact information was included in their Control Room Emergency Notification Binder.

- In October 2018, DPS Staff performed a field audit of Enbridge control valves, during which time it confirmed that Enbridge's local field crews have the correct contact information for the IP control room.
- In May 2019, during an onsite visit to Indian Point, DPS Staff asked Entergy's Indian Point control room operators to show them the exact location of the Enbridge point of contact. Entergy operators demonstrated to the DPS Staff they knew where to find this number, located in the Emergency Notification Binder.
- Also in May 2019, as part of the DPS's audit of Enbridge's control room in Houston, Enbridge committed to adding Indian Point Control Room phone numbers to their list of "speed dial" numbers. DPS noted at the time that the Enbridge field crews already had this contact information, and the local field crews were the more likely entity to use it. DPS staff determined that for additional safety benefit it was important that the Enbridge control room also have the IP control room contact information, and Enbridge agreed to and enacted this recommendation.
- On August 1, 2021, during an onsite visit to Indian Point, DPS Staff asked Holtec's Indian Point control room operators to show them the exact location of the Enbridge point of contact. Holtec operators demonstrated to the DPS Staff they knew where to find this number, located in the Emergency Notification Binder.
- On an ongoing basis, the DPS facilitates quarterly meetings between Holtec and Enbridge where DPS continues to stress the importance of maintaining current contact information and coordinating any significant activities at or near the IP site.

31. When was an air bridge installed over the pipelines?

According to Holtec:

During initial conversations, Holtec was informed by Enbridge that there were no immediate safety concerns with our usage of the roadway. However, Holtec took the pre-emptive action to install a steel plate air bridge while we collaborate with Enbridge on the long-term protection of the pipeline configuration. The plates were installed in January 2022.

Enbridge had previously approved the plates for prior Entergy heavy load crossings over the pipeline in 2012 and 2015. In 2022, Holtec and Enbridge signed a formal memorandum of understanding stating that Enbridge had confirmed the pipelines and steel air bridge is sufficient for normal decommissioning loads over the pipeline. The memorandum of understanding also requires Holtec to notify and receive an affirmative response from Enbridge of any heavy load crossings over the pipeline.

32. Can Enbridge or Holtec produce the engineering report that shows the 'tack welded' plates over the pipeline are sufficient?

Due to the sensitive nature of the critical infrastructure in the area, engineering calculations associated with loads over the pipeline are not being shared with the public. Engineering

calculations performed by Enbridge show that the steel plates in their current configuration and as constructed are sufficient for anticipated loads over the pipeline. Enbridge and Holtec signed a Memorandum of Understanding (MOU) confirming that the plates are sufficient to accommodate the weights of normal heavy load crossings (including a specified weight limit) occurring on a regular basis without impacting the integrity of the 26" and 30" pipelines. The MOU specifies that Holtec must provide Enbridge with five day written advance notice of any loads that could exceed these normal heavy load crossings (or any significant decommissioning activities that could impact pipelines) and Enbridge must affirmatively respond in writing that such activity will not jeopardize the safety of the pipeline or identify what mitigation measures will be needed to protect the pipelines.

33. How will the DOB hold Holtec and Enbridge accountable to actually have conversations consistently - where is the SOP for this plan that the DOB can approve and audit?

The Joint Proposal requires Holtec to coordinate with Enbridge on activities that have the potential to impact the pipeline. DPS can enforce the provisions of the Joint Proposal. The written MOU between Enbridge and Holtec specifies the types of heavy load crossings and other activities that require advance notice pursuant to the Joint Proposal, mitigation measures to protect the pipeline, and points of contact at both companies. This MOU was requested and reviewed by DPS. DPS convenes quarterly coordination meetings with Holtec and Enbridge, regularly engages with both parties and confirms the nature of ongoing communications between them.

34. Mr. Kuprewicz recommended single points of contact between Enbridge and Holtec. Who are those points of contact and who are next in command?

The written MOU between Enbridge and Holtec specifies single points of contact at both companies.

35. What guarantee is there that Enbridge will continue to engage?

Though the Pipeline and Hazardous Material Safety Administration (PHMSA) has primary jurisdiction of interstate pipelines with regard to the federal pipeline safety regulations, DPS Pipeline Safety has been delegated certain regulatory oversight functions as a result of its interstate agent status. While DPS has thus far received Enbridge's cooperation in addressing concerns relating to Enbridge's transmission pipelines traversing the Indian Point site, failing that cooperation, Enbridge would be obligated to respond to DPS's requests for pipeline safety information due to this delegated oversight authority.

In addition, DPS can use other regulatory avenues available to it to seek Enbridge's cooperation in addressing concerns relating to the pipelines within the Indian Point site. For example, by participating in Enbridge's 2020 FERC Rate Filing, DPS secured Enbridge's commitment to provide \$530,000 in funding for the Verplanck Fire Department.

LABOR & ECONOMIC DEVELOPMENT

36. What pro-active steps did the DOB take to avoid the union issues that have plagued Holtec's business at Oyster Creek?

Members of the DOB, and the leaders of several local unions representing existing and former workers at Indian Point have been in regular communication since October 2021 on matters regarding current labor agreements with Holtec. When there have been disagreements, members of the DOB have convened parties in an effort to foster constructive dialogue, while respecting the jurisdiction of the National Labor Relations Board.

37. What economic development is being explored to address the economic impact of the area surrounding Indian Point? A data center, a solar farm, or energy storage facilities would not only address tax shortfalls, but spur economic development and create jobs.

Economic development remains a focus of the Indian Point Closure Task Force. Through March 2022, the Task Force has already identified over \$100 million in New York State grant funds available to the taxing jurisdictions directly affected by the closure of Indian Point. In addition, Governor Hochul recently directed \$15 million in settlement funds toward five projects in the region for community and environmental benefit. The largest beneficiaries of the awards, the Village of Buchanan and Town of Cortlandt collectively received \$7 million for wastewater treatment infrastructure to spur development of new business in the community.

Empire State Development, New York State's economic development arm, remains in regular contact with local officials to discuss future redevelopment possibilities – both for surrounding parcels not vital to the decommissioning effort and for the Indian Point site once decommissioning activities are complete – and is prepared to support the development goals agreed to by the communities surrounding Indian Point.