



**Department  
of Public Service**

Three Empire State Plaza, Albany, NY 12223-1350  
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August 30, 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 June 12, 2024 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 black ink, appearing to read "Tom Kaczmarek".

Tom Kaczmarek  
Executive Director  
Indian Point Decommissioning Oversight Board

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6/13/2024 - Indian Point

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION

INDIAN POINT CLOSURE TASK FORCE

AND

INDIAN POINT DECOMMISSIONING OVERSIGHT BOARD

MEETING

Thursday, June 13, 2024

6:00 p.m. until 9:17 p.m.

236 Tate Avenue

Buchanan, New York 10511

Or

Via Zoom

1 6/13/2024 - Indian Point

2 APPEARANCES:

3 FOR DEPARTMENT OF PUBLIC SERVICE:

4 TOM KACZMAREK

5 TOM CONGDON

6 JOHN SIPOS

7 JOHN SHERIDAN

8 ARPIT MEHTA

9 CLIFF CHAPIN

10 FOR EMPIRE STATE DEVELOPMENT:

11 LINDA MALAVE

12 FOR DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES:

13 JENNIFER WACHA

14 FOR DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

15 KELLY TURTURRO

16 FOR THE DEPARTMENT OF HEALTH:

17 ALEX DAMIANI

18 FOR NEW YORK POWER AUTHORITY:

19 JOE LEARY

20 FOR NEW YORK SENATE DISTRICT 40:

21 PETER HARCKHAM, SENATOR

22 FOR NEW YORK ASSEMBLY DISTRICT 95:

23 DANA LEVENBERG, ASSEMBLYWOMAN

24 INDEPENDENT TECHNICAL EXPERT

25 DAVID LOCHBAUM, RETIRED NUCLEAR ENGINEER



1 6/13/2024 - Indian Point

2 BRUCE WATSON

3 BRETT KLUKAN

4 DARRELL DUNN

5 FROM HOLTEC:

6 FRANK SPANUOLO

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2 (The meeting commenced at 6:00  
3 p.m.)

4 CHAIR CONGDON: Welcome everyone. My  
5 name is Tom Congdon, and I'm the Executive Deputy of  
6 the New York State Department of Public Service and  
7 the Chair of the Decommissioning Oversight Board. I  
8 want to welcome everyone for tonight's meeting of the  
9 Decommissioning Oversight Board.

10 I'd like to turn it over to Tom  
11 Kaczmarek, the Executive Director of the D.O.B. to do  
12 a roll call.

13 MR. KACZMAREK: Thank you, Tom.

14 As Tom said, my name is Tom Kaczmarek  
15 and I serve as the Executive Director of the D.O.B.  
16 As I call your name, just please indicate your  
17 presence.

18 Tom Congdon?

19 CHAIR CONGDON: Present. And you can  
20 turn to the next slide, please.

21 MR. KACZMAREK: There we go. Thank  
22 you. John Sipos.

23 MR. SIPOS: Present.

24 MR. KACZMAREK: Senator Harckham?

25 SENATOR HARCKHAM: Here.

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2 MR. KACZMAREK: Kelly Turturro?

3 MS. TURTURRO: Present.

4 MR. KACZMAREK: Alex Damiani?

5 MR. DAMIANI: Here, virtually.

6 MR. KACZMAREK: Jane Thompson?

7 Linda Malave?

8 MS. MALAVE: Here.

9 MR. KACZMAREK: Jennifer Wacha?

10 MS. WACHA: Present.

11 MR. KACZMAREK: Alyse Peterson?

12 MS. PETERSON: Present.

13 MR. KACZMAREK: Joe Leary?

14 MR. LEARY: Here.

15 MR. KACZMAREK: Dave Lochbaum?

16 MR. LOCHBAUM: Here.

17 MR. KACZMAREK: Mayor Knickerbocker?

18 MS. KNICKERBOCKER: Present.

19 MR. KACZMAREK: Deputy Supervisor

20 Creighton?

21 MR. CREIGHTON: Here.

22 MR. KACZMAREK: Susan Spear?

23 MS. SPEAR: Here.

24 MR. KACZMAREK: Legislator Ulaj?

25 MS. ULAJ: Here.

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2 MR. KACZMAREK: And Tom Carey?

3 Are there any Board members present  
4 that I missed? All right. Hearing none, before I  
5 turn it back over to Chair Congdon, I just want to  
6 provide a few brief reminders to our panelists and  
7 participants to promote a smooth meeting.

8 First, to our in-person Board members  
9 and guest presenters, please speak into the mic to  
10 ensure your comments are clearly heard and accurately  
11 recorded. To our panelists joining by Zoom, please  
12 keep your mics muted unless you are speaking.

13 To our Zoom participants, please  
14 reserve the chat feature for reporting any technical  
15 issues. Only questions captured in the Q&A are able  
16 to be saved and reviewed for response later.

17 And then finally, all speakers tonight  
18 are asked to indicate your name before making  
19 statements. This will support tonight's court  
20 reporter in accurately recording tonight's meeting.

21 Let me just acknowledge Assemblymember  
22 Levenberg is with us, as well. And with that, I turn  
23 that -- turn back to Chair Congdon.

24 CHAIR CONGDON: Okay. Great. Thank  
25 you, Tom.



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2 Next slide, thank you. So many of you  
3 know the history of the Decommissioning Oversight  
4 Board. For those who are just tuning in for the  
5 first time, and I just want to welcome Superintendent  
6 Tromblee, right over here, that's okay, welcome.

7 As an Oversight Board, we provide a  
8 venue for information exchange as it pertains to the  
9 decommissioning of Indian Point. We are an important  
10 body for interacting with the public and making sure  
11 that the public is aware of activities at the site.

12 We are not a regulatory body. I want  
13 to make that clear. But some of our members have  
14 some regulatory jurisdiction. And we are very  
15 pleased to have the federal agency with primary  
16 jurisdiction over decommissioning join us this  
17 evening as a guest presenter, the Nuclear Regulatory  
18 Commission.

19 A number of questions have been raised  
20 in a few meetings. We've been kind of saving up a  
21 number of questions for you, but you've always been  
22 responsive to our requests for information, our  
23 requests for presentations, and we greatly -- greatly  
24 appreciate your partnership.

25 We will also be hearing tonight from

1                                   6/13/2024 - Indian Point  
2           state agencies with some regulatory jurisdiction over  
3           decommissioning, and what we've been doing. We will  
4           hear from Holtec on actual decommissioning activities  
5           since our last meeting and what is planned going  
6           forward. Then we will have a 30-minute public  
7           statement hearing and then we will adjourn.

8                                   So with that, let me go right into our  
9           next slide and welcome our guest presenters from the  
10          Nuclear Regulatory Commission. I'll ask you to each  
11          introduce yourselves and give a brief background as  
12          to the role you play at your important agency.

13                                  MR. KROHN: Great. Thanks, Tom.

14                                  My name is Paul Krohn. I'm from  
15          Region 1. I'm the director of the Division of  
16          Radiological Safety and Security. That's the  
17          division that has oversight of decommissioning of  
18          Indian Point. So I'll go down the table here.

19                                  MR. DIMITRIADIS: Sure. My name is  
20          Anthony Dimitriadis. I'm the branch chief  
21          responsible for oversight of decommissioning, for  
22          decommissioning spent fuel storage, ISFSI, and also  
23          operating reactor health physics.

24                                  MR. TURTIL: My name is -- I want to  
25          make sure I'm on -- can you hear me?

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2 CHAIR CONGDON: Yes.

3 MR. TURTEL: My name is Richard  
4 Turttil. I'm a senior financial analyst and the  
5 branch -- the acting branch chief for the financial  
6 assessment branch in Rockville, Maryland of N.R.C.'s  
7 headquarters. And my group and myself have oversight  
8 and are continually looking at the Decommissioning  
9 Trust Fund, sometimes referred to the Nuclear  
10 Decommissioning Trust. That's my background.

11 MR. KROHN: We have a number of  
12 subject matter experts in the audience. One who will  
13 be speaking shortly here from the slides is --  
14 Katherine, if you want to introduce yourself?

15 MS. WARNER: Hi everyone. I'm  
16 Katherine Warner. I'm the lead decommissioning  
17 inspector and a senior health physicist out of N.R.C.  
18 Region 1.

19 MR. KROHN: So again, Tom, I'd like to  
20 thank you for this opportunity to talk to the D.O.B.  
21 tonight. I think you're going to find what we have  
22 to say very informative. We're going to concentrate  
23 on three main topics tonight. We have about 16  
24 slides to go over.

25 The risk profile for Indian Point is

1                   6/13/2024 - Indian Point  
2           going to be the first topic. That's from  
3           construction to operation to shutdown to  
4           decommissioning activities. Give you an idea of the  
5           risk profile and how that's shaped out through the  
6           life cycle of the plant.

7                   The next subject we're going to talk  
8           about is Decommissioning Trust Fund requirements.  
9           How does a plant put money away to ensure safe  
10          conditioning and returning to a greenfield type  
11          status and the results of some of our recent  
12          inspections that relate to decommissioning. So we'll  
13          talk about those in some detail.

14                   So in terms of questions, I think it  
15          would be most effective if we just go through the  
16          slides in a direct manner and -- and give you the  
17          information and then open it up to questions. I  
18          think that would be more efficient --

19                   CHAIR CONGDON: Sure, that's fine.

20                   MR. KROHN: -- for the flow of  
21          information tonight. So with that, let's go to the  
22          next slide, please.

23                   So before I turn it over to Tony, I  
24          just want to give you a broad sense or context for  
25          how we conduct what we call ISFSI inspections,

1                   6/13/2024 - Indian Point  
2           Independent Spent Fuel Storage Installation.

3                   So we're talking about the dry casks  
4           out on the pad with a big security fence around it.  
5           That's an ISFSI type inspection. So we have an  
6           inspection manual chapter, that's up there, the  
7           number's up there. That of course, it's publicly  
8           available.

9                   So if you want to know exactly what we  
10          look at, how often we do it, how many hours we devote  
11          to it, it's all in there. That's the same procedure  
12          we used as the plant loaded its casks through 2023.

13                  What you're going to hear over the  
14          presentation tonight is all the spent fuel is out of  
15          the spent fuel pools and now on the pads, on that  
16          ISFSI pad. There's no spent fuel left in the wet  
17          spent fuel pool.

18                  Let me give you some perspective too.  
19          The pictures -- I want to give you a short  
20          description of them. Lower left is the Unit 3 spent  
21          fuel pool. You can see the surface of the body of  
22          water there. And that rigging mechanism to the left-  
23          hand side of the picture is what helped move the  
24          casks.

25                  The casks are very heavy. They're 80

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2 to 100 tons, right, so it requires specialized  
3 rigging equipment. That's what some of those beams  
4 and trusses are on the left side of the picture.

5 If you look at the right picture,  
6 that's a picture of a cask actually on the pad.  
7 People are standing next to it for scale, several  
8 feet high, on a concrete pad that's three-feet thick  
9 reinforced concrete, built to withstand earthquakes,  
10 et cetera. And as I said, the cask is very heavy, 80  
11 to 100 tons depending on the particular vendor and  
12 design.

13 Okay. Let's go to the next slide.  
14 Let me just talk a little bit about the cutaway in  
15 the picture here so you have some sense of what a  
16 cask looks like internally and what goes into it. So  
17 at the center, those are the spent fuel bundles.  
18 They're about 14 feet high, and you can make out in  
19 that picture that they're in a can that is sealed.

20 It's evacuated, there's no moisture in  
21 it, there's an inert gas on it, and it has a welded  
22 top, so that's a sealed unit. And then you have a  
23 large amount of concrete on the outside of it, which  
24 helps provide shielding.

25 So when we look at these casks, a

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2 company will design a cask and then we spend a lot of  
3 time reviewing it. And -- and what's important is  
4 what are we looking for when we review a cask, what  
5 do we expect it to do, and that's something called a  
6 safety function.

7 So I'm going to give you an idea of  
8 what a safety function is because I don't want you to  
9 just kind of hear the regulatory speak. I want to  
10 try to explain to you what we're evaluating for. So  
11 first is what we call confinement, no communication  
12 of the radioactivity in that inner steel can to the  
13 environment, right? It's got to be sealed, it's got  
14 to be tight, zero leakage, so that's a safety  
15 function confinement.

16 Prevent nuclear fission and  
17 criticality. Those fuel assemblies have to maintain a  
18 certain spatial distance. There's different neutron  
19 absorbers between them. We don't want it to go  
20 critical, right? So the spacing and the materials  
21 matter, so that's part of the design review.

22 Radiation shielding, there's still  
23 radioactivity associated with the bundles even after  
24 they've been out of the -- the pools.

25 Another design consideration is the

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2 ability to retrieve the spent fuel if necessary. I'm  
3 talking decades down the road when we have a national  
4 level type solution for permanent storage. You know,  
5 you would eventually have to unload these, right, so  
6 you have to design that into the concept.

7 And then this varies a little bit from  
8 site to site, but all of these have to be able to  
9 withstand the local worst-case external conditions,  
10 floods, tornadoes, hurricanes, right. All of that  
11 are designed.

12 So a vendor comes up with a design.  
13 We review that design in detail. We run computer  
14 codes on it. We look at combining loads. You know,  
15 when you have a house and you have code for like  
16 building your house, there are codes that exist for  
17 building something like this, right. So we verify  
18 the code requirements for that.

19 The other thing, too, is, you know,  
20 from a pure engineering standpoint, we put a lot of  
21 conservatisms in these. We assume the worst-case  
22 loads, combinations of loads, concurrent events, and  
23 -- and underestimate the material strength, right,  
24 because we -- we want these things to be built with a  
25 lot of margin, a lot of margin.



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2 Okay. With that, hopefully I gave you  
3 a high-level overview, I'm going to turn it over to  
4 Tony so he can give you a little bit more detail.

5 MR. DIMITRIADIS: Thanks, Paul. So  
6 this diagram shows an ISFSI cask system. We call it  
7 a system for a reason, which is composed of what's  
8 called an inner steel canister, which you can see the  
9 -- the silver cylinder there, surrounded by a thick  
10 overpack that is made of more than two feet of  
11 concrete surrounded by heavy steel.

12 This system is very robust, very  
13 tough, and it's also very heavy, as Paul indicated.  
14 So that's why we call it a system. It's never just  
15 one thing; it's -- it's the -- the entire package.

16 Let me just make clear, the inner  
17 canister is sealed and it's welded closed before it's  
18 placed in the overpack. There are tests that the --  
19 the people do to ensure that it's sealed for a  
20 variety of reasons. It's totally, totally dry and  
21 it's sealed, and it's welded shut with very heavy  
22 lid. And then there's another lid on top of that,  
23 which you could see it on top of that.

24 There are various ISFSI systems,  
25 storage canisters that is, in use throughout the

1                                   6/13/2024 - Indian Point  
2           industry in the United States and in the world.  
3           Companies that design the canisters storing the fuel  
4           include companies such as NAC International, TN,  
5           Orano, and Holtec, among others.

6                                   Indian Point uses the Holtec system.  
7           As you could see in this diagram, the cask is  
8           considered a system, and I'll show you a picture of  
9           the actual ISFSI pad at Indian Point in the next  
10          slide. Our inspections involve planning and  
11          coordination, conference calls, review of procedures,  
12          many documents and records, interviews with site  
13          personnel, and of course, plant walkdowns.

14                                  Our inspectors have unfettered access.  
15          Their inspection -- the inspections are  
16          multidisciplinary and they're very intrusive. There  
17          are procedures and records that I mentioned that are  
18          reviewed before, during, and after the site visits.  
19          And the inspections can involve either one inspector  
20          or a team of inspectors.

21                                  Next slide, please. So this is a  
22          picture of the spent fuel stored on what's called the  
23          ISFSI pad. The picture shows the ISFSI pad at Indian  
24          Point that stores the spent fuel. You could see some  
25          of the security features from afar and the building

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2 that houses the security officers and equipment.

3 Next slide, please. So I didn't want  
4 to give you slides with a lot of writing in the  
5 regulatory speak. I wanted to give you a visual what  
6 an ISFSI pad looks like. This is a picture of  
7 construction of an ISFSI pad at another nuclear site  
8 that is very typical of all ISFSI pads.

9 As you can see, there's a lot of very  
10 heavy steel rebar that is used before any concrete is  
11 actually poured. There's a lot of engineering that  
12 goes into the design of the ISFSI pad and -- and the  
13 construction of the ISFSI pad.

14 Next slide, please. So the N.R.C.  
15 staff from Region 1 conducts ISFSI inspections at  
16 Indian Point. In fact, the N.R.C. staff began to  
17 inspect the ISFSI program at Indian Point as far back  
18 as 2008 when the site was operated by Entergy and was  
19 loading fuel from Unit 1 and then later from Unit 2.

20 At least 14 inspections were conducted  
21 since that time, and there are 14 inspection reports  
22 available in our electronic records database system  
23 called ADAMS, and they're available to the public.  
24 To give you a high-level description, as I mentioned  
25 before, the following examples are what our

1                                   6/13/2024 - Indian Point  
2           inspectors look at, and they include fuel assembly  
3           selection to be loaded into the canister. That's  
4           done inside the spent fuel pool that you saw on the  
5           second slide.

6                                   Loading and unloading activities, that  
7           means use of cranes and heavy equipment. Like Paul  
8           mentioned, these things are very -- very heavy.  
9           Drying and welding operations, so they dry out when  
10          it's taken out of the spent fuel pool, it's dried  
11          completely. And then they -- once it's completely  
12          dry, and they -- they weld it closed.

13                                  And then they also -- our inspectors  
14          look at occupational and public radiological exposure  
15          safety and movement onto the ISFSI pad, which is done  
16          very, very slowly because they want to make sure that  
17          it's very safe.

18                                  ISFSI processing involves cranes and  
19          heavy equipment because these canisters are very  
20          heavy. And they require careful movement and use of  
21          robotic equipment to actually seal them. So the  
22          welding isn't done necessarily by an individual.  
23          It's done by robots, which saves people's eyes and  
24          various things. So there's a lot of safety involved  
25          with that.

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2 The safety used -- the design used at  
3 Indian Point is a welded canister base system that  
4 involves the inner steel canister that contains the  
5 fuel and is sealed closed. That container is  
6 surrounded by an additional steel cylinder that's  
7 about two -- more than two feet or more concrete  
8 surrounded by steel that provides robust shielding  
9 and protection, and these systems are, like I said,  
10 very robust.

11 Next slide, please. So this is  
12 another picture of the ISFSI pad at Indian Point.  
13 And the number of this slide provides specific  
14 information of the number of casks currently stored  
15 at Indian Point. You could see there are a total of  
16 127 casks currently loaded at Indian Point.

17 And the various units are listed  
18 there, how many casks from each unit are listed. The  
19 last slide -- the last bullet lists that there's  
20 going to be an additional 10 to 15 casks to store  
21 what -- what we call is G.T.C.C., greater-than-class  
22 C waste.

23 What does that mean? Greater-than-  
24 class C waste is a waste that exceeds the low-level  
25 waste disposal criteria permitted at sites such as

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2 Barnwell, the site in South Carolina, or Clive in  
3 Utah, or W.C.S. in Andrews, Texas. So these are --  
4 this is criteria that's classified in our Part 61  
5 regulations.

6 And that waste cannot go into a low-  
7 level waste disposal site. That have to be stored  
8 until a long-term solution is done by the federal  
9 government.

10 Next slide, please. So moving from  
11 the ISFSI inspection program, this is a slide that is  
12 designed to show you the risk profile of Indian  
13 Point.

14 So as you can see, the E.P.  
15 requirements, there's been some questions about that.  
16 E.P. requirements are not being eliminated. They  
17 were adjusted to reflect the risks associated with  
18 dry fuel storage.

19 But let's start at the beginning.  
20 This slide shows the risk profile at Indian Point.  
21 And as you can see at the top of the orange curve,  
22 safety risk is at its highest when the plant is  
23 operating. And it's managed risk. The -- as you  
24 could see, the safety risk is significantly reduced  
25 when the plant ceased operations, as you can see in

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2 the -- in the down slide.

3 The safety risks were further reduced  
4 when the spent fuel was removed from the reactor  
5 vessel into the spent fuel pool. And then finally,  
6 the risks are even further reduced when the spent  
7 fuel was loaded into the casks and moved onto the  
8 ISFSI pads. So there's a number of reduction of  
9 safety risks associated with that.

10 And now I'll turn it over to Richard.

11 MR. TURTIL: Good evening. Again, my  
12 name is Richard Turtil. And we'll just take a look  
13 here on the first slide. And joining me in just a  
14 moment will be Katherine Warner.

15 Next slide, please. So I'll be  
16 discussing the reactor decommissioning trust funds  
17 that are required by N.R.C. regulation at 10 CFR  
18 50.75.

19 Basically the objective, the purpose  
20 of these funds is a focus on radiologic  
21 decommissioning, to ensure that -- ensure that the  
22 decommissioning of the licensed facility is completed  
23 and that all residual radioactive material is removed  
24 so that the site can ultimately be released from its  
25 -- the licensee can be released from its license.

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2 Our definition, the N.R.C.'s  
3 definition of decommissioning -- of decommission is  
4 to remove a facility from service and reduce the  
5 residual radioactivity to levels that permits this --  
6 this termination of the license and the release of  
7 the property for unrestricted use.

8 The bottom line is there's a lot of  
9 dialogue often regarding -- regarding what is  
10 decommissioning. And I know we tend to conflate, so  
11 N.R.C.'s mission, its vision, its focus is radiologic  
12 decommissioning. So at times, we'll hear information  
13 and numbers, et cetera, that start to include a lot  
14 of other areas such as spent fuel management, site  
15 restoration, getting to green, getting beyond --  
16 getting to and beyond greenfield. So it's important  
17 to recognize that distinction.

18 The funds are used, again, for  
19 radiologic decommissioning, unless otherwise  
20 authorized by exemption. We have a good handful of  
21 licensees that have requested such exemptions based  
22 on the balances of their decommissioning trust funds.

23 So -- and -- and -- and our key, our  
24 measure is reasonable assurance. So we are seeking,  
25 from a financial perspective, reasonable assurance



1                   6/13/2024 - Indian Point  
2           that funding will be available -- available for  
3           decommissioning because we're talking very long  
4           timeframes. Licensees have up to 60 years from  
5           cessation of operations to fully, fully  
6           radiologically decommission their facility. So that  
7           is a -- that is a -- a -- a time limit on any  
8           licensee, that 60-year window.

9                   The Indian Point site are clearly  
10          pursuing not -- not a 60-year window to complete  
11          decommissioning.

12                   Next slide, please. What we see at  
13          the N.R.C. is a decommissioning funding assurance  
14          life cycle. And from the get-go, we ensure that  
15          before radioactive -- any -- any fuel that we've been  
16          discussing here, any fuel that is received at the  
17          site before any initial criticality, funding is in  
18          place before such activity occurs.

19                   So we work with -- we ensure the  
20          licensee has funding in place, either there are a  
21          series of different types of instruments. Utilities  
22          often can rely on future contributions. At this  
23          time, all licensees, by and large, are fully funded  
24          for their decommissioning.

25                   So we ensure from the get go in Vogtle

1                   6/13/2024 - Indian Point  
2           Units 3 and 4 in Georgia, just under -- under, you  
3           know, initiated operations in the last two years --  
4           over the last two years, and we -- we -- we worked  
5           diligently to ensure we had commitments and funding  
6           in place for that.

7                   The next point is we maintain -- the  
8           licensee maintains funding throughout. So Indian  
9           Point will be reporting to us on an annual basis the  
10          status of their decommissioning trust funds. When --  
11          in -- in operations, a licensee will report to the  
12          N.R.C. biannually, or every two years. And they are  
13          stating the balances of their funds and -- and -- and  
14          -- and using some formulaic approaches early -- early  
15          in plant life.

16                   But as we get closer to  
17          decommissioning, and in decommissioning, it's all  
18          based on site-specific costs that the licensee  
19          provides in terms of what are the actual costs.

20                   They use one or more funding methods,  
21          as I just discussed. And I just want to reinforce,  
22          from initial fuel load to completed decommissioning,  
23          there is this ongoing reporting by March 31st of  
24          every year, as required by N.R.C. regulations, that  
25          currently the 23 reactors in decommissioning are

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2 reporting to N.R.C., and we are evaluating those  
3 decommissioning trust fund reports.

4 There's the status of their spending,  
5 and the status of the balance of the -- of the D.T.F.  
6 And we will work very closely with the regions as  
7 they undergo their inspections on decommissioning  
8 progress.

9 Next slide, please. We're currently  
10 reviewing the March submittals and we're pretty much  
11 getting through them. So the N.R.C.'s review ensures  
12 licensee decommissioning funding is in place. So  
13 licensees are providing on the record the current  
14 balances of their D.T.F., their decommissioning trust  
15 funds. Again, as I indicated, every two years in  
16 operations, licensees will provide. Every single  
17 year, any licensee that is -- that is in  
18 decommissioning mode is reporting to N.R.C.

19 Currently, there are 94 operating  
20 reactors. There are 23 reactors in decommissioning.  
21 We are currently reviewing Indian Point's most recent  
22 submittals. I've got information there if you're all  
23 familiar with our ADAMS numbers.

24 So -- and I -- I -- I also want to  
25 emphasize the -- the trust -- the licensees' funding

1                   6/13/2024 - Indian Point  
2           is -- is managed -- is overseen by a trustee. So the  
3           licensees themselves do not have investing authority.  
4           They're working with trustees, investment managers  
5           that are independent of the agents of -- of the  
6           licensee. So I just want to emphasize -- emphasize  
7           that trustee relationship.

8                   And with that, I'm going to turn it  
9           over to Katherine.

10                   MS. WARNER: Thank you. Hello  
11           everyone. I have two slides I'm going to go over.  
12           I'm going to discuss the N.R.C.'s inspection program  
13           for the review of the decommissioning trust fund and  
14           a violation associated with trust fund usage  
15           documented in a recent inspection report.

16                   The inspection procedure number is  
17           listed on the screen and is publicly available on the  
18           N.R.C.'s website. We review financial assurance on  
19           an annual basis with an option to review anything  
20           between inspections as necessary.

21                   Qualified decommissioning inspectors  
22           lead the effort with support from N.R.C. financial  
23           analysts and the N.R.C. project manager for the site.  
24           The purpose of these inspections is to supplement the  
25           N.R.C.'s financial assessment branch's review of the

1 6/13/2024 - Indian Point

2 trust fund.

3 The goal is a high-level review of  
4 activities performed at the site compared to trust  
5 fund spending and the post shutdown decommissioning  
6 activities report schedule.

7 As the frontline eyes and ears of the  
8 agency, we, as inspectors, know what is going on at  
9 the site on a real-time basis. We can review at a  
10 high level, the level of spending versus the ongoing  
11 projects and activities at the site since we maintain  
12 awareness of major activities and frequently visit  
13 the site.

14 We also document the progress of  
15 decommissioning, like activities taken and any  
16 changes to the schedule that could impact  
17 decommissioning, both for full agency understanding  
18 and for posterity.

19 How do we perform these inspections?  
20 We focus on and review major activities to determine  
21 whether significant departures from schedules the  
22 licensee has submitted are expected or have occurred.  
23 We review any notifications made to the N.R.C. of  
24 such changes to determine if notifications may have  
25 been required.

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2 Typically, there is a small document  
3 request. We spend a couple of hours reviewing these  
4 documents, including the annual submittal, and we  
5 have an interview with the licensee and their  
6 financial staff, lasting about two hours.

7 We take a high-level look at spending  
8 and the licensee's process for using these  
9 decommissioning trust funds. We have questions in  
10 our inspection procedure we ask during the interview.  
11 And anything that seems off, we probe deeper as  
12 necessary.

13 Also, we continue our inspection if  
14 there are any follow-up items from the document  
15 review or the interview.

16 Next slide, please. Moving on to the  
17 severity level four violation regarding inappropriate  
18 trust fund usage documented in an inspection report  
19 issued in February.

20 I identified this during last year's  
21 inspection, with support from Rich and our N.R.C.  
22 headquarters staff. The violation was for Holtec's  
23 failure to establish proper oversight and controls to  
24 ensure that expenditures from the decommissioning  
25 trust fund at Indian Point were only used for

1 6/13/2024 - Indian Point

2 legitimate decommissioning purposes.

3 Specifically, Holtec used funds to  
4 support community outreach activities that were not  
5 related to removing the facility or site safely from  
6 service and reducing residual radioactivity to a  
7 level that permits release of the site and  
8 termination of the license.

9 This involved about 63 -- sorry --  
10 this involved about 63,000 combined from the trust  
11 funds of each of the three units. Note that a  
12 severity level four violation includes those of no or  
13 very low safety significance.

14 In this case, no safety consequences  
15 were identified. And it should be noted that 63,000  
16 was a small percentage of the trust fund and did not  
17 put completion of decommissioning at risk.

18 That being said, this was a violation  
19 which needed to be corrected, extent of condition  
20 reviewed, meaning review any other community outreach  
21 expenditures at IPEC and other Holtec sites, and  
22 adequate corrective actions be put in place.

23 Any licensee can contribute to  
24 community outreach type events, but the funds cannot  
25 be out of the trust fund because they do not relate

1                                   6/13/2024 - Indian Point  
2           to decommissioning at the site. The N.R.C. reviewed  
3           extensive condition at other Holtec sites and issued  
4           violations at Pilgrim, Oyster Creek, and Palisades  
5           around the same time.

6                                   Holtec responded to the notice of  
7           violation, describing their corrective actions  
8           already taken and planned corrective actions left to  
9           complete. And these included restorations of the  
10          funds, which has since occurred.

11                                  We are currently conducting an  
12          inspection of financial assurance, including the  
13          annual March submittal and corrective actions  
14          completed to date for the violation. These results  
15          will be documented in the second quarter inspection  
16          report, which should be issued in the July/August  
17          timeframe. We will do a follow-up inspection of the  
18          longer-term corrective actions during a subsequent  
19          inspection.

20                                  Thank you, and now I'll turn it back  
21          over to Paul to finish us out.

22                                  MR. KROHN: Thanks, Katherine.

23                                  So let me just emphasize a couple of  
24          key takeaways you've heard in the last 15 minutes or  
25          so. First, Tony covered this. We inspect and become



1                                   6/13/2024 - Indian Point  
2           very intrusive during all of the decommissioning  
3           activities. The fact that Katherine went down to the  
4           level of a spreadsheet and saw some -- what were some  
5           of the decommissioning funds that were being spent is  
6           just an example of that. That's just a great  
7           inspection pick-up.

8                                   All of our findings and conclusions  
9           are objective and consistent with our enforcement  
10          policy. You heard the description of the severity  
11          level four. That's the lowest in our traditional  
12          enforcement process of four levels.

13                                  All of our inspection reports are  
14          publicly available. It's important, like Tony  
15          mentioned, right, all of the ISFSI inspections we had  
16          going back at 2008, it's all retrievable. You can  
17          see the whole history of that whole program at the  
18          site.

19                                  Our decommissioning inspections focus  
20          on risk significant activities. Katherine, as the  
21          lead inspector, makes several journeys to the site  
22          throughout the year to look at specific activities.

23                                  We also have security inspections  
24          associated with the ISFSI pad. You saw a fence  
25          around it, right. There's a security installation

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2 and regulatory requirements that go with that. We  
3 inspect that.

4 And you know, Tony mentioned this, but  
5 I want to emphasize it. Unfettered access, as  
6 inspectors for the federal government, we can go  
7 anywhere on that site, anytime we want, ask any  
8 question, and get a response.

9 So that -- not every country has that  
10 possible for their inspectors. We do. So we are  
11 intentionally intrusive. And you know, finally, I'd  
12 emphasize that the ISFSI pad and the casks, they're  
13 robust and they're secured around the clock 24/7.

14 We have a lot of backgrounders and  
15 information on our public website. I have some of  
16 those -- some of those hard copies here tonight if  
17 you'd like to know how to get at them or, you know,  
18 just want a taste of them.

19 So now, Tom, let me return it back to  
20 you.

21 CHAIR CONGDON: Okay. Well, thank you  
22 all very much for the presentations. I know a number  
23 of D.O.B. members have questions.

24 Senator Harckham?

25 MR. HARCKHAM: Thank -- thank you very

1 6/13/2024 - Indian Point

2 much, Tom, and -- and thank you all for being here.  
3 We really appreciate you being here. We appreciate  
4 the work you do. I know last time, things got a  
5 little feisty, but we -- we really do appreciate the  
6 work you do and -- and being here.

7 I have two -- two questions on two  
8 different subject areas. The first on finance. At  
9 our last meeting, we learned that the -- the  
10 individual transactions are not available to the  
11 public. So aside from that 60,000 that you found, I  
12 think you -- you mentioned you look at level of  
13 spending.

14 Would the level of spending and the  
15 types of expenditures, are they what you would -- you  
16 would normally expect to find at this stage of a  
17 decommissioning process?

18 MR. KROHN: I'll add some context and  
19 then give it to Rich and Katherine.

20 MR. HARCKHAM: Again, I -- knowing  
21 that we can't ask you --

22 MR. KROHN: Right.

23 MR. HARCKHAM: -- specifics.

24 MR. KROHN: The 63,000 Katherine  
25 mentioned were activities that were funded by the

1                   6/13/2024 - Indian Point  
2           plant while the plant operated. Okay? So whether it  
3           was a local parade or a softball team, right, and the  
4           plant continued that once they were in the  
5           decommissioning phase. But here's the difference.

6                   The requirements change when you're in  
7           the decommissioning phase, and Katherine mentioned  
8           this. Now you have to be much more careful about the  
9           pot of money you take those -- those parade funding  
10          out of. It can't come out of -- by our statutes, it  
11          can't come out of the decommissioning fund.

12                   That money is reserved for reducing  
13          the radiological footprint and decommissioning the  
14          site, right, so it was happening before. But when  
15          the plant transitioned to decommissioning, they  
16          didn't pick up the fact.

17                   MR. HARCKHAM: Well, I was really more  
18          interested in the other expenditures. Do the other  
19          expenditures that you look at, aside from the 60,000,  
20          and thank you for catching that, are they -- are they  
21          at a level you would expect to see at this point in  
22          the decommissioning of a plant? And do they all look  
23          regular or no irregularities in those?

24                   MS. WARNER: As I mentioned, we are  
25          doing an ongoing inspection at this time. So I can't

1 6/13/2024 - Indian Point  
2 comment on what we're reviewing at this time.

3 MR. HARCKHAM: Okay.

4 MS. WARNER: Because we're still in  
5 process. That will be documented in a publicly  
6 available inspection report this summer. But going  
7 backwards to last year's inspection, we did identify  
8 that one violation. And then we're looking for that  
9 reasonable assurance as whether they have funds to  
10 complete decommissioning, and we did find that  
11 reasonable assurance, yes.

12 MR. HARCKHAM: All right. Thank you.

13 And then if we can just switch to  
14 safety for a moment. There was a May 29th article in  
15 Lohud and the Journal News, in which the N.R.C. is  
16 quoted about Holtec requiring essentially  
17 nondisclosure agreements about safety and potential  
18 safety violations from departing workers.

19 Is that something that any of you can  
20 talk about?

21 MR. KROHN: Yeah, I'll -- I'll tee up  
22 the regulation and then I'll hand it off to  
23 Katherine.

24 MR. HARCKHAM: Thank you.

25 MR. KROHN: So the regulation we're

1                   6/13/2024 - Indian Point  
2           talking about is called 10 CFR 50.75. Well, what --  
3           what does that mean? Well, the heart of that is any  
4           worker, any radiological worker has to be free to  
5           come to the N.R.C. and report a safety concern.

6                   There can be no blockage, no  
7           inhibition to that. So to your point, Senator, we  
8           looked at Holtec's agreement and we thought there was  
9           some restrictive language that to a -- you know, a  
10          normal reader, we thought that could inhibit somebody  
11          from coming to us to present a concern.

12                   So with that, let me turn it over to  
13          Katherine and where she went with that fact.

14                   MS. WARNER: We identified this during  
15          normal inspection activities, and we did document a  
16          notice of violation during the first-quarter  
17          inspection report that came out on or about a month  
18          ago now. So a notice of violation, we cited them for  
19          having those type of agreements and enacting them.

20                   But we did not find, at any time -- we  
21          did not find any evidence that it actually restricted  
22          anyone, but there's definitely potential there by  
23          having that language in the agreements. So with a  
24          notice of violation, we're -- within 30 days Holtec  
25          will respond to us with corrective actions. And

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2 we'll review those corrective actions and also, of  
3 course, take a look at extent of condition just like  
4 we did for the trust fund violation.

5 MR. KROHN: You know, and Katherine  
6 mentions an important point. The violation is about  
7 the language and the agreements. It created the  
8 potential for such a situation to occur. We have no  
9 evidence that one actually did.

10 So again, no evidence that one  
11 actually occurred, but the language could have  
12 created a potential. That's enough to make a  
13 severity level four violation.

14 MR. HARCKHAM: And -- and one -- one  
15 last question. That was in relation to people who  
16 were leaving employment. Were there -- did you --  
17 have you found any evidence of language like that for  
18 people coming into employment?

19 MS. WARNER: There were two examples  
20 listed in the violation. One is the separation  
21 agreements you mentioned, and the other was the  
22 conditions of employment. So that's a document that  
23 I understand almost every employee signs when they  
24 are working there, yes.

25 MR. HARCKHAM: All right. Thank you

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2 very much.

3 CHAIR CONGDON: And could you please  
4 just repeat what the corrective action was for those  
5 violations?

6 MS. WARNER: The corrective actions  
7 will be reported to us within the 30 days. I can  
8 tell you that the site has written an issue report,  
9 an I.R., and they've taken corrective actions such as  
10 not using those documents anymore. But I'm going to  
11 leave it to Holtec to answer for their -- their  
12 corrective actions to date.

13 CHAIR CONGDON: Thank you.

14 MR. KROHN: Our violation letter, Tom,  
15 gives them 30 days to respond. And it was issued on  
16 May 21st, so on the docket, we expect a response  
17 before or on June 21st.

18 CHAIR CONGDON: Okay.

19 MR. KROHN: Haven't seen it yet.

20 CHAIR CONGDON: Assemblywoman  
21 Levenberg?

22 ASSEMBLYWOMAN LEVENBERG: Thank you.

23 CHAIR CONGDON: Before you go, I just  
24 want to also acknowledge a few additional Board  
25 members have joined us. Richard Webster and County



1                                   6/13/2024 - Indian Point  
2           Legislator Colin Smith, welcome. And -- and  
3           Superintendent Tromblee.

4                                   MR. TROMBLEE: I was just hoping to  
5           have a question.

6                                   CHAIR CONGDON: Okay. After  
7           Assemblywoman Levenberg, then I believe the county  
8           legislator has a question, and then we'll go to you.

9                                   ASSEMBLYWOMAN LEVENBERG: Thank you so  
10          much, and again, thank you for all your work in  
11          overseeing this very long process. I do have a  
12          couple questions, probably more than -- than my  
13          colleague here. I'm just going to do a quick follow-  
14          up, though, to -- to his.

15                                  The -- the contracts that you're  
16          speaking of that refer to both the conditions of  
17          employment and the separation agreements, when were  
18          those contracts dated? Like, are those contracts  
19          going back to the beginning of the decommissioning  
20          process?

21                                  MS. WARNER: I can answer that, Paul.

22                                  MR. KROHN: Yeah, go ahead. I -- I  
23          remember reading violation, but I don't have the  
24          contracts memorized.

25                                  MS. WARNER: Yeah, I don't have the

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2 dates right in front of me. It is listed in our  
3 inspection report, the dates of the signed contracts  
4 that we cited. But it -- it does go back to about  
5 when Holtec took over the site, I think.

6 MR. KROHN: Okay. Roughly, if memory  
7 serves me, we could verify, like July 2021, something  
8 like that.

9 ASSEMBLYWOMAN LEVENBERG: Okay. So --  
10 and -- so just curious -- out of curiosity, why would  
11 those have just been coming to light now? Is that  
12 just because you're just doing -- you're the one  
13 scrutinizing now? Katherine, you're doing such a  
14 good job.

15 MR. KROHN: It's -- it's -- it's a  
16 fair question and an interesting one. We have many  
17 processes ongoing at this site and other sites at the  
18 same time. Through another process, we discovered a  
19 reason to look at it, and we did, and that led to the  
20 violation.

21 ASSEMBLYWOMAN LEVENBERG: And you had  
22 also said that well, you didn't think that there was  
23 anything that had resulted, you're -- you're just  
24 pointing out that it was part of the contract, but, I  
25 mean, why is that something that you think would --

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2 you would actually know about it, you know, if  
3 they're basically kind of hush orders for employees  
4 and former employees?

5 MR. KROHN: That's a -- that's a fair  
6 question, yeah, how do you know --

7 ASSEMBLYWOMAN LEVENBERG: Like, how do  
8 you know?

9 MR. KROHN: -- the absence of  
10 information, how do you know?

11 ASSEMBLYWOMAN LEVENBERG: Yes.

12 MR. KROHN: You know, I think part of  
13 it for me would be historical trends. You know, you  
14 know a certain population, you can look at it for  
15 years, right, over decades, right. I think the other  
16 thing is, we're the eyes and ears, we're on the deck  
17 plates a lot.

18 People don't hesitate to walk up to us  
19 when they see the N.R.C. hat and provide us  
20 information. And if that was slipping, we think -- I  
21 think we would pick it up. There's some other  
22 avenues that we look at, too.

23 Every licensee has something called  
24 the Employee's Concern Program, right, and that's an  
25 internal program and -- and people bring issues to

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2 that. We'll look at that to see if things are  
3 adequately dispositioned and things being handled at  
4 the lowest level.

5 And then finally, what goes into the  
6 corrective action program? How are they dealing with  
7 the issues? We spend, you know, the premise of our -  
8 - a lot of our regulations are sound corrective  
9 action program. So if they're getting weak in doing  
10 evaluations and correcting issues, we engage. We see  
11 it.

12 MS. WARNER: May I add in, Paul?

13 MR. KROHN: Yeah, please.

14 MS. WARNER: The answer is we don't  
15 know for sure that it did not discourage them. And  
16 that's one reason why they got the violation. Also,  
17 the nature of the violation is one reason why the  
18 N.R.C. chose to cite it, instead of it being a non-  
19 cited violation.

20 By citing it, it does require that  
21 response on the docket. So we're taking this very  
22 seriously.

23 ASSEMBLYWOMAN LEVENBERG: As -- as  
24 well, you should and I appreciate that.

25 MR. DIMITRIADIS: I just wanted to add

1 6/13/2024 - Indian Point

2 in. One of the reasons --.

3 CHAIR CONGDON: State your name,  
4 please.

5 MS. DIMITRIADIS: I'm sorry. Anthony  
6 Dimitriadis, I'm the branch chief for  
7 decommissioning.

8 One of the reasons we decided to make  
9 it a notice of violation, which is different than an  
10 N.C.V., is it requires the licensee to respond on the  
11 docket.

12 This would make it very, very public,  
13 not just the violation, which is always public, but  
14 also the response from Holtec. Therefore, if there  
15 is anyone who may have been discouraged or whatever,  
16 they would come out and we would have evidence of  
17 that. Does that make sense?

18 ASSEMBLYWOMAN LEVENBERG: Except for  
19 the last part, it makes sense. I don't understand  
20 why that something would come out as a result of  
21 their correction -- corrective action.

22 MR. DIMITRIADIS: So our -- our  
23 inspection reports are public. And so when -- when  
24 we issue a notice of violation that requires a formal  
25 response on the docket --

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2 ASSEMBLYWOMAN LEVENBERG: I got that.

3 MR. DIMITRIADIS: -- which is public,  
4 right, and that is in the hope that anyone who may  
5 have been subject to this would see this back and  
6 forth and they would say, oh, this is the -- the --  
7 this is what the response is, am I part of this?  
8 Should I be concerned about this as a previous  
9 employee or current employee?

10 CHAIR CONGDON: To -- to that end, may  
11 I -- may I suggest would N.R.C. like to make a public  
12 service announcement to all the employees who may be  
13 watching from --

14 ASSEMBLYWOMAN LEVENBERG: Yes.

15 CHAIR CONGDON: -- in the room and on  
16 our -- on our webcast what their whistleblower  
17 protections are?

18 MR. DIMITRIADIS: Let me just add in.  
19 As part of that, the -- our -- our regulations  
20 require the licensee to post the violation on -- on-  
21 site where the people work. And I think a lot of  
22 them are here and they're aware of that, but  
23 certainly you can.

24 MS. ULAJ: But that would require  
25 direct notification to people who sign the N.D.A.s.

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2 ASSEMBLYWOMAN LEVENBERG: Yeah, I  
3 mean, I think it's just -- this is really  
4 unbelievable that -- you know, that -- that any, you  
5 know, licensee could actually have that kind of  
6 stipulation in their contracts. You know, I think  
7 that we rely upon this type of whistleblower  
8 notification to make sure that we are protecting the  
9 safety of both workers and the public.

10 So this is, you know, not just a -- I  
11 mean, to me, the fact that it's -- what is it -- a  
12 level four -- level four violation, which is kind of,  
13 you know, the same as that \$63,000 amount of money  
14 that was directed to, you know, public benefits out  
15 of the trust fund of billions of dollars, that those  
16 two are the same level of violation is kind of  
17 disheartening, I guess, would be the nicest way to  
18 put it.

19 MR. WATSON: I just want to add --.

20 CHAIR CONGDON: State your name.

21 MR. WATSON: Yeah, this is Bruce  
22 Watson from the N.R.C. I want everyone to understand  
23 we have an overriding program called the allegations  
24 process. And anybody can make an allegation of  
25 wrongdoing, either about the N.R.C. or about a

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2 licensee.

3 And this is done -- can be done  
4 discreetly, and we do our best to protect the person  
5 making the -- the, I'll say, complaint or allegation.

6 And so we have a formal program for  
7 that. You can find it on our website, and anybody  
8 can call the 800 number or whatever it is and -- and  
9 make a -- make a complaint about anything, and we'll  
10 do our best to make sure that their name and  
11 information is not disclosed to the licensee or to  
12 the N.R.C. folks that are involved if it's against  
13 N.R.C. employees.

14 ASSEMBLYWOMAN LEVENBERG: Which is  
15 also -- you know, which is good to know and  
16 reassuring. But again, if you've been threatened,  
17 your job or your future or your or whatever, your --  
18 you know, your income or anything else, you know,  
19 your retirement, then, you know, you might think  
20 twice before making that report because you --

21 MR. WATSON: And that's why we --

22 ASSEMBLYWOMAN LEVENBERG: -- may or  
23 may not trust --.

24 MR. WATSON: -- and that's why they  
25 received the violation, right.



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2 ASSEMBLYWOMAN LEVENBERG: That's  
3 correct.

4 CHAIR CONGDON: Violation and -- and I  
5 appreciate the public service --

6 ASSEMBLYWOMAN LEVENBERG: Yes.

7 CHAIR CONGDON: -- announcement as  
8 well.

9 MR. WEBSTER: So can I just ask will  
10 the employees that signed those agreements receive  
11 notices that those provisions in the agreements are  
12 no longer valid?

13 MS. WARNER: We'll be reviewing the  
14 licensee's corrective actions. And again, I would  
15 turn to Holtec to say what their corrective actions  
16 have been so far to date --.

17 CHAIR CONGDON: Holtec will be  
18 presenting in a bit.

19 MR. WEBSTER: I got it. Would you  
20 accept -- would you -- do you accept that's a good  
21 idea?

22 MS. WARNER: We'll be reviewing the  
23 corrective actions to determine if they're adequate.

24 MR. WEBSTER: You have the reviews,  
25 right?

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2 CHAIR CONGDON: It's fair. They're  
3 going to review what -- what Holtec files as the  
4 corrective action and we'll go from there.

5 ASSEMBLYWOMAN LEVENBERG: I -- I was -  
6 - I wanted to know about the restoration of the  
7 \$63,000 of funds. Where was that from? Did they  
8 have to go back out to the -- did Holtec have to go  
9 back out to the -- where they gave the funds to and  
10 get the money back, or was that just out of their  
11 pockets?

12 MR. KROHN: Actually, Rich and  
13 Katherine, you want to take that one?

14 MR. TURTIL: Well, I -- I just want to  
15 clarify that licensees can contribute to whomever  
16 they wish out of their own pocket.

17 ASSEMBLYWOMAN LEVENBERG: It's --  
18 understood that.

19 MR. TURTIL: So -- so your question is  
20 from -- from where did that funding come from? I'm -  
21 - my understanding is they literally just refunded,  
22 with interest, the D.T.F. fund from their own -- from  
23 their own coffers.

24 ASSEMBLYWOMAN LEVENBERG: Okay. Thank  
25 you. I -- I just wanted to make sure.

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2 MR. TURTIL: Yes.

3 ASSEMBLYWOMAN LEVENBERG: And then I  
4 just wanted to, again, follow up on the -- the  
5 question about the -- what is actually reported out  
6 to -- you know, from the decommissioning trust fund.  
7 And I heard, Katherine, that you had mentioned that  
8 you believe that it's still in good shape to follow  
9 through on the requirements for decommissioning over  
10 the course of the 60 years that's required.

11 But I -- you know, how do we, as a  
12 public, know how that fund has grown in -- in -- over  
13 time if -- if we have no transparency with -- within  
14 the fund?

15 MR. TURTIL: So there have been  
16 questions, are there -- does -- does the N.R.C. or  
17 does the -- the licensee, be it Holtec or any other  
18 licensee, provide a line-item audit approach? That  
19 is not a requirement in licensees, so N.R.C. is not  
20 expecting that, and -- and licensees are not  
21 providing such.

22 What we do work with and require is we  
23 look at current funding every year as of December  
24 31st of the prior year. We look at the planned  
25 spending for that previous year and then we look at

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2           actual spending for that previous year.

3                   We're looking at balances. Balances  
4           were significantly impacted in the 2022 timeframe due  
5           to the equities market and the fixed income market  
6           taking a hit. Licensees, in many cases, adjusted  
7           appropriately in that they extended out, for a while,  
8           their decommissioning plans.

9                   We will work with the regions to try  
10          and to ensure we understand what is the money being  
11          spent on, what is the magnitude of the money being  
12          spent, and what is the progress. So we will pull the  
13          string on that and seek more information.

14                  Bottom line -- but -- but the bottom  
15          line, or and the bottom line is we are looking at  
16          what the licensee says continues to be the forecast  
17          for site-specific estimates and to ensure that their  
18          balances that they provide us are, in fact, in place  
19          that can meet those decommissioning requirements.

20                  ASSEMBLYWOMAN LEVENBERG: Great. And  
21          just to comment on your comment, which is that you  
22          said that licensees have -- had to extend the  
23          timeframe of their decommissioning because of the  
24          equities market and the -- the -- the status of their  
25          fund.

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2 So for example, you know, we've heard  
3 that Holtec is going to extend the -- the timeframe  
4 for their decommissioning, so that may or may not  
5 have been related to anything else except for money.

6 MR. TURTIL: Is that a question or  
7 statement?

8 ASSEMBLYWOMAN LEVENBERG: Yes.

9 MR. TURTIL: This is complicated.

10 ASSEMBLYWOMAN LEVENBERG: Feel free --  
11 feel free to comment on it if you believe it's a  
12 question.

13 MR. TURTIL: Well, it's -- you know,  
14 I'm going to speak from any investment approach. It  
15 is, N.R.C. authorizes a -- a -- a large window, a 60-  
16 year, I'm not going to characterize it, to  
17 decommission.

18 A licensee, an entity has funding to  
19 decommission and they provide to the N.R.C. what  
20 their timeframe is, what their -- you know, what the  
21 time horizon is for the progress and completion. If  
22 -- if there are impacts to their assets based on the  
23 market or other, they have that opportunity, just  
24 like any of the rest of us might say in terms of  
25 retirement, because there are lots of good analogies

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2           with retirement, hey, maybe now it's not the best  
3           time, let's extend this out.

4                   And that gives any entity that  
5           opportunity to take advantage of or to even expedite.  
6           If the markets have been great, if they've got  
7           lessons learned, and they become more efficient with  
8           their spending, they can take that opportunity and --  
9           and -- and move in either direction, so.

10                   ASSEMBLYWOMAN LEVENBERG: And -- and  
11           so is the -- was the 60 years originally, do you  
12           believe, established based on finances or based on  
13           other factors?

14                   MR. KROHN: Yeah, they were  
15           radiological -- Paul Krohn. There were -- there were  
16           radiological conditions and considerations involved.  
17           To leave a plant sit for 60 years, some of the  
18           radioactivity's going to go away, because it's not as  
19           hard to decommission.

20                   So it becomes a business choice on the  
21           part of any licensee. And there are some plants in  
22           this country, in 60 years, in a SAFSTOR  
23           configuration, kind of a mothballed configuration.

24                   CHAIR CONGDON: I'd like to just  
25           quickly react to one of your observations,

1                   6/13/2024 - Indian Point  
2           Assemblywoman, about the transparency of the funds.  
3           The -- the funds are publicly available and the  
4           balances are publicly available. There was an annual  
5           report. We went over the balances at the last  
6           meeting.

7                   And signatories to the State's J.P.  
8           have regular meetings to go over expenditures, as  
9           well. And we have a unique thing in New York State,  
10          where we have the financial assurance where they have  
11          to maintain minimum balances.

12                   And so we've had some insights as a  
13          state throughout the course of the year to see that  
14          they're staying within those financial assurances and  
15          the commitment to -- that they made to the state  
16          separate from their commitments to the N.R.C.

17                   And last point on the financial  
18          markets, the last report they showed some significant  
19          gains, as well. So just as a point of clarification.

20                   ASSEMBLYWOMAN LEVENBERG: But again,  
21          that's not public information.

22                   CHAIR CONGDON: That is public  
23          information.

24                   ASSEMBLYWOMAN LEVENBERG: That -- the  
25          gains.

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2 CHAIR CONGDON: The -- the gains were  
3 documented in their annual report, yes.

4 ASSEMBLYWOMAN LEVENBERG: Thank you.

5 MR. KROHN: In fact, I can give you a  
6 hard copy, too.

7 CHAIR CONGDON: Am I correct in that?

8 MR. TURTIL: I want to clarify.

9 CHAIR CONGDON: Yes, please.

10 MR. TURTIL: So -- so the gains, based  
11 on investment success or not, so the gains based on  
12 the market returns are not presented in -- I believe  
13 they are not stated in that annual report. What is --  
14 -- what is stated in that annual report are what the  
15 current balance is and what the spending was during  
16 that.

17 CHAIR CONGDON: Correct. So you can  
18 infer --.

19 MR. TURTIL: So you can -- yeah, you  
20 can -- you can -- and -- and -- and we can discuss  
21 that with -- in more detail with a dollar -- amount  
22 of dollars, et cetera. So and --.

23 MR. SIPOS: Maybe asked a different  
24 way, did the market appreciation in 2023 inure to the  
25 benefit of the decommissioning trust for Indian



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2 Point?

3 MR. TURTIL: And that would -- that  
4 answer would be -- from my analysis is yes.

5 MR. KROHN: Tom -- Tom, you mentioned  
6 protected activity discussion. I wonder if -- if I  
7 could go back to that for a moment, just so we have  
8 clarity on what that means. So let me first say  
9 Brett Klukan, are you on the line?

10 MR. KLUKAN: Hey Paul, I am. This is  
11 Brett Klukan, the regional counsel for Region 1. Can  
12 you hear me okay?

13 MR. KROHN: Yeah, we can hear you  
14 fine. Brett, before you -- before you provide some  
15 perspectives on protected activities, the N.R.C., as  
16 an agency, would treat it very seriously if a manager  
17 or a licensee were found to be discriminating against  
18 an individual for having brought an issue forward to  
19 us. That is a big -- big deal to us.

20 It rarely happens. We take  
21 significant action when it does happen. But in terms  
22 of describing protected activity, Brett Klukan is our  
23 regional counsel in Region 1. So he's well suited to  
24 provide a description.

25 So Brett, to you.

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2 MR. KLUKAN: Thank you. Thanks, Paul.

3 And I've asked Tom to post to the  
4 public chat, and I saw it just went out, the -- the  
5 new reg or the brochure of 0240, which is reporting  
6 safety concerns to the N.R.C. There's a link there  
7 to where it can be found within public ADAMS or our  
8 document keeping system or document registry.

9 Essentially, that document goes  
10 through an overview of the allegation process, how --  
11 how you can report, as a member of the public or as a  
12 plant employee, concerns to the N.R.C. Plant  
13 employees are always free to bring concerns to the  
14 N.R.C. in terms of anything you find that might be  
15 related to safety.

16 And of course, members of the public,  
17 as well as plant employees or contractors are always  
18 free to go to the Office of Inspector General at the  
19 N.R.C. to -- whether you have concerns about plant or  
20 licensee conduct, or you have concerns with respect  
21 to N.R.C. conduct, you can always take your concerns  
22 to the Office of Inspector General.

23 50.7, which is in -- duplicated in  
24 various parts of the N.R.C.'s regulations talks about  
25 -- in terms of the -- the substance of that

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2           regulation talks about essentially protecting  
3           employees from discrimination for engaging in  
4           protected activities.

5                   And discrimination can be, you know,  
6           some kind of adverse impact that tangibly impacts the  
7           conditions -- or terms and conditions of their  
8           employment. So it can be, you know, anything from  
9           being fired to a reduction in pay, turning -- putting  
10          an employee in a less desirable position.

11                   But what's a protected activity? A  
12          protected activity can be requesting the Commission  
13          to institute an enforcement action. It can be  
14          testifying at a Commission proceeding. But most  
15          fundamentally, it is bringing a safety concern to the  
16          N.R.C.

17                   So if an employee brings a safety  
18          concern to the N.R.C., 50.7 says that a licensee  
19          cannot take adverse action against that employee, at  
20          least in part, for bringing that safety concern to  
21          the N.R.C., whether it be through our allegation  
22          process or through another mechanism.

23                   So if anyone has any additional  
24          questions on that, I'd be happy to answer it. I've  
25          already spoken more than I was planning to this

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2           evening. But again, we want to be very clear that we  
3           -- you know, as we put into the website, we welcome  
4           all concerns from members of the public, from plant  
5           employees who are always free to bring safety  
6           concerns to us, but any -- any issues you have with  
7           respect to licensing conduct.

8                   CHAIR CONGDON: That was the public  
9           service announcement I was looking for. And to put a  
10          finer point on it, regardless of whatever language  
11          might exist in your contract, those protections  
12          apply; correct?

13                   MR. KLUKAN: Absolutely. A licensee -  
14          - that is the whole purpose of 50.7, which is a  
15          violation that was documented against Holtec, is that  
16          we -- regardless of what, you know, a -- might be put  
17          into a non-disclosure agreement put forward by a  
18          licensee, licensee employees are always free -- free  
19          to bring us concerns.

20                   ASSEMBLYWOMAN LEVENBERG: I just want  
21          to add that -- you know, to the -- you know, very  
22          grateful that that is in the N.R.C.'s playbook. Not  
23          sure that every employee or employee that has been  
24          separated from would necessarily have read whatever  
25          number point 7 or whatever, that they would actually

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2 be familiar.

3 So grateful for the public service  
4 announcement tonight, but I think it would also be  
5 helpful in that corrective action if they were to  
6 inform both employees who've signed a contract with  
7 that provision, as well as those who have been  
8 separated, directly, to make sure that they are all  
9 informed of what their rights are under N.R.C.  
10 regulations.

11 CHAIR CONGDON: Okay. Thank you all  
12 very much.

13 County Legislator Ulaj, you had some  
14 questions?

15 MS. ULAJ: Thank you. Is this  
16 working?

17 MR. KACZMAREK: Yes.

18 MS. ULAJ: Okay. Thank you. First,  
19 I'd like to second that suggestion that you both made  
20 around sending direct notice to the employees about  
21 their rights. Just because they have this right, if  
22 they don't know that they have this right, it doesn't  
23 mean anything to them.

24 Secondly, you may be aware that our  
25 champions in Albany, State Senator Peter Harckham and

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2 Assemblymember Dana Levenberg, passed a law to stop  
3 Holtec from discharging radioactive water into the  
4 Hudson River. In response, Holtec sued the state.

5 At the last meeting, we asked Holtec  
6 how they were funding that lawsuit, whether they were  
7 using any D.T.F. funds for the legal expenses, and  
8 they couldn't answer the question and were quite  
9 dismissive.

10 When will you be able to check on  
11 whether they are using D.T.F. funds for that lawsuit?  
12 Are you going to have to wait until next year's  
13 report or can you check more quickly?

14 MR. KROHN: I think there are two  
15 parts to that question. Let me take the bigger  
16 picture of the N.R.C.'s role and what you just talked  
17 about.

18 And then, Katherine, you were talking  
19 about the ongoing inspection this year. That'll be  
20 the second part.

21 The lawsuit you mentioned, it's  
22 between Holtec and New York. The N.R.C. is not a  
23 party to that. We have nothing in front of us to  
24 review. We don't have a comment on it. Maybe in the  
25 future we'll have something in front of us and we'll

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2           get involved. At this point, we're not, to be frank.  
3           But I -- I do understand the question, you know, and  
4           -- and it's a well-founded question.

5                   I'm going to turn it over to Katherine  
6           about would that come up in our normal inspection  
7           procedure, that level of detail?

8                   MS. WARNER: During our inspection, we  
9           do take a sample of the kind of expenditures that  
10          they're looking at. So again, the results will be in  
11          a publicly available inspection report this summer.  
12          But we do take a look at things like lobbying  
13          expenses. That was documented in that February  
14          inspection report. So I can't tell you right now  
15          because it's still ongoing.

16                   CHAIR CONGDON: You're looking for  
17          though, is that fair? You're going to look for that  
18          at our request, that whether or not they are using  
19          D.T.F. monies for the litigation?

20                   MS. WARNER: It is certainly something  
21          that has come up.

22                   ASSEMBLYWOMAN LEVENBERG: And you can  
23          confirm that it would an improper use of funds?

24                   MS. WARNER: We would be reviewing  
25          whether or not it's a reasonable use of the trust

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2 fund.

3 MR. KROHN: It's really a case-by-case  
4 because remember where Rich started out. Is it  
5 related to the radiological goal of decommissioning  
6 the site, getting it back to greenfield.

7 Okay. Tell me the specifics and then  
8 I'll be able to make a rational decision. But I  
9 don't think we have those specifics at this point, in  
10 the sense that the inspection is still ongoing.

11 MR. TURTIL: We would -- to clarify,  
12 there are certain -- there are certain activities  
13 that would be clearcut. They directly contribute to  
14 radiologic decommissioning or removal, et cetera.

15 There are others that we have  
16 concluded are not. And you can -- you, the licensee  
17 can fund them at any matter you wish, but not out of  
18 the D.T.F.

19 There are going to be gray areas. And  
20 as that comes to our attention, we will take a look,  
21 we'll consider does this meet our definition, does  
22 this contribute in such a way, can we determine that  
23 that was a legitimate use of decommission -- of  
24 D.T.F. dollars to -- to move that -- to make progress  
25 in the decommissioning of the site. We would work



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2 with our attorneys.

3 And again, there are gray areas. We  
4 found very definitively that you're contribute --  
5 your contributions to a local -- granted, it's a very  
6 small dollar amount. Your local community was not in  
7 any way a direct -- it was very far removed from  
8 radiologic -- from -- from decommissioning  
9 activities.

10 As other issues may arise, or as we --  
11 we become more aware of them, and -- and we are asked  
12 to look into the nature of such an expense, we would  
13 have to do an evaluation and make a determination.  
14 But again, not everything is always black and white,  
15 clearcut, in terms of distinction.

16 MR. KROHN: You know, Rich makes an  
17 important point the depth of the expertise across the  
18 agency in the sense that Katherine's an inspector on  
19 the deck plate, right, but she's certainly not a  
20 financial analyst. So she calls Rich and says help  
21 me make sense of this.

22 And then Rich has a question about is  
23 this reasonable or not. That's a legal question.  
24 That's the Office of General Counsel. That's our  
25 lawyers in Washington. So a lot of people take a

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2 look at this to get at the right answer for the  
3 agency, at the agency level.

4 And we need to be consistent across  
5 the country, right.

6 MR. WEBSTER: Have you -- have you  
7 either authorized or analyzed litigation expenses,  
8 before, as to whether they're part of the D.T.F.?

9 MR. TURTIL: So we could talk about  
10 the Indian Point D.O.E. settlement conclusion, if you  
11 will.

12 MS. WARNER: It's in the inspection  
13 report.

14 MR. TURTIL: So in -- in the publicly  
15 available inspection report, there were three items  
16 that, through Region 1 inspection activities,  
17 identified, pulled the string, if you will, looked at  
18 invoices, and said I don't know that these are  
19 adequate, legitimate decommissioning expenses.

20 And we engaged, and -- and Katherine  
21 can tell you more explicitly our process for that  
22 engagement to evaluate. Holtec, themselves, provided  
23 a rationale as to why they thought these were  
24 legitimate decommissioning expenses as defined by  
25 N.R.C.'s regulate -- what we would consider such.

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2 We evaluated their evaluation or their  
3 assertion and concluded otherwise in one area and  
4 concluded in the other areas that that is a more  
5 direct application of funds to move the site along in  
6 terms of decommissioning.

7 MR. WEBSTER: What were the two other  
8 areas?

9 MR. TURTIL: So one was D.O.E.  
10 settlement fees. So in the case of, you know, they  
11 are having their attorneys or whatever kind of  
12 settlement work that they would do to help move  
13 along, the -- the ultimate settlement of -- of  
14 D.O.E.-related high level spent fuel fees.

15 And the second -- so of course, the  
16 third one, we -- we found not to be acceptable, which  
17 was the contributions to local donations.

18 The second one I'm --.

19 UNIDENTIFIED SPEAKER:

20 (unintelligible)

21 MR. TURTIL: I know you're going to --  
22 thank you. So the -- and -- and I -- I don't like  
23 the word lobbying. I live close to Washington, but --  
24 -- so one of their -- a third position that we found  
25 was a lobbying organization that was used by Holtec

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2 to engage, inform, educate, whatever a lobbyist will  
3 do in Albany, to inform Assemblyfolk representatives  
4 in Albany about items, things at the Indian Point  
5 site so they -- they in Albany would have a better  
6 concept, a better idea, and a more clear  
7 understanding of what is really -- what's really  
8 transpiring at -- at Indian Point, what is necessary.

9 So our conclusion was that that moved  
10 forward their effort to be able to go up and inform  
11 individuals and -- and -- and let them know what --  
12 what's going on at Indian Point, what is tritium, et  
13 cetera -- et cetera. So we -- we --.

14 MS. ULAJ: Is Holtec the --?

15 MR. TURTIL: So -- so we concluded  
16 that that -- we -- we agreed that that appeared to be  
17 a legitimate use to be able to move the site to make  
18 progress in moving radiologically -- radiologic  
19 contamination off the site to our objective of -- of  
20 terminating the license.

21 MS. ULAJ: Are they the only ones who  
22 get to make a counter argument? Do we get to have a  
23 say? And I -- I can tell by the way you're phrasing  
24 things that you're going in a direction that this is  
25 going to be quite a gray area in determining whether

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2           the use of the funds for the litigation is for proper  
3           use.

4                                   Are -- do we have a say in that? Do  
5           the hundreds of thousands of people who signed a  
6           petition have a say in that?

7                                   MR. DIMITRIADIS: Anthony Dimitriadis,  
8           I'm the branch chief for decommissioning. So the  
9           answer is partially you already have had that. When  
10          we do rulemaking, that went to the public. We  
11          received numerous comments for the decommissioning  
12          trust fund use. And -- and so we do the rulemaking.  
13          It takes years to do that, so part of that is yes.

14                                  Secondly, this is why we have these --  
15          we, you know, show up to these meetings so that we  
16          can take input information from you. And so, as you  
17          can tell, what you asked us is an area that sounds  
18          like it's gray, it's relatively new to me, to be  
19          honest with you, but we're going to be looking at  
20          that. And we'll have to engage people like Paul  
21          said, our inspection staff, our -- our experts in  
22          financial assessment, and also our legal counsels in  
23          -- in headquarters. Does that make sense?

24                                  MS. ULAJ: Yes, that makes sense. I  
25          can already see what Holtec will say, of course,

1                   6/13/2024 - Indian Point  
2           right? The -- it will help them decommission quicker  
3           if they can just release the water in the Hudson. So  
4           yes, suing to overturn the law is a proper use of  
5           funds is what they will say, I'm guessing. You all  
6           disagree, though.

7                   MR. DIMITRIADIS: Let me just make it  
8           clear. Holtec doesn't make the decision. We make  
9           the decision.

10                   MR. KROHN: And -- and -- and, you  
11           know, two other very quick points. In terms of --  
12           there's such a thing as petition for rulemaking. If  
13           an individual member of a public organization feels  
14           that our rules and regulations are not appropriate,  
15           you can petition for a new regulation. I -- I can  
16           show you the regulations, not how to do that, but  
17           there is -- there's a process, albeit as Tony said,  
18           it can be lengthy.

19                   But, you know, as we talked about the  
20           specifics, and -- and Rich provided a lot of good  
21           detail, our inspection report on decommissioning  
22           trust funds, funds from February 22nd of this year,  
23           page 11. So we had about six expenses in front of  
24           us. Basically we got to call the balls and strikes,  
25           right. That's what we do.

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2 We said two were acceptable. Rich was  
3 right on. One was on a Department of Energy spent  
4 fuel settlement efforts, and keeping New York State  
5 legislatures informed and educated about  
6 decommissioning issues. We looked at the specifics  
7 of those two subject areas and said, okay, D.T.F.,  
8 that works.

9 But the things we talked about before,  
10 the parades, softball teams, not a connection, right,  
11 to radiologic control, but that's spelled out. If  
12 you go to page 11 of that report, it's got a page of  
13 detail.

14 MR. SIPOS: Rich, could I ask a  
15 clarification question? It's John Sipos over here.  
16 The D.O.E. settlement expense line that you have been  
17 discussing, is that in connection with the federal  
18 government's breach of the standard contract to  
19 accept spent nuclear fuel at Indian Point?

20 MS. WARNER: Katherine Warner. Yes.

21 MR. SIPOS: Thank you.

22 MR. WEBSTER: On the lobbying, is  
23 there -- is it (unintelligible) in any way? I mean,  
24 would -- would direct lobbying on a bill be part of  
25 educational effort, for example?

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2 MR. DIMITRIADIS: (unintelligible)

3 MS. WARNER: It's going to --.

4 MR. WEBSTER: What did Holtec lobby  
5 against the Levenberg Harckham bill and did you  
6 include -- did you approve those expenses?

7 MR. DIMITRIADIS: I'm not familiar  
8 with it -- we're not familiar with -- Tony  
9 Dimitriadis. I'm not familiar with the specific law  
10 that you're talking about, but we don't approve  
11 spending. We look at -- like Paul said, we call  
12 balls and strikes.

13 If Holtec authorized use of the  
14 decommissioning trust fund and -- and we see that  
15 that was done, then we would issue a violation if  
16 that were the case. They would have to restore the  
17 money plus interest.

18 MR. WEBSTER: Right, Mr. Dimitriadis,  
19 may I say, first you told me my question was too  
20 general, then you told me my question was too  
21 specific. I don't think you can ask me for both.

22 MR. DIMITRIADIS: That's two different  
23 questions and I think that was true for both.

24 MR. WEBSTER: A general one and a  
25 specific one.



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2 MR. DIMITRIADIS: It was true for  
3 both.

4 MR. KROHN: Richard, the point is,  
5 regarding that legal question you're asking, that's  
6 not in front of the N.R.C. right now and -- and we're  
7 not going to express opinions on that.

8 MR. WEBSTER: Okay. Well, that's what  
9 I'm trying to ask. Was it in front of the N.R.C.?

10 MR. KROHN: In terms of a lawsuit  
11 between Holtec?

12 ASSEMBLYWOMAN LEVENBERG: No -- no.

13 MR. WEBSTER: During this -- when you  
14 were looking at the lobbying expenditures that Holtec  
15 had taken out of the D.T.F., did it include lobbying  
16 against the Levenberg Harckham bill?

17 MR. KROHN: Fair question, Richard,  
18 but we haven't finished the inspection yet this year.

19 MR. WEBSTER: No, but you've already -  
20 - you've already issued a violation report.

21 MR. KROHN: Yeah, but that was for  
22 something in the past. Now we're trying to --.

23 MR. WEBSTER: No, I'm asking, that was  
24 in the past, I'm asking in the past.

25 CHAIR CONGDON: What period is

1                   6/13/2024 - Indian Point  
2           currently under inspection? Maybe just clarify what  
3           -- what period of time is currently under inspection?

4                   MS. WARNER: We're looking at -- I  
5           mean, I can look at whatever I want. Let's be very  
6           clear about that. But I'm mainly looking at expenses  
7           over like the last year since my last inspection,  
8           which is like June 2023.

9                   CHAIR CONGDON: Thank you. County  
10          Legislator, did you have any further questions?

11                   We have Superintendent Tromblee, then  
12          Richard Webster, then Dave Lochbaum on the phone has  
13          his hand up, and then Deputy Supervisor Creighton,  
14          and then Susan.

15                   MR. TROMBLEE: Thank you, Tom.

16                   CHAIR CONGDON: Yeah, go ahead.

17                   MR. TROMBLEE: Just a few quick  
18          questions, approximately four. How was the trust  
19          fund initially funded? What entity, was it Holtec,  
20          was it public funds?

21                   MR. TURTIL: No, it was the -- it was  
22          the initial licensee was --.

23                   MR. SIPOS: I could speak to that if  
24          you -- if you would like.

25                   MR. TURTIL: I mean, it was a utility,

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2 so --.

3 MR. SIPOS: So the -- during the  
4 period of vertical integration regulation back in the  
5 '80s and '90s, the Public Service Commission of New  
6 York authorized the collection of funds from  
7 ratepayers for facilities, for utilities that owned  
8 and operated power reactors, to put those aside, and  
9 this is at the time that the N.R.C. started its  
10 decommissioning regulations, so this is mid to late  
11 '80s.

12 And so the initial seed money for the  
13 decommissioning trusts is from New York State  
14 ratepayers, starting probably in circa 1990.

15 CHAIR CONGDON: And the reason why the  
16 P.S.C. would approve that is those were expenditures  
17 required by all licensees. And as a regulatory  
18 requirement, that is something that would be a  
19 prudent expense of a regulated utility and why those  
20 costs would be allowed to be recovered in rates.

21 MR. TROMBLEE: So would those be  
22 considered taxpayer dollars or since they're  
23 ratepayers, is that --

24 CHAIR CONGDON: No.

25 MR. TROMBLEE: -- a different

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2 designation?

3 CHAIR CONGDON: They -- they were --  
4 they -- it's the -- it, you know, if -- if -- if it  
5 wasn't a vertically integrated utility subject to  
6 rate make -- rate making powers of the Public Service  
7 Commission, then the -- the licensee would've had an  
8 -- a -- an obligation to use proceeds from the sale  
9 of their power to meet the N.R.C.'s regulatory  
10 requirement.

11 It's a business expense and a  
12 requirement under the reg by the owner and licensee  
13 of the plant.

14 MR. SIPOS: So it's ratepayer -- New  
15 York ratepayer dollars.

16 MR. TROMBLEE: Thank you.

17 CHAIR CONGDON: And if it were -- if  
18 it were a private independent power producer gen, it  
19 would be through the sale of their energy and also  
20 effectively come from ratepayers, but through the  
21 sale of the power.

22 So I just want to make the distinction  
23 the money was not public dollars, it was not owned by  
24 ratepayers. Ratepayers paid because they were paying  
25 for the cost of the electricity generated at the

1                                   6/13/2024 - Indian Point  
2           plant, which included a regulatory requirement to the  
3           N.R.C. to fund the decommissioning trust funds.

4                                   ASSEMBLYWOMAN LEVENBERG:  
5           Nevertheless, ratepayer dollars could theoretically  
6           be used to sue New York State, if so approved --

7                                   CHAIR CONGDON: As I said --.

8                                   ASSEMBLYWOMAN LEVENBERG: -- and to  
9           lobby -- and to lobby New York State.

10                                  CHAIR CONGDON: I'm drawing the  
11           distinction because the -- the money left the  
12           ratepayers' pocket, but those do not then continue to  
13           be -- those dollars are not owned and controlled by  
14           the ratepayers.

15                                  The ratepayers paid for the  
16           electricity from the nuclear power plant. That cost  
17           of electricity from the nuclear power plant included  
18           regulatory requirements by the N.R.C. that had to be  
19           met, and those rates were collected from ratepayers.  
20           So these are not public dollars.

21                                  And so when the plant was sold from  
22           investor-owned utilities to independent power  
23           producers, the property of the decommissioning trust  
24           fund became the property of the new owner, but they  
25           have very strict limits by the N.R.C. on how they can

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2 spend that money.

3 Did I say anything wrong, financial  
4 experts at the N.R.C.?

5 MR. TURTIL: No -- no, you  
6 characterized that very well. And in fact, some  
7 utility licensees that may need additional funding to  
8 meet our requirements show us what relationship they  
9 have with the Public Utility Commission, when the  
10 P.U.C. is next meeting to discuss its rate case, and  
11 what they are -- what they are requesting in terms of  
12 proposal for fees that would then supplement that  
13 which we would require for future contributions in  
14 the next two to four to six years.

15 So we see that the fund that's total,  
16 that which is there versus that which will be  
17 contributed to with a 2% real rate of return that we  
18 see and we confirm there's reasonable assurance  
19 there's adequate funding, what we call D.F.A. They  
20 have D.F.A. in place, decommissioning funding  
21 assurance.

22 And the vast majority, so there's  
23 about \$78 to \$80 billion in funds amongst your 94  
24 power operating reactors and your 23 decommissioning.  
25 The vast, vast majority was initiated back in the

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2           '80s, '90s, et cetera, and collected through these  
3           rate -- rate setting authority.

4                   And now, future facilities that may be  
5           considered merchant, they don't have such a  
6           relationship. They will need to come up with funding  
7           and put it back in place right from the get-go. And  
8           we cannot rely on future contributions because  
9           they're not a rate -- they're not a local government  
10          entity or a state government entity.

11                   So we require real funding in place.

12                   MR. TROMBLEE: Is that distinction,  
13          that it's not taxpayer dollars that funded the fund,  
14          why information such as interest earned is not  
15          publicly disclosed?

16                   MR. TURTIL: I would speak generally  
17          to -- I would speak generally to the fact that this  
18          is a business entity's, a private entity's -- their  
19          assets.

20                   So you know, if you're -- if you're  
21          publicly owned and you see kind of an annual report  
22          from -- from a public, you may see that -- I don't  
23          know the fine detail in an annual report, but another  
24          entity such as Hol -- would not have that  
25          requirement.

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2 MR. TROMBLEE: So with that being the  
3 case, since we -- they are allowed to use financial  
4 vehicles to earn that interest, would those interest-  
5 bearing accounts come under some regulatory  
6 oversight, not the N.R.C., but perhaps the S.E.C.?

7 MR. TURTIL: And they -- they may --  
8 so these trustees and the vast majority are Northern  
9 Trust and Bank of Mellon New York. They have that  
10 authority and they have separate -- separate groups  
11 within some of those trustees.

12 Some of them actually have investment  
13 arms, but the trustees themselves, by and large, are  
14 -- and I can't speak to all of them, either the  
15 office of the comptroller or the secure -- or they're  
16 submitting or -- or I'm trying to recall the -- if  
17 it's a state regulatory agency, but certainly the  
18 Office of the Comptroller, the F.R.B., the Federal  
19 Reserve Board.

20 So there is some oversight there. I -  
21 - I can't indicate how comprehensive that is for all  
22 of the -- all the NDT -- all the decommissioning  
23 trust funds that are out there. But there is --  
24 there is oversight by -- by some federal entity. And  
25 the depth and breadth of that, I -- I can't fully --.



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2 MR. TROMBLEE: And then just one final  
3 question, does the N.R.C. have a branch inspector  
4 general from the federal government that oversees its  
5 activities?

6 MR. TURTIL: So we -- to be clear  
7 about N.R.C., so we have -- as -- as probably all of  
8 you know, we have no one above us in terms of an  
9 entity. There's no Department of Energy --

10 MR. TROMBLEE: No, I --.

11 MR. TURTIL: -- no Inspector General.

12 MR. TROMBLEE: No --.

13 MR. TURTIL: No, I'm getting there.  
14 So the N.R.C. is -- the N.R.C. is its own independent  
15 entity. We have within our agency an Inspector  
16 General had that -- has expressed very much interest  
17 in these decommissioning trust funds.

18 So staff is being very responsive to  
19 the -- to the -- to the Inspector General. They've  
20 even gotten into some of the issues regarding our  
21 prohibitions and limits on certain types of  
22 investments. And staff has been responsive to the  
23 I.G. on that -- on that matter. So they're -- they -  
24 - they have a very high interest, it appears, in --  
25 in this area.

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2 MR. TROMBLEE: Thank you.

3 CHAIR CONGDON: Thank you,  
4 Superintendent.

5 Richard Webster?

6 MR. WEBSTER: Thanks, Tom. Thank you,  
7 guys for your efforts. I mean sometimes I -- I feel  
8 like the N.R.C. could go a bit further, but that  
9 doesn't mean to say that you're not doing great jobs.  
10 So let me just say that right up front. Thanks for  
11 coming.

12 So I have a quick question, I think,  
13 Katherine, you said, well, one of the trustees are  
14 backing up the -- the licensee's decisions on what's  
15 -- what's legit and what's not legit. Is that right?

16 MR. TURTIL: Did you say the trustees?

17 MR. WEBSTER: The trustees.

18 MR. TURTIL: No.

19 MR. WEBSTER: So the trustees do not  
20 vet the expenditures?

21 MR. TURTIL: Well, the trustees  
22 ultimately are the -- are the gatekeepers, if you  
23 will, sort of like -- sort of like an IRA, if you  
24 will.

25 So there are those who invest IRA

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2 assets, but ultimately there's -- there is an entity  
3 that is the authority of that IRA. You don't own it  
4 at your own bank, per se.

5 MR. WEBSTER: No -- no -- right.

6 MR. TURTIL: So it's the same -- same  
7 concept. So there's oversight by Bank of Mellon New  
8 Yorks, the Northern Trusts, et cetera. And they have  
9 very detailed trust relation -- trustee relationships  
10 with the licensee.

11 MR. WEBSTER: Right.

12 MR. TURTIL: And -- and -- and -- am I  
13 not answering?

14 MS. WARNER: No -- no, you're good. I  
15 just want to say it is the licensee's responsibility  
16 to conform to our regulations.

17 MR. WEBSTER: Understood. But what  
18 I'm saying is, let's say Holtec went to the trustee  
19 and said I want to buy an island in the Caribbean.  
20 Would the trustees say you can't do that?

21 MR. KROHN: And part of this might be  
22 -- and Rich, maybe you can help me with -- is there  
23 -- fiduciary responsibility; right?

24 MR. TURTIL: Absolutely.

25 MR. KROHN: That's part of the

1                   6/13/2024 - Indian Point  
2           relationship, I believe, right? They can't spend it  
3           on willy nilly, like, you know --.

4                   MR. WEBSTER: That's what I'm saying.  
5           Do they -- do they vet -- I just -- that's the  
6           question I'm asking.

7                   MR. TURTIL: Well, they are -- they  
8           are submitting D.T.F.-related -- decommissioning-  
9           related expenses, that kind of information to the  
10          trustee and saying these are the funds that we want -  
11          -

12                   MR. WEBSTER: Right.

13                   MR. TURTIL: -- basically released  
14          form the trust.

15                   MR. WEBSTER: Does the trustee check  
16          whether they are legitimately within the scope of  
17          decommissioning?

18                   MR. TURTIL: I would say, as Paul was  
19          saying, there is a fiduciary responsibility just as  
20          there is with these trustees that manage pension  
21          funds, et cetera.

22                   MR. WEBSTER: Right.

23                   MR. TURTIL: Down into the detail how  
24          -- how that is actually done, I -- I can't tell you,  
25          but I know these trust -- these trustees have a true

1                   6/13/2024 - Indian Point  
2           fiduciary duty to ensure funds are released  
3           appropriately.

4                   MR. DIMITRIADIS: Tony Dimitriadis.  
5           When we promulgated the relations in 1988, the  
6           requirement was for licensees, all nuclear licensees  
7           would put away -- put aside monies in a  
8           decommissioning trust fund.

9                   When we say the word trust, we -- it's  
10          very similar to like a wealthy family who devises a  
11          trust so that monies could be utilized, for example,  
12          for college education, not to buy a new car.

13                  Similarly, the trust that the  
14          fiduciary has is outlined in a -- in a document.  
15          It's very detailed. And it would say would have to  
16          be for a legitimate decommissioning trust estimate --  
17          or decommissioning trust funds.

18                  So in your hypothetical, we want to  
19          buy a Caribbean island, if they actually said that,  
20          the fiduciary or whoever is the gatekeeper, it's  
21          incumbent upon them to recognize the trust and  
22          control that and say, yeah, I don't think so.

23                  MR. WEBSTER: Okay. So that's --  
24          that's good, but then I know that it seems like four  
25          trustees, four Holtec trustees, or maybe it was all

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2 the same trustee, I don't know. But on four  
3 different reactors, the trustee made a mistake,  
4 right, and -- and authorized these charitable  
5 expenditures.

6 Although the licensee made a mistake  
7 by asking for it, the trustee made a mistake by  
8 authorizing it; right?

9 CHAIR CONGDON: Is the -- is the  
10 trustee really watching every expenditure in real  
11 time, or are they really more focused on the  
12 investment portfolio?

13 MR. TURTIL: They're doing -- go  
14 ahead.

15 MR. DIMITRIADIS: Well, I have a  
16 theory on this. I don't know exactly what happened  
17 in these things. I suspect that it's the -- the  
18 level of detail in these specific ones that happened  
19 were, I guess -- I'm guessing is too low for them to  
20 notice that what exactly 63,000 were utilized for,  
21 but it's only speculation.

22 But if it was, hey, we want to buy a  
23 Caribbean Island, like you said before, and it's  
24 going to cost \$500 million, I think that would ring  
25 off alarm bells.

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2 MR. TURTIL: That would be well beyond  
3 the scope of the language in the trust.

4 MR. WEBSTER: Right. Okay. So I just  
5 wanted to be more clear about the role of the trustee  
6 because I think it's a bit opaque.

7 So the second question I have, I  
8 noticed that when I was looking at last year's  
9 expenditures, the spent fuel management expenditures  
10 were much higher than anticipated initially. Is that  
11 -- do you have -- did you see the same thing?

12 MS. WARNER: We're in the March --  
13 March 2024 submittal for the calendar year 2023?

14 MR. WEBSTER: Yeah.

15 MS. WARNER: Again, we're currently  
16 reviewing that.

17 MR. WEBSTER: No, but the figures are  
18 there; right?

19 MS. WARNER: Yes.

20 MR. WEBSTER: And you've read them?

21 MS. WARNER: I have read them.

22 MR. WEBSTER: Okay.

23 MS. WARNER: As part of the  
24 inspection.

25 MR. WEBSTER: So -- so the figures --

1                   6/13/2024 - Indian Point  
2           the actuals are much higher than the initial  
3           anticipated. Is that right?

4                   MS. WARNER: Yes.

5                   MR. WEBSTER: Okay. So it seems to me  
6           that the conceptual problem here is that we have  
7           Holtec, one Holtec entity being serviced by another  
8           Holtec entity, right? Holtec H.D.I. is probably  
9           hiring Holtec International a lot. Holtec Indian  
10          Point L.L.C. is hiring H.D.I. I'm not quite sure  
11          exactly how the relationships work, but there --  
12          there's an opportunity, Holtec's basically selling to  
13          itself.

14                   It used to sell spent fuel services to  
15          Entergy, right, so that was a -- that was a third ---  
16          that was an arm's length transaction, but now it's  
17          selling spent fuel services to itself. So how do you  
18          know that they're not engaged in transfer pricing by  
19          inflating the price of those -- those services?

20                   MR. TURTIL: And that's what we are  
21          currently looking at in these annual reports, in the  
22          -- providing, by the licensee, in the prior year,  
23          what was anticipated to be spent, and what was  
24          actually spent, and we are -- we're -- we're  
25          currently evaluating it as something that is not --



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2 not lost on N.R.C. staff, so.

3 MR. WEBSTER: But can you just tell me  
4 how you evaluate it, or can you give me an example  
5 before of how you figure this -- because it seems  
6 like it's hard to figure out what is the market price  
7 of spent fuel management services, right, because  
8 there's not -- it's a pretty narrow market for that.

9 MR. KROHN: You know, I think -- I  
10 think, Richard, great question -- great question. I  
11 think it goes into what Katherine said before in her  
12 presentation about pulling the string. So if you see  
13 that unexpected spent fuel management cost, what was  
14 the cask loading campaign going on at the time? Was  
15 it more than they expected? Was there some other  
16 driver? How many labor hours were spent on it? You  
17 know, how many casks did they load? Did they run  
18 into other problems or delays?

19 It may be justifiable, but we won't  
20 know until we dig into it. And if it's not, then  
21 they're in a situation where we engage with our  
22 enforcement process.

23 MR. TURTIL: So we would be pulling  
24 the string, as I like to say, gathering information,  
25 if we need to, obviously inquiring with the licensee

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2 in light of the progress that they're -- they've --  
3 they're making, and we'll see where this -- where  
4 this takes us.

5 MS. WARNER: And specifically, how we  
6 do that in the inspection process, we ask for  
7 documents, we interview the licensee, and then if we  
8 have any follow-up questions, we'll specifically lay  
9 out what we're looking for and have another follow-up  
10 conversation and document review. So we don't stop  
11 until --

12 MR. WEBSTER: Right.

13 MS. WARNER: -- we understand what's  
14 going on.

15 MR. WEBSTER: And that may be -- I'm  
16 glad you're looking into that because that's  
17 something that struck me as -- as important to check,  
18 right.

19 MR. TURTIL: And that's another --  
20 that's one part of what we would do, but of course an  
21 equally important part is to ensure that there's  
22 still -- there is adequate funding for future  
23 anticipated expenditures as presented by the  
24 licensee.

25 So we're doing multiple --.

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2 MR. WEBSTER: Understood.

3 MR. TURTIL: Yeah.

4 CHAIR CONGDON: Thank you.

5 Dave Lochbaum, I think you may have  
6 taken your hand down, but want to check, do you want  
7 to pose a question?

8 MR. LOCHBAUM: It's more of a comment.  
9 This is Dave Lochbaum. The N.R.C. posts allegation  
10 statistics to its website, and I called up that with  
11 the most recent report during the discussion of  
12 shyness of workers or inhibitions of workers to raise  
13 issues.

14 In 2023, the N.R.C. received nine  
15 allegations from workers at Indian Point. In 2024,  
16 so far through May of this year, the N.R.C. has  
17 received six allegations from workers at Indian  
18 Point. For context, the N.R.C. received only two  
19 allegations from all other decommissioning sites  
20 combined.

21 And I posted that -- a link to that  
22 report in the chat.

23 CHAIR CONGDON: Thank you, Dave.

24 MR. KROHN: Yeah, that's very helpful,  
25 Mr. Lochbaum. I didn't have the information at the

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2           tip of my tongue, but, you know, we post those  
3           statistics nationally at the end of every year for  
4           the previous year. But again, our interest is making  
5           sure people can come to us and don't feel inhibited  
6           to do so.

7                                   So this is simply big picture  
8           statistics, but we don't often talk about numbers  
9           because we don't want anybody being inhibited in any  
10          way, right. They see N.R.C. at the field, they come  
11          talk to us.

12                                  CHAIR CONGDON: Yeah, that's great.  
13                                  Deputy Supervisor Creighton?

14                                  MR. CREIGHTON: Thank you, Tom. I  
15          just have one -- we spent a lot of time talking about  
16          money. I'd just like to go back to safety a little  
17          bit. April 5th, we had one of the things that people  
18          said we don't really want to expect in this area, in  
19          this part of the world. We had a 4.7 magnitude  
20          earthquake.

21                                  Could you tell me what specifically  
22          the N.R.C. did to assure that the plant was safe and  
23          the casks were safe? And I know that the -- that  
24          Holtec is going to, I'm sure, report on that, as  
25          well, but -- but it was concerning and it was great

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2 to hear that everything was okay. I just want to  
3 know, so we know what was done to ensure that  
4 everything was okay.

5 MR. KROHN: I'll turn it over to you  
6 in a moment. Within 15 minutes of that earthquake, I  
7 picked up the phone and called Tony, and Tony had  
8 already been on the phone to the plant. I'll let  
9 Tony describe the conversation.

10 MR. DIMITRIADIS: Thank you -- thank  
11 you for the question. Yes, it was a Friday. I  
12 received a call, like you said, from Paul, and I  
13 reached out to a number of licensees, one of which is  
14 Oyster Creek, and the other one here, that site V.P.  
15 Frank Spagnuolo at Indian Point.,

16 Checked on everything and it had zero  
17 impact on the site. They were doing -- from what I  
18 recall from the call, they were doing walkdowns to  
19 make sure everything was safe. And there were no  
20 impacts at all from the site.

21 If you have any questions regarding,  
22 in general, about seismic events, we have experts  
23 here to answer your question.

24 MR. CREIGHTON: Right. And that is --  
25 that is Holtec who did the walkdowns. Did -- was --

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2 did N.R.C. go on site here or at Pilgrim to do their  
3 own walkdowns or -- or to ensure that their critical  
4 areas had no impact?

5 MR. DIMITRIADIS: We -- we did not.  
6 So Pilgrim would be too far. The -- I think the  
7 earthquake was in Jersey -- Oyster Creek, yes -- yes.  
8 So -- so just to put into context, if you have an  
9 earthquake -- they used to use the Richter system  
10 measure. That's not -- no longer used from what I  
11 understand. It has to do with where it happens.

12 So if there's a major earthquake in  
13 Kansas City, that may not really affect Indian Point  
14 very much at all because it has to do with how far it  
15 -- you know, it -- it is from the site. So we did  
16 not do that.

17 But we have a relationship with Indian  
18 Point such that if we believe that there is a safety  
19 issue associated with whatever event's happening, we  
20 -- I would launch inspectors to the site if I deemed  
21 that that would be an issue.

22 What Bruce is saying that the -- the  
23 seismic event happened is well within this design  
24 envelope for what the -- the -- this -- you know, the  
25 site was actually licensed for from the beginning.

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2 MR. CREIGHTON: Right. Understood. I  
3 -- I think that was something we were always told.  
4 We just hoped it never happened and, you know, glad  
5 to hear everything looked okay.

6 MR. KROHN: You know, Jim, one other  
7 point of reference you may find helpful, remember, I  
8 think it was 2011, Mineral, Virginia, there was an  
9 earthquake that went on for some time. North Anna is  
10 another nuclear site that we regulate and have  
11 residence on.

12 That was a high-level earthquake. I -  
13 - I forget the Richter scale. I think it was on the  
14 order of five to six, lasted for a couple of minutes.  
15 Point of reference on the ISFSI casks, they did not  
16 tip over, they moved a couple of inches on the pad.

17 No cracks in the pad. Remember you  
18 saw that picture with the -- the thick rebar and the  
19 concrete? Again, it's the robustness of the system  
20 point that Tony is making.

21 ASSEMBLYWOMAN LEVENBERG: How do you  
22 know nothing happened inside of those casks?

23 MR. KROHN: It's part of the analysis  
24 that Darrell will speak to. Remember I said in my --  
25 we -- the licensee does all these -- all these models

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2 and designs, and they go ahead and check. And that  
3 can be by computer models, in testing materials --.

4 MR. DUNN: I'm Darrel Dunn, N.R.C.,  
5 Division of Fuel Management. So the casks -- well,  
6 first of all, before a licensee picks a cask, they  
7 have to evaluate, you know, how that cask is designed  
8 and constructed. And they have to evaluate their  
9 site parameters to make sure that that cask, that  
10 storage system meets the requirements that they need  
11 for that particular site.

12 So seismic design is part of that.  
13 And Holtec's seismic design is included in their  
14 final safety analysis report. And this earthquake,  
15 the amount of ground shaking you had here at this  
16 location with -- with -- with that earthquake is  
17 about 1/10 of what the seismic design is for that  
18 particular storage system. So well within the design  
19 envelope.

20 MR. SIPOS: Yeah, I'd just like to add  
21 a little bit more context to the seismic issue. So  
22 there was a safe shutdown earthquake parameter that  
23 was established for Indian Point when it was  
24 designed. And as that term indicates, safe shutdown  
25 is the safe shutdown of the reactor.



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2 However, following the Fukushima  
3 incident, N.R.C. did recommend that the spent fuel  
4 pools which are outside containment be reviewed, and  
5 in particular for Indian Point. And so, however,  
6 that analysis of the spent fuel pools at Indian Point  
7 was not completed because Entergy indicated that it  
8 would be shutting down the facility in early 2017.

9 And so again, I'd just like to  
10 recognize the Holtec employees who are in the room  
11 who, on an, you know, expedited basis, moved the  
12 densely packed spent nuclear fuel from the densely  
13 packed spent fuel pools to the dry casks.

14 So the issue about having a spent fuel  
15 pool that was not necessarily examined for a seismic  
16 hazard really became moot by the transfer of the  
17 spent fuel to the dry cask storage.

18 And I think that's -- I just want to  
19 reiterate that that is one of the benefits from --  
20 from the closure. And I think the April earthquake  
21 that you referred to is -- is a reminder of -- of  
22 that. So just appreciate putting that in context.  
23 Thank you.

24 CHAIR CONGDON: Thank you.

25 Susan Spear?

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2 MS. SPEAR: Thank you. I first want  
3 to thank Katherine Warner for your diligence in doing  
4 these reviews and inspections. It's clearly made a  
5 difference and we appreciate that. So thank you.

6 MS. WARNER: Thank you.

7 MS. SPEAR: And I also want to  
8 emphasize that, you know, I -- I don't think we can  
9 expect former and even current employees to be  
10 reviewing public documents in ADAMS. So I would like  
11 to urge you to require a direct notification to  
12 anyone who signed that N.D.A. that it's -- that  
13 language is not valid and that they should understand  
14 that. So I -- I would encourage you to do that. I'm  
15 not expecting an answer, but I just wanted to say  
16 that.

17 The -- greater than -- the casks for  
18 greater than class C waste, is that a different  
19 design, I assume, than the spent fuel rod casks?

20 MR. KROHN: Short answer is yes, but  
21 I'll let Darrell take it. And -- and greater than  
22 class C, we're talking about reactor coolant system  
23 piping, things you cut up into segments that still  
24 have activity associated with it because they got  
25 activated through the years of operation. It's just

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2 not spent fuel.

3 MS. SPEAR: I understand. Thank you.

4 MR. DUNN: Yeah, Darrell Dunn, N.R.C.  
5 Division of Fuel Management. The casks, themselves,  
6 are actually very similar. If you walked out on the  
7 pad, you wouldn't be able to tell them apart,  
8 probably.

9 So it still has the very large, thick  
10 concrete steel overpack, and it still has, inside of  
11 it, a -- a welded stainless steel canister. The  
12 difference is what's inside and -- and what design  
13 features need to be inside that cask. It's not spent  
14 fuel, it's not fissionable material, it can't go  
15 critical, but it does have a lot of gamma radiation.  
16 So you have -- have to have shielding.

17 And it's heavy material. It's  
18 internal parts of the reactor. So you have to make  
19 sure that they are secure inside the cask so they can  
20 be moved safely without them moving around and -- and  
21 shifting the load.

22 So there's -- there's still design  
23 requirements for it. It's just not, you know,  
24 material that can be fissionable, you don't have to  
25 worry about criticality. You do have to be concerned

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2           about shielding. You don't really have to be  
3           concerned about thermal because there's really no  
4           heat load.

5                   But other than that, you know, the  
6           casks themselves are very similar, similar design,  
7           similar construction, and similar appearance.

8                   MS. SPEAR: Thank you. Last question.  
9           Can you talk a little bit about the frequency of the  
10          inspections of the casks on the ISFSI and whether you  
11          inspect all of them or you do like a representative  
12          sample? And how you would determine that sample?

13                   MR. KROHN: Can I take that one?  
14          It's 25 -- the inspection manual chapter I had on the  
15          slide is a reference, but I'll let -- I'll let the  
16          branch chief and the inspector talk to --.

17                   MR. DIMITRIADIS: I'll cover part of  
18          that. Katherine's actually quadruple qualified, so  
19          she can do -- she can do that. So our inspections  
20          are two-fold. One is there is a triennial security  
21          inspection that's done and also a triennial safety  
22          inspection for the ISFSI casks.

23                   My staff does the ISFSI inspections.  
24          And like I said, before -- well, when they were being  
25          loaded in 2023, it took about a -- I want to say a

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2           year, over four quarters. We had our staff there  
3           during the loading operations, not every day, but we  
4           were there every quarter, probably two or three times  
5           a quarter and we issued inspection reports related to  
6           that when they were loading because we're -- we care  
7           -- that's the most risk-significant activity when  
8           they're loading.

9                   After they're loaded and they're safe  
10          in the ISFSI pad, there's a triennial safety  
11          inspection that's done. That's separate from what  
12          the licensee does that we require of them, and they  
13          do walk arounds on a daily basis and things like  
14          that.

15                   Katherine, did you want to cover a  
16          little bit about the inspection procedure?

17                   MS. WARNER: First of all, did you  
18          have a specific question on when they were loading or  
19          currently for inspection?

20                   MS. SPEAR: No, currently while  
21          they're on the ISFSI pad, like, how frequently? And  
22          do you inspect all of them or just a representative  
23          sample?

24                   MS. WARNER: So as Tony said, it is a  
25          triennial inspection for the safety portion of the

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2           inspection. There's a separate security inspection.  
3           We do a walk-down of the pad and we walk down pretty  
4           much the whole pad.

5                   And one of the things that we're  
6           taking a look at is -- the licensee will be required  
7           to do like a vent check daily to make sure that the  
8           vents, so it's passive cooling, right. So the air  
9           goes in through the vents, goes up and out, and  
10          that's how these canisters are cooled. And they have  
11          to keep a certain percentage of those free from  
12          debris so that that cooling can be conducted. So  
13          that's one of the main things that we're looking at  
14          for that.

15                   We're looking at any of the corrective  
16          action program. So what that is -- is if there's any  
17          kind of issues, they're putting paperwork into the  
18          system, identifying corrective actions, and  
19          correcting them.

20                   So we are reviewing that paperwork  
21          process, but anything that is significant that comes  
22          up in the meantime, I'm getting a phone call. And we  
23          haven't had any safety concerns at this time.

24                   MS. SPEAR: Thank you.

25                   MS. WARNER: And -- I can go on. We

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2 can look at emergency preparedness, as well. And we  
3 took a look at their quality assurance program. We  
4 took a look at any radiation protection aspects. So  
5 we always look at radiological surveys of the pad to  
6 see if the radiological conditions are what we're  
7 expecting.

8 And those concrete casks provide  
9 significant shielding. There's barely anything  
10 outside of those casks. And we're also taking a look  
11 at the concrete pad, see if there's any degradation.

12 And I think Darrell wants to add more.

13 MR. DUNN: Darrell Dunn, N.R.C. Just  
14 to be clear, so the spent pool is inside of that --  
15 in the pictures that you show -- you were shown in  
16 the presentation, it's a welded stainless-steel  
17 canister. That is a leak tight canister.

18 So air doesn't go in and out of that.  
19 The overpack is vented. It has an annular space  
20 between that stainless steel canister and the inner  
21 wall of the overpack, and that allows the convective  
22 heat transfer to take place.

23 So the spent fuel has decay heat, and  
24 it's passively cooled by the air flowing into the  
25 overpack, along the outer walls of the canister, and

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2 then out the vents. I just want to make sure that  
3 you understand that the canister is --

4 MS. SPEAR: Yes.

5 MR. DUNN: -- is sealed. Okay. Thank  
6 you.

7 MS. SPEAR: Got it. Thank you.

8 MS. WARNER: We do not look directly  
9 at the fuel. It's all in there.

10 MS. SPEAR: No -- no. I --.

11 MR. WEBSTER: Did you look at the  
12 thickness of the canister?

13 MS. WARNER: Say that again?

14 MR. WEBSTER: Did you look at the  
15 thickness of the canister?

16 MS. WARNER: It's inside the concrete  
17 overpack, so --

18 MR. WEBSTER: Understood.

19 MS. WARNER: So we cannot see it.

20 MR. WEBSTER: Right. But presumably,  
21 one could use a non-visual approach to -- to measure  
22 that.

23 MR. DUNN: So that is -- Darrell Dunn,  
24 N.R.C. That is done in the design review. Okay?  
25 And in -- when they get to the period of extended



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2           operation, which for Indian Point will be in 2008 --  
3           or sorry -- 2028, because they first loaded in 2008,  
4           they will have to implement the aging management  
5           programs that are included in the Hi-Storm 100  
6           renewal application.

7                   And those are included in Appendix 9A  
8           of their -- of their final safety analysis report.  
9           And that does include inspections of -- of  
10          components, including canister for indications of  
11          corrosion or stress --

12                   MR. WEBSTER: If memory serves, that's  
13          one canister per time for every five years?

14                   MR. DUNN: That's correct.

15                   CHAIR CONGDON: Thank you.

16                   I think Superintendent Tromblee, and  
17          then I have a wrap-up question. We're going to move  
18          on to the next part of our agenda. Superintendent?

19                   MR. TROMBLEE: Are the inspection, the  
20          triennial inspections, announced or unannounced?

21                   MS. WARNER: Announced.

22                   MR. TROMBLEE: Any unannounced  
23          inspections, including emergency preparedness?

24                   MS. WARNER: We always have the  
25          ability to do unannounced inspections. We typically

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2 do announce, but I think Tony might --.

3 MR. DIMITRIADIS: You got it. We do  
4 announce inspections. We can do unannounced if we  
5 have some reason to believe that something untoward  
6 is happening. But we do announce them. Why do we  
7 announce them? To ensure that we have logistics  
8 associated with it.

9 We can't just walk into the ISFSI.  
10 It's -- it's secure, right?

11 MS. WARNER: Uh-huh.

12 MR. DIMITRIADIS: We can get hurt.  
13 So -- and also to get logistics, paperwork,  
14 documentation, procedures, all kinds of things. To  
15 make sure that they have staff to be able to interact  
16 with our inspectors, to make sure that we can ask our  
17 questions, whatever. All the logistics associated  
18 with inspections.

19 MS. WARNER: And I'll point out one  
20 important point is, even if an inspection is  
21 announced, if there's something going on, whether  
22 it's decommissioning or ISFSI, we can also do what's  
23 called a reactive inspection, where we go out at  
24 pretty short notice.

25 So they might know we're coming, but

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2 they might not get heads-up.

3 MR. TROMBLEE: Right. I -- I would  
4 assume. I served as inspector general on the --

5 MS. WARNER: Yeah.

6 MR. TROMBLEE: -- in the Air Force  
7 Space Command and they did unannounced.

8 MS. WARNER: You understand --.

9 MR. TROMBLEE: So it was not you're  
10 going in there because there's live ammo, but you can  
11 do pretty quick unannounced, and that was the point  
12 of the question.

13 MR. KROHN: Yeah, your point is very  
14 well taken. We don't hesitate to do unannounced.  
15 You know, Mr. Lochbaum brought up, you know, six  
16 allegations for Indian Point this year. It's a  
17 matter of public record at this point.

18 But might we do or choose to do  
19 unannounced inspections for that? Absolutely. And I  
20 have authorized many of those.

21 CHAIR CONGDON: Thank you.

22 I'd be remiss if I didn't take  
23 advantage of the N.R.C.'s presence to also ask you  
24 about the citation that you all made with respect to  
25 Holtec's cask design. So could you speak to that,

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2 please?

3 MR. KROHN: I'll -- I'll start it on a  
4 high level, and then Darrell or Tony, if you want to  
5 add. So what we're talking about is an uncited  
6 violation issued to Holtec. If you go back to  
7 December 2022, we had a vendor inspection. We go out  
8 and inspect safety-related vendors.

9 So we're at the factory in Camden, and  
10 an inspector walks by like an egg crate structure,  
11 tic-tac-toe structure that holds those fuel  
12 assemblies, and it didn't look right to him. So that  
13 long edge, that 14-foot edge, normally should have  
14 had a welded seam down it, you know, for structural  
15 integrity, but it had bolts instead.

16 He's like, oh, that doesn't look  
17 right. You made a design change. So anyhow, fast-  
18 forward quite a few months, because we really had to  
19 analyze it, look at immediate safety concerns, et  
20 cetera. And by the way, there were no immediate  
21 safety concerns.

22 But what the violations came down to  
23 were design control and changing cask without N.R.C.  
24 approval. And there are a lot of other regulatory  
25 words that come with that, but that -- that's what it

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2 boils down to. So let me turn it over to Tony.

3 MR. DIMITRIADIS: Thank you. Yeah,  
4 Tony Dimitriadis. So the violation that Paul is  
5 referring to came in January 30th, I think it is,  
6 2024. That went to Holtec International in Camden,  
7 New Jersey. That is the vendor, the people who  
8 actually make the casks.

9 Subsequent to those -- to that --  
10 those violations that were issued, I instructed my  
11 staff to inspect the people who -- the sites that  
12 actually use the specific models, the Hi-Storm 100FW  
13 and things like that, model numbers that are there.  
14 And we are undergoing those inspections right now.

15 We -- I expect those inspections, and  
16 it's not just -- there's a number of facilities that  
17 are being inspected for this sort of thing. And I  
18 expect that inspection to be completed by January  
19 30th, and the inspection report should be issued  
20 sometime in July or August.

21 CHAIR CONGDON: Is that inspection to  
22 determine if the design change affected any of the  
23 casks that are being used at those sites?

24 MR. DIMITRIADIS: Yes, partially. We  
25 already know that there are no safety issues. We're

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2 looking to see if there's a compliance issue.

3 CHAIR CONGDON: What would the non-  
4 compliance be at the site, just --?

5 MR. DIMITRIADIS: Potentially, as Paul  
6 indicated, Holtec was cited for implementing a change  
7 without prior N.R.C. approval.

8 MR. KROHN: Because when we -- when --  
9 when -- to Darrell's point, we review in detail a  
10 cask design, give that vendor a certificate of  
11 compliance. So if they build it exactly like that,  
12 they're okay, right. We know how it's going to  
13 perform.

14 But if they change the design, in this  
15 case Holtec did, they need to come to us for approval  
16 to see, so we can verify it still fits in the box.

17 CHAIR CONGDON: Right.

18 MR. KROHN: And it's going to do all  
19 its safety functions that I mentioned.

20 CHAIR CONGDON: Yeah.

21 MR. KROHN: They didn't come to us for  
22 that.

23 CHAIR CONGDON: Right.

24 MR. KROHN: And --.

25 CHAIR CONGDON: If they -- if they --

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2 but now that you've reviewed the bolts, you've  
3 determined if they did come to you prior -- you found  
4 no safety issues.

5 MR. KROHN: Right.

6 MR. KACZMAREK: So if they had come to  
7 you before making the design change from weld to  
8 bolt, you would have approved it? Is that what  
9 you're saying?

10 MR. KROHN: Want to take that one,  
11 Darrell? You probably did the analysis.

12 MR. DUNN: No. Darrell Dunn, N.R.C.  
13 I didn't do the analysis. So what's happening now is  
14 there are a number of sites that are coming to us  
15 with what we call an exemption request. So this is a  
16 system now that they have and it's in service and it  
17 doesn't fit inside the box because they did this  
18 change and it was a change done prior to N.R.C. -- or  
19 change done without N.R.C. approval.

20 So they have to -- they have to, you  
21 know, basically show that this system will still  
22 function and meet its -- its -- still meet its safety  
23 functions, you know, in terms of, you know,  
24 criticality control, thermal, structural analysis,  
25 confinement.

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2 The N.R.C. has already determined that  
3 this would not affect confinement and it really  
4 wouldn't affect criticality because confinement is  
5 maintained.

6 So these exemption requests will come  
7 in, we will review them, and then eventually Holtec  
8 will come to us with an amendment, okay, because  
9 that's the way they should have come to us before.  
10 They -- they will come to us -- they -- they have our  
11 certificate of compliance and they will come to us  
12 with an amendment.

13 Because if they -- if they are making  
14 a change that they're not allowed to make, they have  
15 to come to us and say please review this change and  
16 approve it. That's called an amendment to their  
17 certificate of compliance. They will come to us and  
18 they will -- they will supply -- they will give us  
19 that amendment and we will review it.

20 MR. SIPOS: Darrell --

21 MR. WEBSTER: This is --.

22 MR. SIPOS: -- Darrell -- excuse me,  
23 Richard. Can I -- I just want to follow-up a  
24 question. Darrell, is it -- is it N.R.C.'s  
25 understanding that the casks that are today at the



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2           sites throughout the country, the -- the Holtec casks  
3           that have the bolts rather than the welds, is it  
4           N.R.C.'s understanding that those systems are not  
5           compliant?

6                                   MR. DUNN: They're -- they're --  
7           they're not -- they're not compliant with the system  
8           that they -- that we have approved. So they have to  
9           come in for an amendment and the sites that are using  
10          them will have to come in for an exemption because  
11          those systems are not compliant.

12                                  Eventually, Holtec will come -- have  
13          to come to us with an amendment request to review  
14          that design as it should have been done from the  
15          beginning.

16                                  MR. SIPOS: Thank you.

17                                  ASSEMBLYWOMAN LEVENBERG: The answer  
18          was yes to that question?

19                                  MR. DUNN: Yes.

20                                  MR. KROHN: Yes. Yeah, they are non-  
21          compliant.

22                                  ASSEMBLYWOMAN LEVENBERG: And so the  
23          ones that are on this ISFSI pad here in --.

24                                  MR. KROHN: What Tony's saying is the  
25          public footprint for how we're going to deal with

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2 that enforcement space has not yet been issued. For  
3 the ones that are on the pad.

4 CHAIR CONGDON: Hypothetically,  
5 Darrell -- don't leave. Hypothetically, when they  
6 come to you for this amendment and you do the review  
7 and you determine that, geez, the bolts aren't  
8 meeting our safety standards, what recourse do you  
9 have now that the fuel is already in this unapproved  
10 cask?

11 MR. DUNN: So I don't expect that will  
12 be the case, first of all, because the safety  
13 analysis has already been done by the N.R.C. and  
14 we've determined that, you know, these systems, even  
15 in a non-mechanistic tip-over accident, you know,  
16 still maintains their safety function.

17 There's no criticality concern. They  
18 maintain confinement and it's -- it's -- it's an  
19 accident, yes, but with a tip-over, there may be some  
20 structural deformation of the basket, but you know,  
21 things stay, you know, safe in terms of criticality  
22 control and confinement.

23 So I don't think that that's going to  
24 happen with respect to, you know, the amendment, but  
25 we'll have to get the amendment. We'll have to do

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2 the review.

3 ASSEMBLYWOMAN LEVENBERG: Just -- just  
4 -- again, because we talk a lot about the earthquake  
5 and, you know, how it was -- how it may or may not  
6 have impacted the ISFSI pads and the canisters, and  
7 we can't really see what's inside them, but we know  
8 that there are bolts instead of welds. And -- or we  
9 might not know that yet.

10 But if we were to find out that there  
11 were, how do we know that -- that they're actually --  
12 that they haven't been critically impacted?

13 MR. DUNN: So the only way that --  
14 that this basket would make a difference in terms of  
15 design would be a non-mechanistic tip-over accident,  
16 so the cask actually falls over. Seismic shaking  
17 with fuel assemblies in the basket isn't -- is not a  
18 high enough load to cause damage to the basket,  
19 whether it's bolted or welded.

20 MR. WEBSTER: But this is not the  
21 first time Holtec's changed the design on you; right?  
22 This -- this -- this is about the third or fourth  
23 violation of this type?

24 MR. KROHN: They're -- if you go back  
25 a couple of years, you're correct.

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2 MR. WEBSTER: Right. Is there a  
3 three-strikes and out policy at the N.R.C.?

4 ASSEMBLYWOMAN LEVENBERG: Do they get  
5 fined?

6 MR. WEBSTER: No -- no, my point is  
7 don't they -- no -- no, shouldn't the fines escalate?  
8 What it tends to show is that whatever corrective  
9 action they're telling you they're taking obviously  
10 is working; right?

11 MR. KROHN: Well, you know, Richard, I  
12 understand where you're going. Fair point. Devil's  
13 in the details of each. But let me say, you have to  
14 look at a pattern and specifics -- specifics of each  
15 violation over a period of time to see if there is a  
16 trend and is a pattern.

17 MR. WEBSTER: Right.

18 MR. KROHN: And if there is some sort  
19 of programmatic level or pattern, we'll engage,  
20 whether it's at the site level or corporate level.

21 MR. WEBSTER: There is a pattern.  
22 There's a pattern of changing the design without  
23 N.R.C. permission.

24 ASSEMBLYWOMAN LEVENBERG: And can they  
25 use --

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2 MR. KROHN: Well, I encourage you to  
3 read some of it.

4 ASSEMBLYWOMAN LEVENBERG: D.T.F. to  
5 pay fines?

6 MR. KROHN: Read some of the  
7 background.

8 MR. WEBSTER: Okay. Sorry.

9 CHAIR CONGDON: I think John -- I  
10 think John had a few follow-up questions.

11 MR. SIPOS: Sure. Actually,  
12 listening, I -- I -- I think Assemblyperson Levenberg  
13 had a question, and in my mind I'm going to ask this  
14 question to -- to Rich. So let's hypothetically say  
15 there was a licensee that's had a violation, a  
16 decommissioning licensee that had a violation, and  
17 N.R.C. decided to assess a penalty, call it a  
18 thousand-dollar penalty.

19 Could the licensee pay that penalty --  
20 that civil penalty to the N.R.C. or the United States  
21 Treasury out of the decommissioning trust fund?

22 MR. TURTIL: I -- I can't -- actually,  
23 without legal counsel, I probably should not respond,  
24 but my initial -- and I would be one of those to --  
25 to -- to initially consider does it contribute

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2           directly to decommissioning? And there would be, in  
3           my view, a very indirect, non-defined relationship  
4           between that kind of expenditure, that -- the penalty  
5           or the interest, et cetera.

6                   That's -- that would be my -- my  
7           perspective as first evaluating such. That would not  
8           be the conclusion until we had to go through all --  
9           all of our processes.

10                   MR. SIPOS: Understood. And I'm just  
11           wondering if you could put Indian Point's  
12           decommissioning in context of the other plants. I  
13           think you said -- was there 23 reactors or 23 sites  
14           that are undergoing decommissioning right now that  
15           fall under your oversight or auspices in your group?

16                   MR. TURTIL: So there are 23 reactors.

17                   MR. SIPOS: Reactors? Okay.

18                   MR. TURTIL: Some -- some of them are  
19           your more -- your larger, more traditional, more  
20           current. Others are -- vary, in -- in terms of size  
21           and even where they've gotten to in terms of  
22           completion, they become rather insignificant.

23                   MR. SIPOS: Okay.

24                   MR. TURTIL: Three facilities were  
25           determined to complete license termination. I think

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2 it was all last year. That would be LaCrosse Boiling  
3 Water Reactor and Zion Units 1 and 2.

4 MR. SIPOS: Okay. And --.

5 MR. TURTIL: So three -- three of them  
6 were.

7 MR. SIPOS: And I'm just trying to put  
8 -- I'm sorry, Tony.

9 MR. DIMITRIADIS: Yeah, so Indian  
10 Point is 3 of the 23.

11 MR. SIPOS: So -- and actually, thanks  
12 for the math, because I'm not an engineer, just a  
13 lawyer. But I guess that's roughly 13% of the  
14 decommissioning reactors under -- under N.R.C. review  
15 now are Indian Point, Indian Point Unit 1 and Indian  
16 Point Unit 2.

17 MR. TURTIL: Well, 3 divided by 23 --

18 MR. SIPOS: Yeah.

19 MR. TURTIL: -- what's 23 times that's  
20 about 3, 6, 9, 12. It's about 13 -- what did you  
21 say?

22 MR. SIPOS: Maybe about 13%. So I  
23 guess Indian Point actually represents a not  
24 insignificant segment of the reactors that your group  
25 is looking at in the decommissioning group -- in the

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2           decommissioning trust group.

3                                   MR. TURTIL: Yeah.

4                                   MR. SIPOS: It's 13%.

5                                   MR. TURTIL: 13%.

6                                   MR. SIPOS: Okay.

7                                   MR. TURTIL: So without --.

8                                   MR. SIPOS: We'll call it that. All  
9           right. Thank you.

10                                  MR. TURTIL: Yeah.

11                                  CHAIR CONGDON: Well, this has been a  
12           great discussion, and I really appreciate all the  
13           time N.R.C. has given us today and -- and for being  
14           responsive to our invitation and questions.

15                                  Katherine, we really appreciate all  
16           the work you do at the site. And the -- and the way  
17           you are maintaining your impartiality throughout the  
18           questioning is really commendable, so thank you. And  
19           -- and thanks to the whole N.R.C. team.

20                                  We're now going to move forward. We  
21           have a few slides with state agency oversight  
22           updates, and then we're going to ask Holtec to join  
23           us in a moment for their update.

24                                  So if we could turn to John Sipos for  
25           the state agency updates.



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2 MR. SIPOS: Sure. Thank you, and  
3 hello everyone.

4 And I would also like to thank N.R.C.  
5 and its staff for attending tonight's meeting and  
6 providing presentations on matters of interest to the  
7 community, and for discussing the federal regulator's  
8 role and actions in the decommissioning space in  
9 general, and the decommissioning space here at Indian  
10 Point.

11 And thank you to Katherine, who, I  
12 think, just took a break, for your work as the  
13 federal regulator's inspection -- inspector at Indian  
14 Point. Decommissioning of a civil nuclear power  
15 reactor involves a lot of complexities, and this is  
16 really the first operational site in New York State  
17 to go through the process. So thanks again.

18 And tonight, Kelly and I will provide  
19 a few brief highlights of various state agency  
20 actions. And in the interest of time and getting to  
21 the public comment portion of the -- of the meeting,  
22 let's turn -- well, let's turn to this slide that we  
23 have right here.

24 So this is the slide that we show at  
25 each of our sessions. This is the Indian Point New

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2           York State tip hotline. And I can report tonight  
3           that we have received no calls or concerns on it.  
4           But as N.R.C. -- as N.R.C. staff mentioned tonight,  
5           and as the colloquy with Tom, I think, underscored,  
6           it is very important that the workers -- all workers  
7           at the site be assured that they can freely  
8           communicate concerns that they have.

9                   And in, you know, sort of the words of  
10          Louis Brandeis, sunlight is a very, very good  
11          disinfectant. We have this system. The N.R.C. has  
12          its system. I think you heard Brad, the regional  
13          attorney, speak about it also. So that is there.

14                  Let's go to the next slide, which is  
15          the Reuter-Stokes monitoring results. You've --  
16          we've -- we've shown these in the past. And the --  
17          the -- the takeaway here is that Holtec has  
18          voluntarily agreed to retain certain monitors in the  
19          village of Buchanan. And the readings that are shown  
20          on the graph here are -- are entirely consistent with  
21          the readings that we have reported during the  
22          decommissioning post-operational period. So this --  
23          this baseline continues.

24                  Next slide, please?

25                  Third, and -- and -- and we did get

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2           into some of this already. The D.P.S. staff has  
3           reviewed two -- two items. They're noticed here.  
4           The notice of violation regarding language in the,  
5           either the hiring contract or the separation of  
6           contract. I think we've discussed that enough.

7                   And the second one concerns alpha  
8           radiation controls during the segmentation of Indian  
9           Point Unit 1. We don't, oftentimes, refer to alpha.  
10          Oftentimes, it's more beta and gamma. I -- I guess I  
11          would characterize alpha as perhaps a -- a -- you  
12          know, a phenomenon of lesser significance. But  
13          D.P.S. staff is looking at the corrective action  
14          regarding this -- this issue. And again, this is a  
15          non-cited violation.

16                   Next slide, please?

17                   So additional oversight actions -- and  
18          Katherine, I expressed our thanks from D.P.S. for --  
19          for all your work as -- as the -- the chief inspector  
20          at the site. So thank you very much for that while  
21          you were out.

22                   D.P.S. staff and other state agencies  
23          have attended the -- the monthly meetings that we  
24          have had with Holtec, you know, where -- where Holtec  
25          reviews various project issues with us. And the

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2           notable on-site observations, Unit 3 walk-down,  
3           containment safety walk-down, no issues were  
4           identified there.

5                   And also, Holtec is segmenting the  
6           Unit 3 cooling water intake system components, and  
7           again, no issues have been noted there. There was a  
8           -- I -- I would call it a column or a transposition  
9           of numbers regarding the last item here, the last  
10          bullet. This is on the Unit 1 financial assurance  
11          report. And our staff is looking at the corrective  
12          actions there as Holtec is -- is working through  
13          that.

14                   Next slide, please?

15                   So here, a slide about the pipeline.  
16          From time to time, we've -- we've been discussing the  
17          pipeline at these meetings. This is the Enbridge  
18          Interstate Gas Pipeline. Recently, there have been  
19          some integrity digs to look at the integrity of the  
20          26-inch pipeline.

21                   D.P.S. staff, our pipeline -- our gas  
22          pipeline safety folks have been performing -- you  
23          know, have been performing on-site visits. And the  
24          integrity dig exercise is where a portion of the pipe  
25          is excavated to look at how it is -- how it is

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2 faring, is it achieving its intended function.

3 And there are some discussions right  
4 now about -- about repair or replacement of a -- of  
5 segments on that. And that is still underway right  
6 now, but we wanted to get that out tonight.

7 Next slide, please?

8 And I think that's my opportunity to  
9 turn it over to Kelly. Thank you.

10 MS. TURTURRO: Thank you, John. Kelly  
11 Turturro from New York State D.E.C. I don't have  
12 significant updates from the last meeting. As I've  
13 talked about, Holtec has begun the remedial  
14 investigation process with the first area, which they  
15 term the Lafarge area. They conducted field work in  
16 April of 2024 and anticipate submitting a draft  
17 report to D.E.C. for D.E.C.'s review in July of this  
18 year.

19 Next slide, please?

20 There haven't been any changes on our  
21 SPDES permit review. Our staff continues to go  
22 through the SPDES permit documents that we received  
23 from Holtec reviewing that SPDES permit renewal.

24 Next slide. As I've mentioned before,  
25 we continue to oversee the closure and assessment of

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2 all tanks on the Indian Point site. And with regard  
3 to the facility's Air State Facility Permit, as  
4 they've been going through decommissioning activities  
5 and removing combustion sources and boilers, they  
6 have gotten to the point where their emission source  
7 falls below the threshold of an Air State Facility  
8 Permit.

9 So as of June 11th, 2024, their Air  
10 State Facility Permit was discontinued and the  
11 facility now has a registration. So that is the  
12 lowest -- a registration is the lowest level from an  
13 air perspective of D.E.C.'s jurisdiction because of  
14 their emission levels at the facility.

15 They currently have one boiler that  
16 qualifies under the registration that is used for  
17 heating purposes.

18 Next slide. Thank you.

19 CHAIR CONGDON: Okay. Thank you both  
20 very much.

21 Any questions for the state agencies?  
22 Yes, Senator Harckham?

23 SENATOR HARCKHAM: Thank you very  
24 much, John. Thank you very much, Kelly.

25 Just really an educational question

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2           for Kelly. Would you take the public through what is  
3           an Air State Facility Permit, what the levels are,  
4           what that entails? That's a new term to me and --  
5           and -- and my guess is probably a new term to many.

6                   MS. TURTURRO: Okay. Certainly,  
7           Senator. I'll have to -- I'll definitely have to get  
8           back to you on emission levels, what qualifies for a  
9           registration, what qualifies for an Air State  
10          Facility Permit, but I can certainly explain  
11          generally.

12                   There are three levels of permit  
13          jurisdiction that New York State D.E.C. has over air  
14          emissions. The authority comes from the Clean Air  
15          Act, which is delegated from the federal government,  
16          from the Environmental Protection Agency. It's  
17          delegated to New York State and -- and other states,  
18          as well, to regulate air emissions in the state.

19                   The first level of such is what we  
20          call a registration. It's very different from a  
21          permit process. We -- we call it a ministerial  
22          action, so it's -- it doesn't rise to the level of a  
23          permit process whereby we're reviewing an  
24          application, we're going out to public notice, and  
25          we're issuing a permit.

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2 We use this registration process  
3 because the emission levels are so low. They meet a  
4 certain standard that allows us to issue a  
5 registration. We do it in a variety of programs, in  
6 our solid waste program, in our air program.

7 The next level up is called an Air  
8 State Facility Permit. And then the -- the most --  
9 the most regulatory authority we have is a Title V  
10 permit. That is the type of permit that we work very  
11 closely with E.P.A. in our review of the permit  
12 applications.

13 They review our draft permits. We  
14 have a public notice process. And that is the  
15 highest level of -- of emissions that a facility  
16 might have. But I can certainly get back to you with  
17 those numbers because I don't have them at the tip of  
18 my fingers.

19 SENATOR HARCKHAM: That would be  
20 great, and that was a great explanation. Thank you  
21 very much.

22 CHAIR CONGDON: Assemblywoman?

23 ASSEMBLYWOMAN LEVENBERG: Just a  
24 follow-up and thank you also John and Kelly for that  
25 explanation. Just in terms of the -- you mentioned



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2 that there was some repair or replacement of the  
3 pipeline that was maybe being considered or  
4 recommended.

5 And I know we -- we got some feedback  
6 after the earthquake about what the impact might have  
7 been on that pipeline. And I don't know that  
8 everybody was super satisfied with what the review  
9 process is, but it -- you know again we were told  
10 that, you know, there wasn't really anything that  
11 impacted it.

12 How would we know if whatever this  
13 potential need for repair or replacement would have  
14 had something to do with the earthquake?

15 CHAIR CONGDON: We have on the line a  
16 representative from Enbridge, who can maybe start.  
17 We also have pipeline safety staff from our agency.

18 So John Sheridan, are you with us?

19 MR. SHERIDAN: I am, Tom, yes.

20 CHAIR CONGDON: Thank -- thank you for  
21 joining. We thought there might be a question for  
22 you, and sure enough we have one. And I believe  
23 Arpit is on as well from the D.P.S. So did you hear  
24 the question from the Assemblywoman?

25 MR. SHERIDAN: I did, and we -- we

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2 have a -- an internal team of -- of experts that went  
3 out to the site and did a ground disturbance of the  
4 pipeline after the earthquake. And we coordinated  
5 this with -- with the New York D.P.S., with Arpit,  
6 and others.

7 And -- and there -- there was no  
8 impact at all. There were no impacts at all to the  
9 pipeline and the pipeline continues to operate  
10 safely.

11 ASSEMBLYWOMAN LEVENBERG: I mean,  
12 could you just -- I'm just -- could you clarify what  
13 that means about no ground disturbance and how you  
14 know that that wouldn't have affected something under  
15 the ground?

16 MR. SHERIDAN: We use gas detectors to  
17 ensure that there was no -- there was no movement of  
18 the pipeline, and those gas detectors came up with a  
19 zero level of any type of potential activity that  
20 would have occurred from the earthquake. There --  
21 there was zero impact to the pipelines.

22 ASSEMBLYWOMAN LEVENBERG: Just one  
23 more question, which is how quickly were you actually  
24 informed about the earthquake that would have had an  
25 impact on this particular section of the pipeline,

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2 and what was -- and how quickly were you able to  
3 inspect?

4 MR. SHERIDAN: We, within -- within  
5 that day, we -- we were notified within -- within  
6 hours, we were aware of it. Yeah, we sent crews out,  
7 I think it was later that day, or first thing in the  
8 morning to inspect the pipelines.

9 CHAIR CONGDON: John, do you want to  
10 also speak to your, you know, central ops facility in  
11 Texas that sees any pressure drops on your interstate  
12 pipelines?

13 MR. SHERIDAN: Yes, thank you, Tom.  
14 We have a gas control system that operates 24/7, and  
15 they -- they monitor the -- the pressures in the line  
16 using a SCADA. It's called a SCADA system that if  
17 there were -- there was an issue with the pipeline,  
18 there would be a drop in pressure and we would be  
19 notified immediately -- gas control would be. And in  
20 this case, there was no unusual activity once the  
21 earthquake -- the earthquake, excuse me, had taken  
22 place.

23 CHAIR CONGDON: Thank you.

24 ASSEMBLYWOMAN LEVENBERG: And then my  
25 second question for Kelly is when will the review of

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2 the SPDES permit be complete?

3 MS. TURTURRO: I don't have an  
4 estimated timeframe for you, but I will certainly  
5 keep everybody posted on -- on when we're ready to  
6 issue a draft SPDES permit for public review.

7 ASSEMBLYWOMAN LEVENBERG: And is there  
8 any requirement on you for a timeframe?

9 MS. TURTURRO: No. We review the  
10 information that -- that Holtec submits to us. We  
11 often go back and forth with questions, both to  
12 Holtec and -- and any other permittee or applicant.  
13 So no regulatory timeframe on this, but we are trying  
14 to get through it as quickly as possible.

15 ASSEMBLYWOMAN LEVENBERG: And can you  
16 just give me a reminder of approximately how long you  
17 have been reviewing it?

18 MS. TURTURRO: Yeah, it was -- I think  
19 we received the application in 2022, but there has  
20 been back and forth between D.E.C. and Holtec. We  
21 get information. We have questions. They have to  
22 submit additional information. I can certainly get  
23 you the timeframe.

24 CHAIR CONGDON: There are some dates  
25 on the slide.

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2 ASSEMBLYWOMAN LEVENBERG: Oh.

3 CHAIR CONGDON: Yeah.

4 ASSEMBLYWOMAN LEVENBERG: Thank you.

5 CHAIR CONGDON: You're welcome.

6 Deputy Supervisor?

7 MR. CREIGHTON: Thank you. Actually,  
8 while we have the Enbridge representative available  
9 to us, I'm thankful to hear that there was no impact  
10 identified at -- at their central monitoring site.  
11 However, if they did see a drop in pressure, if they  
12 noticed a problem, could -- could we get an answer,  
13 like how long it would take for them to shut down  
14 that pipeline?

15 CHAIR CONGDON: Sure. I'll -- I'll  
16 turn it over to both Mr. Sheridan and also if Arpit  
17 wants to speak to the D.P.S. audit that was done for  
18 the time it takes to do the remote shutoff. Go  
19 ahead, for -- we'll start with Enbridge.

20 MR. SHERIDAN: So if there was a  
21 significant drop in pressure, if there was, for  
22 instance, a break in the line, we could isolate that  
23 section of pipe within -- I believe it is six to  
24 eight minutes, we can shut that -- that section of  
25 pipe down, if not sooner.

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2 CHAIR CONGDON: They have capability  
3 to remotely close valves from Houston. Is it Houston  
4 or --?

5 MR. SHERIDAN: It's out from Houston.  
6 Yes, it is.

7 CHAIR CONGDON: Yes. And --.

8 MR. SHERIDAN: And we can isolate that  
9 section of pipe based on the valves that are located  
10 strategically along the pipeline.

11 CHAIR CONGDON: This was a point of  
12 controversy back when the pipeline was -- was  
13 permitted. And that triggered a follow-up audit by  
14 the Department of Public Service.

15 And -- and Arpit, I don't know if you  
16 want to speak any further or just confirm that the  
17 six to eight minutes was something we -- we concluded  
18 the -- in the audit was -- was accurate?

19 MR. MEHTA: Yes, that's correct. Six  
20 to eight minutes and that's from -- also the time --  
21 that would also include the time that it takes them  
22 to discover the event, you know, that pressure drop.  
23 Once they operate the valves, then those valves will  
24 close within a minute.

25 CHAIR CONGDON: All right.

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2 MR. MEHTA: And we've done inspections  
3 of those valves every -- every year since 2018.

4 CHAIR CONGDON: Right. And our audit  
5 entailed having people at the control center in  
6 Houston, as well as people in the field at the  
7 remotely controlled valves. But Senator Harckham,  
8 did you have?

9 SENATOR HARCKHAM: Yeah, just a  
10 follow-up question. I -- I -- I don't want to lead  
11 us down the rabbit hole of -- of this issue again,  
12 but you know, there've been some very publicized  
13 incidents of ransomware and international hackers  
14 going after utility infrastructure.

15 Has that been calculated in -- in the  
16 audit or future security planning? What -- what is  
17 the redundancy should they lose control of their  
18 computer systems in Houston?

19 CHAIR CONGDON: Mr. Sheridan, do you  
20 want to speak to that?

21 MR. SHERIDAN: Yes, Senator. We do  
22 have -- we do have backup. We do have redundancy to  
23 -- to address that issue you just mentioned. And we  
24 have a team of experts internally that continue to  
25 work on the -- the system to improve it, if needed.

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2 But we do have a system and a -- and a team in place.

3 In the event that we need backup, we have it, sir.

4 SENATOR HARCKHAM: Thank you.

5 CHAIR CONGDON: Okay. Yes, County

6 Legislator?

7 MR. SMITH: Yes, thank you. Is this

8 on?

9 CHAIR CONGDON: Yup.

10 MR. SMITH: Just to continue the  
11 questioning with regard to the pipeline. With  
12 respect to these integrity digs, just because I'm not  
13 familiar with the -- the process, what -- how is --  
14 how is the pipeline excavated for -- you know, for  
15 purposes of doing these, you know, tests to see that  
16 it's, you know, everything is in working order?

17 CHAIR CONGDON: Yeah, I'll let  
18 Enbridge speak to that and I can let Arpit, who is on  
19 the government side, talk to the role we play to  
20 oversee these digs. But why don't we start with  
21 answering the question of how the excavation occurs.

22 MR. SHERIDAN: So just to start off,  
23 to ensure safety of the pipes, we conduct these  
24 regular in-line inspections under our integrity  
25 management program. These tools used advanced



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2 imaging technology to inspect our pipelines and they  
3 offer pinpoint accuracy for features that may require  
4 follow-up maintenance.

5 So recently, our inline inspection  
6 tool was deployed on the Algonquin 26 auxiliary line.  
7 Several anomalies were found. And so -- and to be  
8 clear, anomalies do not necessarily mean the pipe is  
9 compromised, but rather signals further inspection  
10 and maintenance is necessary.

11 And so one section of pipe was deemed  
12 to be in the need of replacement due to a noticeable  
13 amount of metal loss. So the team goes out there,  
14 they will expose the pipe, and they dug up a section  
15 of the pipe, and is waiting the new pipe section to  
16 be pressurized and tested.

17 So we -- we identify, we put eyes on  
18 it, and then we expose the pipe, and then we, you  
19 know, upon further testing, determine that that  
20 section of pipe needs to be cut out and then it's  
21 replaced. But it's hydrostatically tested. Once  
22 it's put in place, it's X-rayed before the -- the  
23 pipeline is installed and put back into service.

24 CHAIR CONGDON: And -- and be --.

25 MR. SHERIDAN: And that's typically

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2 how we do that.

3 CHAIR CONGDON: And before you  
4 excavate, the pipe is obviously depressurized;  
5 correct?

6 MR. SHERIDAN: Oh, I apologize. Yes,  
7 the pipeline is depressurized. In this case, there  
8 was no gas in the pipeline. This is an auxiliary  
9 pipeline that Algonquin has that crosses the Hudson  
10 River and the Indian Point footprint.

11 CHAIR CONGDON: Thank you.

12 And during these digs, we send staff -  
13 - field staff out to inspect the work. Arpit, do you  
14 want to speak to that?

15 MR. MEHTA: Yes, so we have staff from  
16 D.P.S. Pipeline Safety going to the site. They're  
17 on-site monitoring. They're ensuring that Enbridge  
18 is following their procedures for safe excavation  
19 activities and then also following the integrity  
20 management regulations contained in Part 192, subpart  
21 O.

22 MR. SMITH: So -- so then these are  
23 physical -- like they're putting eyes on the pipeline  
24 itself, so they're, you know, they're digging it up,  
25 they're taking a look at it. Obvious -- I shouldn't

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2 say obviously, but you said that they depressurized  
3 the -- the line. I believe you said the Algonquin  
4 line was an auxiliary line, something like that.

5 CHAIR CONGDON: Yes, these are the --  
6 these are the lines that are a few decades old. They  
7 -- they -- they actually -- do they predate the  
8 Indian Point facility? They -- they run through the  
9 property. And this -- this is not the -- the -- the  
10 new expanded line that was permitted in the 2014-15  
11 timeframe.

12 MR. SMITH: Okay. Thank you for that  
13 point of clarification. And then my -- I guess my  
14 last question is just, and I think this has been, you  
15 know, basically answered, but are there any, you  
16 know, safety concerns regarding, you know, excavating  
17 or, you know, doing these -- you know, exposing the -  
18 - the pipeline?

19 I know even it's to ensure that  
20 everything is in good working order, but --

21 CHAIR CONGDON: Yeah, I'll just say --

22 MR. SMITH: -- in doing that, does --

23 CHAIR CONGDON: Right.

24 MR. SMITH: -- that, in itself, raise  
25 any safety concerns?

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2 CHAIR CONGDON: No, I mean, if -- if  
3 this kind of work wasn't happening, I think we'd have  
4 safety concerns, right? The integrity management  
5 program required under PHMSA regulations requires the  
6 pipelines to do these in-line inspections, to find  
7 these anomalies.

8 If the anomalies exist, that's when  
9 they have to go and do the work to then physically  
10 get eyes on it and determine what the right remedial  
11 actions are to keep the pipeline safe. So these are  
12 the kinds of things that are ahead of having an  
13 incident.

14 So in our view, this is the -- this is  
15 pipeline safety at work.

16 MR. SMITH: Thank you.

17 CHAIR CONGDON: All right. So if our  
18 guests from N.R.C. could trade places with Holtec,  
19 we're going to ask Holtec to join us.

20 ASSEMBLYWOMAN LEVENBERG: Tom, I'm  
21 sorry. While they're coming up, I just wanted to  
22 know if any of that work that's being done by  
23 Enbridge is in preparation for Project Maple?

24 CHAIR CONGDON: I can -- I -- I don't  
25 believe so, but I'll let Enbridge speak to that,

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2 themselves.

3 ASSEMBLYWOMAN LEVENBERG: Okay.

4 Thanks.

5 MR. SHERIDAN: No, it's not. This is  
6 strictly the maintenance program, as Tom mentioned,  
7 part of our integrity management program for the  
8 pipelines.

9 ASSEMBLYWOMAN LEVENBERG: Thank you.

10 CHAIR CONGDON: Welcome.

11 MR. SPAGNUOLO: Hello everybody.

12 Frank Spagnuolo, I'm the site V.P. at Indian Point.  
13 We'll go through the agenda. So we'll talk about the  
14 work that we completed since our last meeting. It's  
15 only been about six weeks, so we'll just cover that  
16 quickly.

17 And then we -- we are going to talk  
18 about what we're doing through the end of the year.  
19 We'll talk about the N.R.C. updates, answer some of  
20 the questions that came up earlier, and then we'll  
21 have a workforce safety update.

22 So the next slide. So we'll start  
23 with Unit 2. We've been talking about the cavity  
24 liner. The picture there on the left is the Unit 2  
25 cavity. You can see some of the steel plates that

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2 have been welded in place. We are finish -- just  
3 finishing up coating. All welding is complete. The  
4 coating has been reapplied.

5 Our next step will be to clean out the  
6 rest of the equipment that's in the cavity, the  
7 scaffold, the man lift, the ladder that you can see  
8 there. We'll remove the head, land that back in a  
9 storage space for -- for segmentation, and then we'll  
10 slowly fill the cavity up over the next month or so  
11 to make sure we don't have any leakage.

12 The -- for Unit 3, the post saw and  
13 the accessories have been removed. And we're  
14 continuing to remove chips. You'll see in the next  
15 picture a nice picture of it. And the lower internal  
16 segmentation now will continue using the gantry saws.

17 So we had a pole saw in place that --  
18 that basically cut from the inside out. Now we'll go  
19 from the -- back to the gantry saw, cutting from the  
20 outside in.

21 And the next slide, the first picture  
22 there is the Unit 2 head. And I already talked about  
23 we'll refill the cavity and we'll segment the head  
24 throughout the rest of the year.

25 So for Unit 3, the picture on the

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2           right is actually a really good picture of the  
3           greater than class C waste. As you can see, it's all  
4           standing up nice and neat in what we call A boxes.  
5           It's in temporary storage. And that really is the  
6           entire lower internal core barrel that's been  
7           segmented using the -- the post saw.

8                   And the box to the left of the nice  
9           neat-stacked parts, they are all the chips that were  
10          collected. That's another box full of chips. So to  
11          the left of that, you see what remains of the core.  
12          It's the bottom 40 inches, I think, which will now  
13          segment that. That'll be the remainder of the greater  
14          than class C material that's on the Unit 3, inside  
15          Unit 3 completely. And then we will start our cask  
16          campaign to cask all that and put in the ISFSI pad  
17          and that will start in August and go through the end  
18          of the year.

19                   Once that's done, then we'll take the  
20          remainder of what's the far left of that picture, the  
21          lower core barrel, we'll invert it, and then we'll  
22          segment it using the post saw. And that will just be  
23          Class A and B/C waste, and that will be stored on  
24          site and the A waste to be shipped.

25                   So Unit 1 demolition, so this is

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2           inside the Unit 1 V.C. So we completed -- we're  
3           still cutting R.C.S. loops. We've completed 14 loop.  
4           We're continuing on 13 loop. We are working on 12  
5           loop, removing vertical sections. Those are all  
6           below the -- the main elevation.

7                   We're also working the 11 boiler,  
8           asbestos abatement. You can see that in the lower  
9           picture. The tent, we're doing a full abatement on  
10          the upper drum and -- and all the risers, which  
11          you'll see in the next picture.

12                   And the upper picture there is an  
13          example of what a reactor coolant pump -- a Unit 1  
14          reactor coolant pump look like. That's cut out of  
15          the system and it's getting ready to be packaged.

16                   And right now, we're removing  
17          interferences associated with 11 and 12 boilers.  
18          It's really ductwork and electrical conduits that are  
19          running. Like, for the next slide you'll see that  
20          that's what our goal is for the rest of the year, is  
21          to remove all of the -- remove the rest of the R.C.S.  
22          looping from -- for the 11 through 14 boilers, lower  
23          elevations all the way up to the top of the reactor  
24          where the steam -- steam drain areas are.

25                   We'll complete the abatement of 11



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2 steam drum and then we'll remove the risers and  
3 downcomers. So the picture on the top shows a good  
4 picture of what the risers look like. Those are 8-  
5 inch, 4-inch pipes, about 14 of them, and that's  
6 connecting the -- the mud -- the bottom drum, the mud  
7 drum, to the top drum, the steam drum.

8 And the -- that is an example of what  
9 a Unit 1 steam generator looks like, different than a  
10 standard classic Westinghouse steam generator.

11 So what we're doing on 11 is we have  
12 an abatement for all those risers. Obviously built  
13 in the '50s, it does have asbestos in it. We're  
14 completing the abatement on 11 and then we'll bring  
15 11, then we'll do 12, we'll work our way around the  
16 circle until we're done.

17 And that'll -- but we'll be focusing  
18 on 11 boiler for the rest of this year and we may  
19 start the abatement of 12 boiler by the end of the  
20 year.

21 So go back to that -- sorry -- the  
22 bottom picture there, I'm going to actually use that,  
23 come back to that picture when we talk about the  
24 violation on the N.R.C. issues.

25 But that's a picture of a R.C.S. loop

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2           that's been cut. And you can see, underneath, where  
3           the two -- two pipes are separated is the cutting  
4           tool. And it's just basically like a pipe cutter.  
5           It's a hydraulic pipe cutter that runs around. And  
6           so we'll get back to that in a second, but I just  
7           wanted to put that picture in there.

8                   So we're also in the middle of  
9           cleaning the spent fuel pool racks on Unit 3. The  
10          Unit 2 racks, as you know, have been cleaned and  
11          they've been removed and shipped off-site to -- to  
12          Texas.

13                   Right now, out of the 12 racks, 8 of  
14          the 12 are complete. We have received the rack  
15          lifting device. And for the rest of the year -- the  
16          rest of this month, we'll be cleaning the last of  
17          them and then we'll remove the 12 racks and package  
18          them and -- and ship them off site.

19                   Conventional plant demo. So like I  
20          talked about last time, I introduced the conventional  
21          plant demo. That's the next slide, sorry. We have  
22          completed the Unit 3 feedwater heater removals. We  
23          have removed any station batteries that have been  
24          available to be removed.

25                   We've commenced the prep work for the

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2 Unit 2 feedwater heater removal. And right now,  
3 we're preparing for removal of Unit 3 dock  
4 components. We're also removing retired station  
5 security equipment as we -- as we have the ability --  
6 as we have the resources to do.

7 So the entire path, if anybody's been  
8 through the plant and they've gone through security,  
9 that has been demoed. That building has been gutted.  
10 All the security equipment is removed. The protected  
11 -- the access is now in the G.S.B.

12 And you could see in the upper left  
13 picture, that's one of the B.R.E.s, the towers,  
14 that's been removed. That was needed at Palisades.  
15 And then you could see the -- the picture on the  
16 upper right, that's the path demo. All the gates are  
17 gone and we're packaging up all the bomb detectors,  
18 X-ray machines, and metal detectors.

19 And the lower picture is a close-up of  
20 what one of the feedwater heaters looked like after  
21 we segmented it and right before we lifted it out of  
22 place.

23 So what we're doing through the end of  
24 the year, we've got a huge crane set up on the dock.  
25 You'll probably be able to see it from the village

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2 here. It was used previously in the G.S.B. to remove  
3 -- replace the air conditioning units.

4 That dock is necessary -- the crane is  
5 necessary to remove the Unit 3 cert pumps and the  
6 Unit 3 traveling screens. Those are examples of them  
7 in the right and left picture. It really doesn't do  
8 it justice. The pumps are probably 30-foot-long  
9 shafts and the traveling screens are 40-foot-deep  
10 solid stainless steel traveling screens.

11 So the crane will be used to remove  
12 all that large equipment, then we'll relocate --  
13 we'll return the crane to bay crane. Everything else  
14 will be smaller to remove.

15 We're also going to remove the Unit 1  
16 river water pumps, which are smaller pumps in  
17 context, and the Unit 2 feedwater heater removal will  
18 progress as well as resources allow.

19 Up at gas turbine 2-3, we'll start  
20 demoing part of the berm that was around the -- the  
21 big G.T. 2-3 fuel oil tank and we will remove one of  
22 the underground dropout tanks.

23 And on gas turbine 1, we're going to  
24 remove some of the external interferences, so that we  
25 can remove the lube oil reservoir removal and remove

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2 the underground dropout tank there. And that's part  
3 of our M.O.S.F. commitment with D.E.C.

4 So that was it. That's all I had on  
5 the work that was done and the work we're doing  
6 through the end of the year.

7 For the N.R.C. inspections, since the  
8 last meeting, we've only had two. We've pretty much  
9 talked about them. In May, the N.R.C. was here for  
10 the financial assurance inspection and that  
11 continues.

12 We also -- she also did a rad  
13 occupational exposure review, had a meet-and-greet,  
14 really, with the new E.C.P. manager, and a rad waste  
15 shipping documentation review. And the inspection  
16 this week was focused on financial assurance as we  
17 were talking about and the plant walk-downs.

18 Okay. So for the violations, we  
19 didn't talk about the first one, so I'll get into  
20 that in a little bit of detail. So the words that  
21 are up there are basically right out of the -- right  
22 out of the violation document. So basically, if we  
23 go back to that picture on the slide for the Unit 1?  
24 Right there.

25 So this isn't exactly the pipe that we

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2 were cutting, but it's an example of what we were  
3 cutting. So Unit 1 is unique. Unit 1 has been shut  
4 down for over 50 years. So beta gamma is not the --  
5 the -- the real concern. Alpha was because of the  
6 decay.

7 So we had talked about it for probably  
8 a year before we actually started getting into this,  
9 before we actually exposed any of the internals of  
10 the R.C.S. pipes. Never been exposed. But when we  
11 actually exposed the first pipe, like I said, it  
12 wasn't this one, but this is an example.

13 The R.P. that was on station and the  
14 R.P. supervisor went -- basically reached into that  
15 pipe to get a sample, so that we could determine what  
16 -- what we're looking at. And they actually violated  
17 the procedure that allowed them to do that.

18 They should have had a different form  
19 of alpha monitoring, and we should have known. So  
20 take full responsibility for that. That was easy.  
21 We should have never been there.

22 We did do a work group evaluation,  
23 which is basically any time we make some sort of an  
24 error, human error, any kind of an error, we'll do an  
25 evaluation, determine why it happened, and then, most

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2           importantly, determine what actions are taken to  
3           prevent it from reoccurring.

4                                   This one is very easy to prevent  
5           reoccurring. Everybody's been trained on the  
6           procedure. The individuals have been, you know,  
7           interviewed and coached. So we basically check for  
8           compliance with our procedure.

9                                   The gaps were identified were not all  
10          -- the R.P. technicians providing coverage were in  
11          the same monitoring or dress requirements as the  
12          workers. The workers were covered this entire time.  
13          It was really just the R.P. that was taking the  
14          sample.

15                                  So a portable alpha frisker was  
16          obtained and placed in the field to ensure it was  
17          available for use upon exit, exiting the posted alpha  
18          level 3 alpha area. All smears and air samples are  
19          being counted for alpha and beta, and all personnel  
20          entering the alpha contamination area wearing lapel  
21          air samples for internal monitoring.

22                                  So that -- that continues on. We'll  
23          continue that through the end of the year until all  
24          the R.C.S. piping has been cut and removed. And  
25          further inspections have identified no issues with

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2 our practices.

3 The other one, I'm not going to read  
4 that because we've already talked about it. So I'm  
5 going to get into my draft of our document that we  
6 are ready -- getting ready to send to the N.R.C.,  
7 which talks about our corrective actions to steps  
8 that are taken and results that we -- were achieved.

9 So I'll do a preface. I'm not going  
10 to try to downgrade this, but I'll -- I signed both  
11 of these documents, myself. I was separated from  
12 C.D.I. and I was hired by H.D.I. H.D.I. was a  
13 standard non-disclosure agreement. My take on it was  
14 it was protecting intellectual property.

15 So -- but I won't discount it. Our  
16 lawyers agreed. The lawyers that wrote this, they  
17 agreed that, you know, that could lead to a chilling  
18 or -- so what we've done, we've taken the actions  
19 that you've -- you're requesting the N.R.C. to take,  
20 so that's the first thing.

21 So we did a workgroup evaluation on  
22 this again. We did an extended cause that reached  
23 out to Pilgrim, Oyster, and Palisades, as was  
24 discussed.

25 This impacted all decommissioning



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2           units. It also impacted all Holtec International for  
3           the non-disclosure agreement, all Holtec  
4           International employees.

5                   The extended condition review of  
6           additional separation employment agreements confirmed  
7           that discouraging language was not prevalent in other  
8           separation agreement documents. The review of the  
9           separation agreement, use of unnamed separation  
10          agreements were discontinued after notification. So  
11          that was the first thing.

12                   We did stop using that, obviously.  
13          The separate -- separation agreement was amended  
14          after May 1st of 2024. So anyone that received a  
15          separation, which no one at Indian Point has, would  
16          have a new document.

17                   The confidentiality of the non-  
18          disclosure agreement was amended on May 8th.  
19          Immediately, within a week, we created training in  
20          what we use for our learning system, learning --  
21          learning management system, L.M.S. It was -- I don't  
22          know, it took about 20 minutes just to read through.

23                   It really reiterated your rights as a  
24          worker and the process for reporting anything to not  
25          only the N.R.C., any -- anything, employee concerns,

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2 all the paths that are out there for any worker at a  
3 decommissioning unit, as well as Holtec  
4 International. And that went out to all employees in  
5 Holtec International to clear up anything for all  
6 current workers.

7 That was completed on May 31st of this  
8 year, and H.R. mailed -- physically mailed a letter  
9 to every former H.D.I. employee that signed a letter  
10 of separation agreement to their house, to inform  
11 them of their rights under the N.R.C. rules. So that  
12 action has been completed on May 2nd.

13 So like -- like the N.R.C. said, we're  
14 working through to make sure we've captured  
15 everything in here, we didn't miss anything, and then  
16 we will sign it. I'll sign this, and we will put it  
17 -- Jean Fleming will sign it and then we will send it  
18 to the N.R.C., and then it'll be in ADAMS. Okay?

19 Just one more slide here on safety.  
20 We did have one first aid. It was a very minor,  
21 individual just getting dressed and actually locked  
22 up his finger as he was putting -- putting his boots  
23 on. Common, you know, everybody did that today,  
24 coming in. It does happen. And really not a whole  
25 lot of learnings out of that one, unfortunately, but

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2 we did document that it was a first aid because care  
3 was given.

4 Other than that, the doses in the  
5 lower right is as listed. We are below our goal. We  
6 put our -- our goal in there for the second quarter  
7 and our year goal.

8 And that is all that I had.

9 CHAIR CONGDON: Thank you, Frank. I  
10 believe Senator Harckham has a question.

11 SENATOR HARCKHAM: Thanks, Frank. I  
12 have two questions and a comment. First are -- are  
13 easy ones. When Rich was here, I was working with  
14 him, a colleague of mine, the minority ranker on my  
15 committee, Senator Dan Stec, was a nuclear engineer  
16 in the Navy.

17 He is really jazzed by what you guys  
18 are doing and would love a site visit, and I was  
19 working on that with Rich. I think it got lost in  
20 the transition. Is that something we can do this  
21 summer to bring him down?

22 MR. SPAGNUOLO: Send me an email. We  
23 can -- I'm sorry -- I'm talking to him. Send me an  
24 email and we can talk about dates -- potential dates  
25 with you.

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2 SENATOR HARCKHAM: All right. Great.  
3 Thank you very much. Labor, how many workers are on  
4 the site right now?

5 MR. SPAGNUOLO: Hasn't changed from  
6 the last, say, about 450 last time.

7 SENATOR HARCKHAM: And do you expect  
8 that to hold steady through the end of the year?

9 MR. SPAGNUOLO: I don't know. I'll be  
10 honest; right? So if you've read the financial  
11 report, if you compared it to last year's to this  
12 year's, if you look at my 2024 budget for the three  
13 trusts combined, one, two, and three, from 2024 to  
14 2029, I roughly had a billion dollars in the budget,  
15 and that's now half a billion dollars, right?

16 As -- as Rich discussed, in order to  
17 make the -- the trust last another extra eight years,  
18 you needed to reduce spending up front. If you  
19 retire tomorrow, you can't take 10% of your money  
20 out. It's not going to make it to the end. So we're  
21 using the same concept.

22 So we're looking at what my budget is  
23 for next year and trying to make a decision. I'll  
24 work with my team and -- and we'll discuss it. And I  
25 have not finalized the budget. That's not going to

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2 be due until October. So it will be a while.

3 SENATOR HARCKHAM: Okay. Just lastly,  
4 a comment. You-- you've heard all the comments on --  
5 on the N.D.A.s. You know, I'm not going to scream  
6 and shout, but you know, you and -- and -- and Rich  
7 come here every meeting, and we thank you for that.  
8 You always talk about a Holtec's commitment to  
9 safety.

10 And -- and now we're hearing that, you  
11 know, there's a corporate culture that -- that really  
12 is more intent on secrecy around these issues. So  
13 you know, it just, to me, goes to credibility. So  
14 when we sit here and we talk about safety and you put  
15 numbers up and things like that, you know, I'm glad  
16 you've taken corrective measures with -- with the  
17 current workforce, but it -- you know, it -- it  
18 really, to me now, is an issue of credibility and --  
19 and -- and confidence in -- in that.

20 You know, when we talk about safety  
21 and we're sitting here, you know, we're getting the  
22 real message, as opposed to what -- what the -- is  
23 that my time? You know, what -- what -- what the --  
24 the corporate -- the corporate communications folks  
25 want us to hear. So I just put that out for you.

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2 CHAIR CONGDON: Assemblywoman?

3 ASSEMBLYWOMAN LEVENBERG: Thank you.

4 And I just want to echo my colleague in Senate's  
5 comments. Thank you for those.

6 I just wanted to -- you had mentioned  
7 sort of, you know, needing to lengthen the time. Is  
8 that based on just the market and the market forces  
9 that have reduced those -- the funds, or also the  
10 expenses that were much higher than, I think,  
11 anticipated or that were projected?

12 And to what do you owe those higher  
13 than anticipated or projected expenses?

14 MR. SPAGNUOLO: So in order -- in  
15 order to comment, our plan is to -- to basically push  
16 partial site release eight years. So in order to  
17 accommodate having money left in -- at the end, we  
18 had to push the end date to eight years; right? So  
19 that's in the documentation that we provided.

20 So there are still going to be bills  
21 that are still going to have to be paid, whether we  
22 are doing any work or no work; right? Taxes,  
23 insurance, power, you know, all those bills are going  
24 to be paid. So now we're going to wind up paying  
25 those for a longer period of time.

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2 So we have to reduce what we're taking  
3 out of the trust, starting next year, in order to  
4 make that money stretch. It would be like, you know,  
5 making all your plans to retire at 65, and then you  
6 want to retire at 62, you're going to have to change  
7 your lifestyle or put more money in.

8 There's no more money going in, so you  
9 have to take less money out. It's really the same  
10 type of concept. We had to make the money stretch.  
11 We're taking the -- you know, the bills that we have  
12 to pay, regardless of what's going on, you know,  
13 security, you know, there are bills. We have to pay  
14 bills. So that now needs -- now those bills, the  
15 eight years of those bills are -- are going to be  
16 paid.

17 ASSEMBLYWOMAN LEVENBERG: And -- but I  
18 was -- I was actually asking about the expenditures  
19 to date, basically what -- you know, to what did you  
20 owe that reduced amount that's actually in the fund?  
21 You said that it was, I think, less than you had  
22 anticipated at this point.

23 MR. SPAGNUOLO: That's not what I  
24 said.

25 ASSEMBLYWOMAN LEVENBERG: It isn't?

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2 MR. SPAGNUOLO: No. I said my  
3 original, if you look at last year's report --

4 ASSEMBLYWOMAN LEVENBERG: Yes.

5 MR. SPAGNUOLO: -- last year's annual  
6 report that we submitted in March.

7 ASSEMBLYWOMAN LEVENBERG: Maybe you  
8 didn't say it, but I think somebody else had  
9 mentioned it earlier.

10 MR. SPAGNUOLO: Yeah.

11 ASSEMBLYWOMAN LEVENBERG: That there  
12 was less money --.

13 MR. SPAGNUOLO: I don't consider that  
14 to be part of the -- that factor at all, so.

15 ASSEMBLYWOMAN LEVENBERG: I see.  
16 Okay. And -- and then another question, just in  
17 terms of the processes that you had mentioned, the  
18 racks being cleaned. So what happens -- how -- how  
19 do those get cleaned? What is that procedure for  
20 cleaning the racks?

21 MR. SPAGNUOLO: Basically, each of  
22 these racks are, correct me if I'm wrong, eight by  
23 eight. And we have a brush size for the eight by  
24 eight, and there's a pressure washer, and we use  
25 internal -- we use water in the spent fuel pool to



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2 clean the racks. We're just cleaning all the debris  
3 off of the racks, and then we'll -- we'll pull the  
4 rack out.

5 We'll do a survey first, make sure  
6 there's nothing in there. We'll do an underwater  
7 survey, and we'll pull the rack up, and then we'll do  
8 an out-of-the-water survey, make sure we have the  
9 requirements to ship. We'll package it into a bag.  
10 It'll just go in a bag. And we show the pictures of  
11 the Unit 2 racks getting shipped.

12 ASSEMBLYWOMAN LEVENBERG: And that's a  
13 -- that's like just recirculating water?

14 MR. SPAGNUOLO: Yeah, pretty much.

15 ASSEMBLYWOMAN LEVENBERG: That you  
16 just -- is totaled up to that whatever 1.5 million  
17 gallons or whatever? Is that --

18 MR. SPAGNUOLO: Yeah, we had a --

19 ASSEMBLYWOMAN LEVENBERG: -- part of  
20 that?

21 MR. SPAGNUOLO: -- we actually had to  
22 add water to the spent fuel pool to get it to be able  
23 to put the pump back in service in order to have  
24 enough suction to make -- to clean these racks.

25 ASSEMBLYWOMAN LEVENBERG: I see. And

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2 so just out of curiosity, if the water had been  
3 discharged, what -- how would you have been doing  
4 that?

5 MR. SPAGNUOLO: Well, we wouldn't have  
6 discharged it without -- until we were done with this  
7 anyway.

8 ASSEMBLYWOMAN LEVENBERG: Thank you.

9 CHAIR CONGDON: Thank you.

10 County Legislator Smith?

11 MR. SMITH: Yes, thank you, Tom, and  
12 thank you for the report, Mr. Spagnuolo?

13 MR. SPAGNUOLO: Spagnuolo.

14 MR. SMITH: Spagnuolo. I wanted to  
15 start by just kind of off the topic here, but just,  
16 you know, we recently, as you know, approved a five-  
17 year PILOT agreement --

18 MR. SPAGNUOLO: Uh-huh.

19 MR. SMITH: -- with -- with Holtec,  
20 that, in my opinion, you know, goes a long way  
21 towards, you know, providing much-needed economic  
22 relief for, you know, our local communities here, the  
23 county, Buchanan, the school district.

24 And so I want to thank you -- your --  
25 your company for that because we were concerned,

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2           after the last agreement had ended, that we may not  
3           be in the position to -- or that, you know, the --  
4           the loss of the funding would be, you know, how --  
5           you know, how that was going to impact the community.  
6           So you've been good partners with the -- with the  
7           community on that. So I want to -- to thank you for  
8           that.

9                   I -- I did have question, slash,  
10          comment with regards to the -- you know, the  
11          discussion surrounding the N.D.A.s. And you know,  
12          thank you for, you know, the -- the measures that  
13          you've taken in what seems to be a fairly short  
14          amount of time to -- to correct that.

15                  And with respect to, you know, making  
16          sure that your employees are aware of their -- of  
17          their rights, do you feel that -- well, not do you  
18          feel, but are there -- is this going to be something,  
19          you know, as far as like education goes, you know,  
20          because it's -- as you sat here, so you heard, you  
21          know, the comments around the room.

22                  It's one thing to say, well, you know,  
23          here's -- here -- these -- these are their rights,  
24          and maybe it's, you know, listed on a website  
25          somewhere or what have you. But one of the things

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2           that is, you know, as my colleague on the board of  
3           legislators, one of the things that we are, you know,  
4           often very keenly engaged in is making sure that when  
5           we pass a new law or we're considering, you know, a  
6           new policy, that we engage in, you know, what we  
7           consider to be or what we would hope to be enough of  
8           a -- you know, sort of a public education campaign  
9           just to make sure that everybody, you know, knows  
10          what's happening, what we're considering doing, and -  
11          - and you know, how that impacts them.

12                                   Is -- so that -- my -- my question is,  
13          I guess, do you -- does Holtec have, you know, future  
14          plans with regards to making maybe this like sort of  
15          a regular part of your, you know, employee  
16          engagement, you know, as far as, you know, what they,  
17          you know, what their rights are, making sure that,  
18          you know, everybody, not just, you know, sort of a  
19          one-off, but making sure that this is something that  
20          is continued so that, you know, former, you know,  
21          current employees, new employees, you know, they know  
22          that, you know, there's going to be an N.D.A., but  
23          that doesn't mean that if there's something that they  
24          need to -- you know, they feel they need to go to the  
25          N.R.C. or the authorities about, that they would be

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2 prohibited.

3 Because I think that it can be -- I  
4 don't know about the -- you know, the culture, but I  
5 think it -- I think it can be something that, you  
6 know, as -- as -- as an -- you know, as an employee  
7 who isn't really involved in, you know, the -- the --  
8 the -- the sort of politics or the milieu that at  
9 the, you know, administrative and the managerial  
10 level are, that they really -- you know, that they  
11 understand that if they -- you know, that they feel  
12 that they really needed to, you know, do -- you know,  
13 say something, that they would feel empowered, you  
14 know, that they would be educated on that and they  
15 would feel empowered to do that.

16 MR. SPAGNUOLO: Yeah, I mean, it is  
17 part of initial training. We call it general  
18 employee training, N.R.C. Form 6. I'm terrible with  
19 these forms, but there's a -- you know, I've been at  
20 the plant 34 years. I've been trained on my rights  
21 to speak to the N.R.C. in -- in various forms.

22 There was never a question in my mind  
23 of signing these forms. And I know it's not a  
24 question in a lot of minds. But it might be a  
25 question in some. So we -- we do have quarterly all-

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2           employee meetings. I stop all work in the plant. We  
3           bring everybody up to the cafeteria and we talk about  
4           it.

5                   We've talked about it before. We'll  
6           talk about it again. New employees that come in,  
7           they will -- it will be part of the general employee  
8           training. We do have weekly tailgates where we have  
9           discussed it. We took it serious because we didn't  
10          really think that that it was a problem.

11                   You know, we didn't even identify it,  
12          or our lawyers wrote that. It was never intended to  
13          discourage anybody from doing it. It was really to  
14          discourage sharing intellectual property with anyone,  
15          so. But that -- those are things that we do on a  
16          routine basis.

17                   CHAIR CONGDON: I'd like to try to  
18          reserve roughly a half an hour for public statements,  
19          which will bring us to 9:15 if we start that now. So  
20          maybe just take one or two.

21                   MR. SPAGNUOLO: I just have one more -  
22          -.

23                   CHAIR CONGDON: Yeah. Yeah.

24                   MR. SPAGNUOLO: So you brought up at  
25          the last meeting about the lawsuit and the trust,

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2 paying it out of the trust. I didn't know. I'll be  
3 honest -- I was honest. I don't know. I didn't have  
4 the answer to that question, but yeah, I do have the  
5 answer to the question.

6 After the meeting, I did -- talked to  
7 finance, I talked to my -- the president, and I  
8 talked to my regulatory. We have flagged that --  
9 that bill to whatever lawyer we're using, to not be  
10 reimbursed out of the trust at this time.

11 So if it -- if that changes, we'll let  
12 you know. But that bill, right now, whatever --  
13 whatever our lawyers are charging us is being paid  
14 out of Holtec International. And that is sitting  
15 there and then we'll see.

16 ASSEMBLYWOMAN LEVENBERG: Thank you.

17 CHAIR CONGDON: Thank you.

18 MR. WEBSTER: Quickie, since we're  
19 running out of time.

20 MR. SPAGNUOLO: No such thing,  
21 Richard.

22 ASSEMBLYWOMAN LEVENBERG: It goes on  
23 and on.

24 MR. WEBSTER: So what can you tell me  
25 about the scope of lobbying that was charged to the

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2 decommissioning trust fund?

3 MR. SPAGNUOLO: I don't have -- I  
4 don't exactly know. I'll be honest. I have a weekly  
5 phone -- bi-weekly phone call with our lobbyist. I  
6 know he talks to Tom and Tom. I don't exactly know  
7 what he talks about.

8 MR. WEBSTER: Okay.

9 MR. SPAGNUOLO: I can't answer that  
10 question.

11 MR. WEBSTER: Can you answer that  
12 question next time we -- we -- we reconvene?

13 SENATOR HARCKHAM: He talks to me  
14 sometimes.

15 MR. SPAGNUOLO: Yeah. So might have a  
16 -- you might have better getting an answer out of the  
17 rest of the group that's in Albany.

18 MR. WEBSTER: Well, there may be some  
19 people who aren't here that are also being lobbied.  
20 Could you answer the question next time?

21 MR. SPAGNUOLO: I'll try. I don't  
22 know.

23 CHAIR CONGDON: I am sure that when he  
24 spoke with the Senator and the Assemblymember, it  
25 pertained to the legislation. No?



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2 MR. WEBSTER: Well, I'm sure he didn't  
3 only speak to people who are pro-the legislation.

4 CHAIR CONGDON: I'm sorry?

5 MR. WEBSTER: I'm sure he didn't only  
6 speak to people who are pro-the legislation.

7 CHAIR CONGDON: I assume that's what a  
8 lobbyist says, but for us --

9 MR. SPAGNUOLO: That's fair.

10 CHAIR CONGDON: -- it's a wide range.  
11 It includes the meeting logistics, agenda topics, et  
12 cetera.

13 SENATOR HARCKHAM: Can I --?

14 CHAIR CONGDON: Yeah, please.

15 SENATOR HARCKHAM: New York State  
16 Ethics Commission logs lobbyists, expenditures, all  
17 that. So that's public information.

18 MR. WEBSTER: I know. I know.  
19 Actually -- actually, I am a registered lobbyist  
20 myself, actually. But what we don't know is what's  
21 charged to the decommission trust fund. Right? We  
22 know what activities are occurring, but we don't know  
23 what's being charged to the fund. And that's what  
24 I'm asking.

25 So second question. How do you know

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2 you get a good deal out of Holtec International on  
3 spent fuel -- on spent fuel license?

4 MR. SPAGNUOLO: I'm sorry; I didn't  
5 understand. How do I know?

6 MR. WEBSTER: How do you know --?

7 CHAIR CONGDON: The audience. We're  
8 getting a little bit of background from the audience  
9 --

10 MR. SPAGNUOLO: Yeah.

11 CHAIR CONGDON: -- if -- if folks  
12 could quiet down.

13 MR. WEBSTER: How do you know you're  
14 getting a good deal, a good price from Holtec  
15 International on, you know, casks and other spent  
16 fuel management?

17 MR. SPAGNUOLO: I don't -- I don't  
18 have an answer for that.

19 MR. WEBSTER: You don't know?

20 MR. SPAGNUOLO: I don't have an answer  
21 for that specific question. You didn't ask me -- you  
22 asked me a rhetorical question of how I know I'm  
23 getting a good deal. I don't know what other people  
24 pay. It's not -- I'm not in manufacturing, so I  
25 don't know.

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2 MR. WEBSTER: So do you take whatever  
3 price they give you?

4 MR. SPAGNUOLO: I really don't have  
5 any answer to that question right now.

6 MR. WEBSTER: Well, I think, with  
7 respect, it's kind of an important question. Because  
8 we -- we want to make sure that this decommissioning  
9 trust fund is not being wasted on large profits for --  
10 -- for Holtec International. So if you can't answer  
11 the question, I think that's a problem.

12 MR. SPAGNUOLO: Well, that's your  
13 opinion.

14 MR. WEBSTER: I'm sure other people  
15 have a similar opinion.

16 MR. SPAGNUOLO: I just -- I don't  
17 doubt it. I'm telling you I can't answer that  
18 question right now.

19 MR. WEBSTER: Do you -- benchmark any  
20 other facilities' prices?

21 MR. SPAGNUOLO: I can't answer any of  
22 those questions.

23 MR. WEBSTER: All right. That was --  
24 that was quick, then.

25 MR. SPAGNUOLO: Well, I wasn't

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2 prepared to answer that question. I don't have  
3 purchase orders in front of me to answer any of those  
4 questions.

5 MR. WEBSTER: No, I'm not asking for  
6 numbers.

7 CHAIR CONGDON: Okay. Richard, I  
8 think it's a fair -- fair thing for you to write to  
9 the N.R.C. about as they evaluate and review the  
10 D.T.F. and accounting. It's a fair thing to request  
11 in Katherine's audit.

12 I'd like to move on now to the public  
13 statement. I'm sorry; Superintendent?

14 MR. TROMBLEE: I'm sorry, just one --

15 CHAIR CONGDON: Yeah.

16 MR. TROMBLEE: -- quick question.  
17 Frank, the -- obviously we want people to have the --  
18 the right to -- to report any concerns they have.  
19 Was a portion of the N.D.A. -- and if you can't speak  
20 to this, I -- I understand. But concerns of mine  
21 might be that there is some intellectual property  
22 within a nuclear power plant that a bad actor could  
23 gain information about design and nuclear technology  
24 that we don't want out there.

25 Was that any consideration of the

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2 general approach to the N.D.A.? In other words --?

3 CHAIR CONGDON: Security reasons.

4 MR. SPAGNUOLO: Yeah, it was more  
5 security related.

6 MR. TROMBLEE: Yeah. Yeah.

7 MR. SPAGNUOLO: Not really. That  
8 would have been --

9 MR. TROMBLEE: Okay.

10 CHAIR CONGDON: So more commercial  
11 with --?

12 MR. SPAGNUOLO: -- in the entry -- you  
13 know --

14 MR. TROMBLEE: Okay.

15 MR. SPAGNUOLO: -- the -- to get  
16 unauthorized access to the plant, part of, you know,  
17 the personal health questionnaire and, you know.

18 MR. TROMBLEE: Okay. Okay. Thank  
19 you.

20 MR. SPAGNUOLO: Yeah.

21 CHAIR CONGDON: Okay. I'm going to  
22 turn it over to Tom Kaczmarek to run us through the  
23 public statement portion of the meeting.

24 MS. KNICKERBACKER: And I'm just going  
25 to say one quick statement. I think this was one of

1                   6/13/2024 - Indian Point  
2           the better meetings this evening. It was very  
3           informative. The N.R.C. did a fantastic job. Thank  
4           you very much. There was a lot of good questions.  
5           There was a lot of good back and forth. And I really  
6           think, like I said, this was one of the better  
7           meetings this evening.

8                   CHAIR CONGDON: Thank you, Mayor.

9                   MS. KNICKERBACKER: Thank you.

10                  CHAIR CONGDON: Tom?

11                  MR. KACZMAREK: Okay. We'll start  
12           quick here. Andrew Bulakowski will be the first to  
13           speak, followed by Matthew Mack and Jerry Rivers. As  
14           -- Andrew, as you're approaching the mic, just a  
15           reminder of some ground rules here. There will be a  
16           three-minute time limit. I will give you a 30-second  
17           notification, and we'll cut you off at 3 minutes to  
18           allow some other folks to speak. All right? Thank  
19           you.

20                  MR. BULAKOWSKI: Good evening,  
21           everyone. And I appreciate the opportunity to come  
22           before you and speak tonight. My name is Andrew  
23           Bulakowski. I am here speaking on behalf of over  
24           100,000 union carpenters, radiation protection  
25           technicians, facilities technicians, millwrights,

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2 pile drivers, floor layers from the North Atlantic  
3 states and the Eastern Atlantic states.

4 It's bad enough that, in a society  
5 that has a constant demand for increased power, that  
6 Indian Point is being decommissioned. But by  
7 stopping the release of the tritium-infused water,  
8 hundreds of good-paying union jobs were lost.

9 This treated water is held to a higher  
10 standard than E.P.A. specifications and has been  
11 ongoing for over 70 years with no detriment to the  
12 Hudson ecosystem.

13 This has a tremendous detriment to the  
14 economy locally in the State of New York. Housing  
15 and lodging suffer. Bars and restaurants suffer, not  
16 to mention the loss of tax revenue from all of the  
17 skilled labor that have to look elsewhere for  
18 employment.

19 Because of the State's decision to  
20 stop the release, 119 rad techs were cut to 44, a  
21 loss of 75. 24 carpenters and decom techs lost their  
22 jobs. Countless good-paying other union jobs were  
23 lost. I can't speak for the other trades because I  
24 don't have those numbers.

25 I would ask that the decision be

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2           reversed and allow an above-standard, closely  
3           monitored release of treated water to resume. Thank  
4           you.

5                                   MR. KACZMAREK: Thank you.

6                                   Matthew Mack?

7                                   MR. MACK: My name is Matthew Mack.  
8           I'm the site manager for Champion at Indian Point.  
9           I'm not here to talk about the bill that was passed.  
10          I'm not here to talk about the release of water. I'm  
11          not here to talk about options of storing the water  
12          on-site. Every D.O.B. meeting, this seems to be the  
13          only focus, except for tonight.

14                                  The work that has been accomplished  
15          on-site has been -- this gets discussed by Frank, but  
16          it seems no one cares. We never talk about that.  
17          Tonight, I'd like to change that.

18                                  One thing I hear in each of these  
19          meetings, except for tonight, is the safe and prompt  
20          decommissioning of Indian Point. I can assure you  
21          that will not happen without the men and women that  
22          sit behind me in the blue shirts.

23                                  This team that has been assembled to  
24          decommission IPEC is the best I've ever been a part  
25          of. Their skills, knowledge, attention to detail,



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2 questioning attitude, and, most of all, their focus  
3 on safety is unmatched. They own safety and they own  
4 their work.

5 Everyone behind me knows we talk about  
6 safety in our morning brief, every morning. As  
7 Champion and Holtec pride themselves on what we've  
8 created on and off the site, work gets accomplished  
9 safely, error free, and in a family-like atmosphere.

10 The way all the trades work on-site as  
11 a team, helping one another, looking out for one  
12 another, is an awesome thing -- thing to see and to  
13 be a part of.

14 Not all the craft members could be  
15 here tonight, but I'd like to recognize the ones that  
16 are. Local 279 Carpenters, please stand up.

17 Stay standing guys, I'm not done.

18 Local 3 Electricians, please stand up.

19 Local 137 Operating Engineers, please  
20 stand up.

21 Last, but not the least, Local 40 Iron  
22 Workers, please stand up.

23 MR. KACZMAREK: Thirty seconds.

24 MR. MACK: Three minutes isn't enough  
25 time to talk about all of you, but that's all allowed

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2 to me. So this is dedicated to you. We talk about  
3 it every morning. You guys are the best, be the  
4 best, every day, every task, every project. And  
5 thank you for letting me be part of this team.

6 Your awesome work, your dedication to  
7 this project may not be talked about here, but it  
8 does not go unnoticed on-site. Without you, there's  
9 no safe and prompt decommissioning of IPEC. So thank  
10 you for everything you do. Tonight is about you and  
11 all the work you have accomplished so far. Don't let  
12 your guard down. There's still a lot of work to do.

13 MR. KACZMAREK: Thank you.

14 Next is Jerry Rivers, followed by  
15 Charles Kocsis and John Bell. Is Jerry Rivers with  
16 us this evening?

17 Charles, apologies if I was saying  
18 your last name wrong.

19 MR. KOCSIS: You did real well.

20 MR. KACZMAREK: Oh, good.

21 MR. KOCSIS: Okay. So my name is  
22 Charles Kocsis. I retired from Indian Point in 2021,  
23 at the closure, as the training manager. I currently  
24 teach college physics, chemist -- chemistry classes.  
25 I tell people I'm semi-retired when they ask me what

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2 I do. And I really hadn't given a lot of thought to  
3 this place, hadn't been down. And then in a weird  
4 coincidence, I actually know somebody up here. We  
5 were doing a lake cleanup.

6 And I didn't really know what the  
7 whole basis of the little -- of the conflict between  
8 the state, the community, and the plant was. And I  
9 found out. And then, I got a call from -- you know,  
10 from Brian, a guy that I've known for 30-some years,  
11 saying -- about this, just to say some words.

12 All right. So -- so prior to  
13 training, I held positions as a senior reactor  
14 operator, radiation protection technician, and an  
15 emergency planning engineer. I have a master's in  
16 health physics. I'm a past president of the Greater  
17 New York Chapter of the Health Physics Society. And  
18 I'm a veteran. I was a Navy nuke, like so many  
19 people in this.

20 I live northwest of here, a bit. I  
21 commuted. I happened to live where I grew up or --  
22 or where my wife grew up. I love this area. I  
23 didn't come down here because we had roots up there.  
24 It was also a little more expensive at the beginning  
25 of my career, but I could have afforded to come down,

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2 but we have roots up there.

3 But I spent more of my awake time down  
4 here for many years than in my own home because I --  
5 I worked long hours. By the way, best lunch food in  
6 the world, I think, right around this area.

7 I never worked for Holtec. And no  
8 offense, I don't even know who the people are, other  
9 than people that were former workers with me, I don't  
10 really care at all about your financial outcomes at  
11 all. It doesn't make any difference to me one way or  
12 the other.

13 The people that I know who work with  
14 Holtec are going to be fine no matter what. All  
15 right. By the way, retired guys, it's great. All  
16 right. But -- but -- but all seriousness, they're  
17 going to be fine.

18 Nuclear workers are still - I can't  
19 have a LinkedIn account because I get like 20 jobs an  
20 hour, offers and stuff like that. It's crazy. So  
21 they're going to be fine no matter what happens if  
22 this is delayed.

23 And -- and hopefully with enough  
24 infrastructure work, the -- the union folk will also.  
25 You know, probably -- probably a bigger hit on them,

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2 honestly. Really a bigger hit on them. But I do  
3 care about this community and the state in general.  
4 And I care about science.

5 So first let me be clear that I've  
6 never met an anti-nuclear person that has any  
7 ulterior motive other than they're worried about the  
8 -- about the -- the science of it and their health.  
9 Never ever once. And actually, I probably generally  
10 have had a lot more politically in common on other  
11 issues with those folks than my colleagues, to be  
12 frank. All right. So there's no ulterior motives  
13 here.

14 And I respect your fears and concerns,  
15 but I -- I'm a person of science. I -- I understand  
16 a lot of the concerns over tritium, which just  
17 floored me when I heard that -- that was the thing  
18 is.

19 MR. KACZMAREK: 30 seconds.

20 MR. KOCSIS: Oh, sure. Sorry, here.  
21 Okay. But they -- this is not something that is  
22 unknown. It's been -- we've been working with  
23 nuclear power for 80 year -- you know, like 80 years  
24 and it's been studied a lot and it actually continues  
25 to be studied.

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2 And I really don't know why you would  
3 delay this thing because, ultimately, it's going to  
4 delay the return. And what this community really  
5 needs is some kind of, like, industry in here that's  
6 going to pay sustainable taxes.

7 And I am lucky. I have my children  
8 and grandchildren living in the area. It's rare for  
9 a New York retiree to say that. But in order for  
10 them to stay here and thrive in this community,  
11 you're going to have to have reasonable taxes, work,  
12 and support of local businesses.

13 And I think the best way to do that is  
14 not put a -- I don't know where the science is that  
15 supported this law. I -- I'm curious because I  
16 haven't found anything that supports it. But I'll go  
17 back to not being affected by this at all.

18 I just wanted to say a few words on  
19 behalf of this. And if anybody knows a peer reviewed  
20 journal that supports putting a lower than E.P.A.  
21 limit on tritium, please let me know because I've  
22 been scouring the internet, trying to find anything  
23 that's out there and I'm -- I'm coming up with  
24 nothing. Okay. So with that, I thank you for your  
25 time.

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2 CHAIR CONGDON: Thank you.

3 MR. KACZMAREK: All right. Thank you.

4 Next is John Bell, followed by Deborah  
5 Porder, and Lisa Wenz. John Bell, are you with us?

6 MS. KNICKERBOCKER: Yeah, he's coming.

7 MR. KACZMAREK: All right. Thank you.

8 MR. BELL: Good evening, everybody.

9 Thank you for having me up here.

10 Full disclosure, I'm a lifetime  
11 Buchanan resident. I moved -- I lived here from the  
12 day I was born until today. I had a 34-year career  
13 at Indian Point as a senior -- senior nuclear  
14 production technician.

15 I have gone back, part-time, first as  
16 a procedure writer. Now I'm a job planner. My  
17 family grew up here. My parents raised nine kids in  
18 Buchanan. We lived on the river. We swam in the  
19 river. We water skied in the river all while Indian  
20 Point was operating. Not one person in our family  
21 has any health problems that are a result of Indian  
22 Point.

23 I was totally upset, of course, when  
24 the agreement was reached to shut the plants down.  
25 Now, I'm even further enraged at the law that's been

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2 passed, discriminating against Indian Point from  
3 discharging any water into the Hudson River.

4 It's going to slow down the whole  
5 process for us as a village to recover from this,  
6 having land released. And then, you know, and the  
7 guys already mentioned all the jobs that it's cost.  
8 We need to get this thing going. It was agreed to be  
9 a safe prompt decommissioning of Indian Point and  
10 that is not happening right now as a result of this  
11 legislation. Thank you.

12 MR. KACZMAREK: Thank you.

13 Deborah Porder?

14 MR. KACZMAREK: Followed by Lisa Wenz  
15 and Nancy Vann.

16 MS. PORDER: Good evening. Can you  
17 hear me?

18 MR. KACZMAREK: Yes.

19 MS. PORDER: So I -- I'm -- I actually  
20 wanted to talk about the decommissioning trust funds,  
21 believe it or not, so change of pace. As -- as we  
22 were told and as I knew before I got here, they were  
23 funded by higher electric bills, maybe not taxes, but  
24 individual hardworking New Yorkers paid more money  
25 for electricity to fund the decommissioning trust



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2 funds for Indian Point.

3 And at the time that Holtec bought the  
4 plant, those funds equaled \$2.4 billion. And I think  
5 what we've heard tonight here, I would call  
6 transparency theater. It was not really  
7 transparency. And I'm going to go back to April  
8 15th, 2019, which was when the membership interests  
9 of the Indian Point entities were sold by Entergy to  
10 Holtec.

11 And at that time, the agreement by  
12 which the -- the Indian's membership interests were  
13 sold was filed with the P.S.C. in a redacted form and  
14 virtually every term of that contract relating to the  
15 trust funds was blacked out with a magic marker. So  
16 we don't know what the deal was at its inception.

17 And I requested a copy of that from  
18 the P.S.C. and the N.R.C. And the N.R.C. didn't  
19 respond to my FOIL request. And the P.S.C. wrote me  
20 back, saying that it was a -- a confidential business  
21 information that would put them at a competitive  
22 disadvantage if they disclosed to me what the terms  
23 of that deal were.

24 I was pretty shocked by that. I filed  
25 an appeal. Haven't gotten that decided yet. And I

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2           just want to talk about what's happened. Right at  
3           the time that the decommissioning trust fund was --  
4           was -- was created and transferred to Holtec -- well,  
5           actually, when it was transferred to Holtec, excuse  
6           me, the Holtec asked immediately for exemptions from  
7           the rules for decommissioning trust funds. And Mr.  
8           Sipos is nodding because he wrote a letter,  
9           objecting.

10                               MR. KACZMAREK: 30 seconds.

11                               MS. PORDER: I'm going to make this  
12           quick. And they -- the N.R.C. granted exemptions  
13           because they said there was going to be plenty of  
14           money. But in the last report, they said, as for  
15           Indian Point 2's trust fund, that they were 20% or  
16           more than 20% over budget and they had spent more  
17           than half of this money on spent fuel management.

18                               The exemptions that were granted were  
19           for spent fuel management and site restoration. And  
20           the N.R.C. just said go ahead. So I'm concerned that  
21           we aren't going to have enough money in the end.

22                               MR. KACZMAREK: Ms. Porder --

23                               MS. PORDER: Yes, I'm sorry.

24                               MR. KACZMAREK: -- that's your time.

25                               MS. PORDER: Okay. I just want -- can

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2 I just make one other quick point?

3 MR. KACZMAREK: It's --.

4 CHAIR CONGDON: Go ahead.

5 MS. PORDER: I just want to say that  
6 they kept saying that the trustee has a fiduciary  
7 duty. But the fiduciary duty runs to the beneficiary  
8 of the trust fund. And the trust fund beneficiary  
9 here is Holtec. It's not us.

10 MR. KACZMAREK: Thank you.

11 Next is Lisa Wenz, followed by Nancy  
12 Vann, and finally Daniel Cooke.

13 MS. WENZ: Good evening. My name is  
14 Lisa Wenz. I'm a fairly new Buchanan resident, but  
15 I've been attending these meetings ever since we  
16 moved here, being a lover of the river.

17 And I've heard so many different  
18 perspectives and I think that's really wonderful that  
19 we have a bit of checks and balances. But what I've  
20 not really heard is a great deal about how the two  
21 largest stakeholders, that being the Village of  
22 Buchanan and the Hendrick Hudson School District, are  
23 going to make ends meet after these PILOT agreements  
24 and these cessation funds end.

25 I commend the Hendrick Hudson School

1                                   6/13/2024 - Indian Point  
2           Board, and Superintendent Tromblee, and the Buchanan  
3           Board of Trustees, and Mayor Knickerbocker, and the  
4           representatives of Holtec for coming to agreements  
5           that will continue the PILOT agreement for several  
6           years to come, especially since things are slowing  
7           down now and lawsuits are pending.

8                                   Both the Hendrick Hudson School  
9           District and the Village of Buchanan have lost major  
10          percentages of their budgets due to closure. For the  
11          next several years, the School District of Buchanan  
12          will thankfully benefit from the PILOT program, but  
13          the decreasing cessation fund will run out in about  
14          two or three years, I believe, if that's correct.

15                                  The fund was established by New York  
16          State to reduce the impact on communities when  
17          nuclear plant -- plants close. I wonder, though,  
18          with current litigation and a pause on Holtec,  
19          whether those cessation funds can be extended.

20                                  We were told, I think at the last  
21          meeting, that they could not be, that they would most  
22          likely not be renewed. But if it was put in place  
23          with the idea that the decommissioning would happen a  
24          little quicker, can something be done?

25                                  I also understand that our fuel

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2 canisters can be taxed and that does provide some  
3 financial relief, but what about the water that is  
4 sitting there now, waiting? Can that be taxed? And  
5 is that part of legislation that you would be work --  
6 willing to work on?

7 So I'm here tonight to urge our  
8 elected officials, both state and federal, to  
9 consider some form of legislation that will support  
10 communities like ours, not only in Buchanan, but  
11 throughout the United States, and -- and something  
12 similar to the STRANDED Act that was introduced by  
13 Tammy Duckworth -- Senator Tammy Duckworth. This  
14 legislation that would provide long-term financial  
15 assistance --

16 MR. KACZMAREK: 30 seconds.

17 MS. WENZ: -- to communities affected  
18 by stranded nuclear waste. Our immediate community  
19 is housing the waste and therefore should be provided  
20 with resources lost by state and federal decisions to  
21 house the -- to house this waste on our site. We  
22 also should have safety resources put in place for as  
23 long as that waste is on site. Thank you.

24 MR. KACZMAREK: Thank you.

25 Nancy Vann?

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2 MS. VANN: Hi. My name is Nancy Vann  
3 and I live in Peekskill, about two and a half miles  
4 from Indian Point. Although Peekskill doesn't have  
5 any representation on this board, we are subject to  
6 the risks that come from Indian Point.

7 Not only am I a cancer survivor, but  
8 my partner is a cancer survivor. And every single  
9 pet I've had that has died since 1997, that I've had  
10 here, has died of cancer. There are well-documented  
11 cancer clusters.

12 And I am sympathetic with people who  
13 need jobs, but I hope that the people who said that  
14 they hadn't been able to find any information about  
15 tritium will look at the two webinars that we had and  
16 the last presentation to this board.

17 That wasn't what I was going to speak  
18 about. What I wanted to ask about was following up  
19 on Dana Levenberg and Colin Smith's questions on the  
20 pipeline. I understand that it was only the 26-inch  
21 pipeline that was inspected. It seemed like there  
22 were some problems with that pipeline, places that  
23 had to be replaced.

24 And I want to know what is happening  
25 with inspecting the other two pipelines. It's well-

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2 known that there is a bathtub curve for pipeline  
3 failures. Older pipelines fail at a very high rate,  
4 but new pipelines fail at a much higher rate than the  
5 pipelines that were, say, three decades ago.  
6 Pipeline constructed this decade fails at a higher  
7 rate.

8 There is a 42-inch pipeline there, and  
9 there's a 32-inch or a 34-inch pipeline there, and I  
10 would hope that those will be inspected very shortly.

11 We had the same problem with Indian  
12 Point when there were baffle bolt problems in one of  
13 the reactors. And it was said, oh, well, the other  
14 reactor doesn't need to be inspected quickly because  
15 it was a different design and it wouldn't be as much  
16 of a problem. Well, it was much more of a problem.

17 MR. KACZMAREK: 30 seconds.

18 MS. VANN: So when you have something  
19 that comes up as a -- as a question, you said that --  
20 the N.R.C. said that they do unannounced inspections  
21 when there is some kind of problem that they think  
22 might be arising. And I would hope that not only  
23 N.R.C., but that Enbridge would do inspections based  
24 on what was found.

25 And I would hope that, in our next

1                                   6/13/2024 - Indian Point  
2           meetings, you don't just put in the slide, an  
3           inspection was done. I hope that you will put in  
4           every slide what the result of that inspection was.  
5           That was missing here. Thank you.

6                                   MR. KACZMAREK: Thank you.  
7                                   Daniel Cooke?

8                                   MR. COOKE: Hey, good evening  
9           everybody. My name is Dan Cooke. I've been a member  
10          of the nuclear industry for 40 years. I've worked in  
11          nuclear plants from Maine to California and even one  
12          in Mexico. I've also been a member of the  
13          International Brotherhood of Electrical Workers for  
14          47 years.

15                                  I think it's a shame that the IPEC  
16          detractors have caused hundreds of union construction  
17          workers to lose good jobs.

18                                  Nuclear power is needed now more than  
19          ever. And now that two perfectly good power  
20          generating plants have been closed, we are standing -  
21          - you are standing in the way of a timely repurposing  
22          of the property.

23                                  In the last 13 years, Ossining sewer  
24          system has dumped sewage into the Hudson River at  
25          least three times. These are real impacts to the



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2           river, not public relations, vote grabbing, perceived  
3           impacts. I would ask if -- I would ask if the IPEC  
4           detractors are so concerned about the river, why  
5           haven't I heard anything about you trying to shut  
6           down the Ossining sewer system?

7                   Recently, a hundred trees were cut  
8           down for the construction of apartment buildings. I  
9           never heard anybody talk about how bad it is to take  
10          down these trees. So environmentalists seemed to  
11          drop the ball there.

12                   I would also challenge you to look at  
13          the increased donations to a local environmental  
14          group since the issue of the IPEC releasing small  
15          amounts of low-level irradiated water into the river  
16          has become such a popular rally cry.

17                   I would offer that the local  
18          environmental group knew about IPEC releasing water  
19          into the river for the past 59 years and now treat  
20          the IPEC detractors as lapdogs they can squeeze for  
21          donations by making such a big deal out of nothing.

22                   It's a shame that you people don't put  
23          your energy into something worthwhile and meaningful,  
24          like helping people with food insecurities or  
25          affordable housing issues. I sit at these meetings

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2           and hear people lament about, oh my god, there's a  
3           chemical plant here, there's a trash burning plant  
4           here, there's a nuclear plant here, there's a wall  
5           board plant here. It's terrible. I would ask if  
6           these things are so horrific and you're really  
7           concerned about your health and the safety of your  
8           family, what are you doing here? Why don't you move  
9           away? Thank you for your time.

10                   MR. KACZMAREK: Thank you.

11                   CHAIR CONGDON: Are there other  
12           speakers pre-registered for this public statement  
13           hearing that are here in person?

14                   MR. KACZMAREK: No, there are not.

15                   CHAIR CONGDON: Okay. With that, I  
16           want to remind folks that there are opportunities to  
17           submit comments via writing through our website at  
18           DPS dot NY dot gov, slash, Indian Point.

19                   I want to thank, again, N.R.C. for  
20           being our guest presenters tonight. And I  
21           appreciate, very much, everyone's participation in  
22           tonight's meeting. We are adjourned. Thank you very  
23           much.

24                   (The meeting adjourned at 9:17  
25           p.m.)

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2 STATE OF NEW YORK

3 I, ANNETTE LAINSON, 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 193, 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 20th day of June, 2024.

11

12 ANNETTE LAINSON, Reporter

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