

YANKEE ATOMIC ELECTRIC COMPANY

Telephone (413) 424-5261



49 Yankee Road, Rowe, Massachusetts 01367

October 30, 2024

TO CAB Members,

Attached please find the minutes to the October 18, 2023 CAB Meeting. Please review these minutes as we will be voting on accepting them at the November 6, 2024 meeting being held at The Golden Eagle Restaurant.

Regards,

A handwritten signature in black ink that reads "Karen Sucharzewski". The signature is written in a cursive style.

Karen Sucharzewski
Yankee Atomic Electric Company
49 Yankee Road
Rowe, MA 01367

Enc: Minutes to the 2023 CAB Meeting

Meeting Minutes

Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board
October 18, 2023

The Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board held their Annual meeting at the Golden Eagle Restaurant in Clarksburg, MA on Wednesday evening October 18, 2023.

CAB Attendees: John Macdonald (Yankee Atomic Electric Company), Lenny Laffond (Town of Rowe), Art Schwenger (Franklin County Chamber of Commerce), Jackie Cashin (Town of Charlemont), Allan Twitchell (Town of Whitingham), Bill Lequier (Town of Readsboro), Neil Oleson (Town of Florida)

YAEC Representatives: Wayne Norton, Shae Hemingway, Robert Capstick, Frank Clifford, Kevin Shea, and Scott Sherman

Citizens Awareness Network Attendee: Schuyler Gould

Call to Order: The meeting was called to order at 5:55 p.m. by Lenny Laffond.

Introduction of Town of Florida Representative Neil Oleson: Lenny Laffond introduced the new CAB member from the Town of Florida

Minutes of the October 26, 2022: The meeting minutes were approved as written.

ISFSI Update - presented by John Macdonald (ISFSI Manager)

John Macdonald's presentation is attached

Following John's presentation, Wayne thanked Lenny for his support in trying to get Yankee Road repaired, and then Wayne touched upon some priorities at Yankee Atomic, including addressing equipment obsolescence as well as succession planning.

Art congratulated Yankee on the results of the triennial NRC security inspection and asked if there was any inclusion of the cask inspection. John responded that the NRC inspection was only a security inspection, but then did touch upon the successful results of the Aging Management Baseline Inspection performed in 2022. Wayne then added in that Maine Yankee previously completed inspections, first on a GTCC TSC/VCC then one with Spent Fuel, that Yankee completed their baseline inspection in 2022, and that Connecticut Yankee would be performing their baseline inspection in 2024.

Bill asked how many people are normally involved in routine drills at Yankee, and John replied that for monthly drills typically a shift supervisor (ISS) and two officers.

Meeting Minutes
Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board
October 18, 2023

National Nuclear Waste Issue Update Report - presented by Robert Capstick
(Government/Public Affairs Manager)

Robert Capstick's presentation is attached

Following Robert's presentation, Art asked about the \$575 million in damages that the 3 Yankee companies have been awarded, and Wayne responded that the 3 Yankee companies are FERC Regulated (multi-state customers) and that we do not profit from the damages awarded.

CAB New Business: Jackie brought up that the Charlemont Chief of Police had mentioned to her that he hasn't been invited to a security drill at Yankee for a while. John responded that though LLEA is certainly invited at Yankee, the recent drills have been more targeted at fire / medical and that a large LLEA presence was not warranted by the drill scenario.

Public Comment: Schuyler brought up a question about decommissioning funding as it pertains to Vermont Yankee. Wayne responded that the funding for the Yankee companies was paid in advance, with the payments into the fund continuing until shutdown.

Meeting Adjournment: Prior to adjourning the meeting, Lenny reminded people of the Yankee museum at the Rowe Historical Society Room, and then the meeting was adjourned @ 6:50 p.m.

For more information, contact Frank Clifford at 413-424-5261 X 304 or via email at fclifford@3yankees.com.

ISFSI Manager
Presentation

John Macdonald

Staffing/Organizational updates

In early 2024, John Macdonald (the Yankee Atomic ISFSI Manager) will assume the Director of Operations position upon the retirement of Matt Marston.

Frank Clifford has been selected to succeed John as the Yankee Atomic (YA) ISFSI Manager. Turnover is currently in progress.

The posting to fill the YA ISFSI Technical Specialist position is in progress.

Industrial Safety

No first aid cases, OSHA Recordable injuries or Lost Time Accidents have occurred since 2019, when there was a first aid injury. The last Lost Time Accident at Yankee Atomic (YA) was in August 2012. In February YA exceeded 500,000 safe hours of work. There was a site-wide celebration that was attended by both 3Yankee Companies and Allied senior leadership.

ISFSI Operations

Since last year's CAB meeting several security upgrades have been completed. An upgraded fully compliant vehicle barrier system was installed in November 2022. This year phase one of two-year projects for security camera upgrades and security fence improvements have been completed successfully. Additionally, defense-in-depth tamper indicating devices were installed on security system enclosures. Next week on Thursday October 26, an upgraded temperature monitoring computer system is being installed for the YA Vertical Concrete Cask (VCC) storage system.

The multi-phased update/modernization of the gatehouse and security alarm station discussed last year was completed.

Quality Assurance Audit/NRC Inspections

In the Spring, an Independent Management Assessment (IMA) required by the Quality Assurance Program (QAP) was conducted. The assessor is a retired Nuclear Regulatory Commission (NRC) retired Senior Executive Service Manager with experience in plant decommissioning. The assessment identified several operational strengths. The assessment did not identify any findings or areas for improvement. Several recommendations were made regarding staff development and performance assessment and other non-regulated corporate opportunities.

The NRC conducted a triennial security inspection on September 11-12, 2023. The inspection was performed by a four-member team, in accordance with NRC Inspection Procedure 81311 and is documented in Inspection Report NO. 07200031/2023401. Inspection activities and programs evaluated included: (a) the access authorization program provided reasonable assurance that individuals granted unescorted access to the ISFSI Protected Area (PA) were trustworthy and reliable and did not constitute an unreasonable risk to public health and safety; (b) procedures were in place to ensure that vehicles accessing the ISFSI PA had proper authorization and were properly searched; (c) keys, locks, combinations, and associated hardware used in the ISFSI PA were properly controlled; (d) the intrusion detection system (IDS) had the ability to detect and assess unauthorized penetration of the ISFSI PA and adequate response capability existed; (e) alarms for the ISFSI IDS annunciated at a continually

staffed alarm station; (f) the ISFSI PA was illuminated to facilitate adequate assessment of PA penetration or unauthorized activity; (g) a program was in place for testing and maintenance of the physical protection systems associated with the ISFSI; (h) the spent fuel storage was within a PA and was protected by two barriers; (i) the vehicle barrier system satisfied the design vehicle bomb attack requirements; (j) communications had been established between onsite security forces and a designated response force or local law enforcement agency (LLEA); (k) a security organization with written procedures had been established; (l) members of the security organization were trained, equipped, qualified, and requalified to perform assigned duties; (m) the committed responders provided for an adequate armed response; (n) written response procedures were established and maintained; (o) training included ISFSI activities; (p) safeguards events were being properly reported; (q) audits of the physical protection system were conducted; (r) signs were posted in accordance with requirements; (s) the licensee established an emergency plan; (t) the response force or LLEA had unimpeded access to the ISFSI PA during contingency events; and (u) staffing, procedures, and resources were adequate to protect against radiological sabotage.

On September 25, 2023, a formal exit meeting was conducted (via telecon). The Inspection Team Leader reported that no cited, non-cited, nor minor violations or findings were identified.

2023 Emergency Planning

On July 26, 2023, a planned fire and medical emergency drill met all objectives and served as an excellent training evolution. Offsite local fire and rescue participated in the drill. Lessons-learned and opportunities for improvement were captured in the corrective action process. A radiological monitoring exercise will be conducted next week on Wednesday October 25.

Yankee Road remains passable. If the road becomes unpassable, Great River Hydro will allow access to their private road over the dam for emergency response by local law enforcement, and fire and medical responders. In addition, a parking area prior to the degraded road area has been established which would allow the staff to walk to the site. The Town of Rowe, MA completed engineering scope estimates and is developing a request for competitive bids. On May 23, 2023, a congregation of state senators, representatives, and staff members personally observed the road conditions and toured our facility.

After the visit, on May 26, 2023, Senator Paul Mark and Representative Natalie Blais co-authored a letter to Governor Maura Healey that respectfully urged the Governor to approve the inclusion of the Yankee Road repair project in the upcoming Capital Investment Plan for Fiscal Year 2024. The letter deemed the repair work as critical to the Town of Rowe and for matters of public safety and national security. However, the funding was not included in the initial budget submittals.

Public/Government Affairs Manager
Presentation

Robert Capstick

YANKEE ROWE COMMUNITY ADVISORY BOARD UPDATE – OCTOBER 18, 2023

Federal Nuclear Waste Issues Update

Administration

DOE Consent Based Siting Funding Opportunity Announcement

On June 9, 2023 DOE awarded \$26 million to 13 teams made up of university, nonprofit, and private-sector partners that will engage with communities interested in learning more about DOE's consent-based siting approach to identify one or more federal consolidated interim storage (CIS) facilities for the nation's spent nuclear. These teams, otherwise referred to as the consent-based siting consortia, will lead inclusive engagement efforts, elicit public feedback, and develop mutual learning strategies. DOE is not at this time soliciting volunteer sites to host consolidated interim storage facilities, rather they are rather encouraging engagement, open dialogue, and building trust.

DOE hosted a July 25, 2023 webinar to share progress on its consent-based siting process and to introduce the consortia teams. DOE anticipates it will be a 10 to 15 year process before a federal consolidated interim storage facility can begin operation in a volunteer host community following a consent-based siting process that will also require an amendment to the Nuclear Waste Policy Act. The Decommissioning Plant Coalition is in discussion with one of the consortia that received funding to participate in their effort as a non-compensated member.

Additional DOE Efforts

In addition to the consent-based siting process, the DOE is continuing its efforts in preparation to ship SNF in the future and continues to perform research on the storage and transport of SNF, work on reports from shutdown site visits where site specific information was gathered regarding infrastructure for the eventual transport of SNF, develop two SNF rail cars, and do research on geology for an eventual repository.

The DOE recently announced that its specially designed 12-axle rail car that would carry commercial spent nuclear fuel is undergoing final testing and could be ready for operational use by the end of this year.

Congress

Funding Legislation

Both the Senate and the House full Appropriations Committees passed their FY24 Energy & Water Development Appropriations bill in the summer. The Senate bill includes explicit authorization for one or more federal CIS facilities and priority for permanently shutdown sites. The House bill includes a prohibition on the use of federal monies for private CIS entities until such time that host state and local governments and any affected Indian tribes have formalized their consent.

The Congress passed a Continuing Resolution before the end of September to keep the government funded through November 17th.

Authorization Legislation

The Senate ADVANCE Act (SB 1111 “Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy”) that mainly focuses on future nuclear technology - but also contains a grant program to assist shutdown site communities for the next 5 years - was reported out of the Senate Environment and Public Works Committee this July. The bill was included as an amendment to the FY 24 National Defense Authorization Act that has passed both the Senate and House; however, the two chambers have yet to pass a compromise version to send to the President.

Nuclear Regulatory Commission

Commissioner Jeffrey Baran Nomination

Commissioner Jeffrey Baran’s term expired on June 30, 2023 and the Senate has yet to vote on his renomination for another term. Currently there is no schedule for his reconfirmation and there continues to be strong opposition from the Republicans to his reconfirmation.

ISFSI Security Requirements Rulemaking

The NRC staff’s Options Paper for the Independent Spent Fuel Storage Installation Security Requirements for Radiological Sabotage Rulemaking was made publicly available last November and Option 1 was that the staff continued to recommend discontinuing the ISFSI Security Rulemaking finding that “the existing security requirements for ISFSIs, together with the additional requirements in the post-9/11 security orders, provide reasonable assurance of adequate protection of public health and safety regardless of the ISFSI

license type or location.”

On October 4, 2023, the Commissioners approved the staff's recommended Option 1 to discontinue the rulemaking. Current ISFSI licensees will continue to comply with the current regulatory framework, including the additional requirements contained in post-9/11 security orders issued to these licensees.

NRC Enhanced Weapons, Firearms Background Checks, and Security Event Reporting Final Rule

The Enhanced Weapons, Firearms Background Checks, and Security Event Reporting Final Rule that became effective April 13, 2023 has to be implemented at the sites by January 8, 2024. The Decommissioning Plant Coalition (Wayne Norton serves as the Executive Spokesperson for the DPC) subsequently scheduled meetings with the staff of NRC's Office of Nuclear Safety and Incident Response management to discuss concerns with certain sections of the Rule for decommissioning and shutdown sites.

Those meetings are continuing and the Yankees have prepared an exemption that requests an extension to the date for implementing the rule. In addition, the Yankees have drafted exemptions to those sections of the rule that challenge the site's ability to comply.

Decommissioning Rulemaking

The NRC staff is expected to provide the final rule to the Commission this fall with the NRC expecting to publish it in 2024.

Private Consolidated Interim Storage Facility Status

Private Consolidated Interim Storage (CIS) Facility Status

The Holtec New Mexico and the Texas Interim Storage Partners NRC licensed CIS facilities have been licensed by the NRC, however, both remain subject to litigation and strong state political opposition.

The New Mexico Governor signed into law on March 17, 2023 a bill that bans the storage or disposal of spent nuclear fuel and/or high-level radioactive waste (SNF/HLRW) in New Mexico unless the state has consented to the creation of the disposal facility. Holtec has said it plans to challenge the state law in court. In September 2021, the Texas governor signed a bill into law that prohibits the storage and disposal of SNF/HLRW in the state except for storage at existing nuclear power and research reactor sites.

Texas and New Mexico CIS Facility Litigation Status

Texas: On August 25, 2023, in the case of *Texas v. NRC challenging the NRC license of the ISP CIS facility*, the U.S. Court of Appeals for the Fifth Circuit ruled that the NRC lacks the statutory authority to grant licenses to private entities for the storage of used fuel at reactor sites and vacated the NRC license for the ISP facility. The NRC and Department of Justice plan to file an appeal for a full (*en banc*) review by the Fifth Circuit Court of Appeals and will request an extension until October 23rd to do so. The Nuclear Energy Institute will file an amicus brief. This decision is at variance with two other appellate courts (the DC and tenth Circuits) who have previously upheld the NRC's licensing actions.

New Mexico: On September 8, 2023, the petitioners in the Holtec facility NRC licensing case (Beyond Nuclear, Fasken Land and Minerals; Sierra Club and 6 other groups) filed three separate opening briefs before the U.S. Court of Appeals for the D.C. Circuit challenging NRC's grant of a license for the Holtec CIS facility.

DOE Spent Fuel Lawsuit Status Update

Phase V DOE Litigation

The Phase V DOE litigation cases were filed by the 3 Yankee Companies in the U.S. Court of Federal Claims on March 25, 2021 seeking recovery of monetary damages resulting from the federal government's ongoing failure to fulfill its contractual obligations to remove the SNF-waste from the three Yankee sites for the years 2017-2020. Judge Stephen Schwartz scheduled the discovery/deposition phase to run until the end of July 2022 and set a trial date of July 25, 2023.

The cases originally assigned to Judge Schwartz were reassigned on February 28, 2022 to Judge Carolyn Lerner. It is our understanding that the reason for the consolidated cases to be reassigned to a new judge was to allow the Court of Federal Claims to even out caseloads among the existing judges.

In May 2022 the federal government asked Judge Lerner for a six-month extension to all schedule dates, including the July 2023 trial date. The federal government said they needed more time and that the Yankees answers to their questions weren't fulsome enough. The 3 Yankees opposed the government's motion as unwarranted and asked Judge Lerner to allow the 3 Yankees to add the 2021 damages to the case. During a status call in early June 2022, Judge Lerner gave both parties part of what they asked for granting the government's motion to extend all pre-trial dates by six months, but she kept the existing trial date. Judge Lerner also granted the Yankees leave to add the 2021 damages to the case, which has been done, and she required the government to address these additional claims within the amended time frame. With the addition of 2021 damages, the Phase V damages for the 3 Yankee companies are approximately \$150 million.

On November 8, 2022, the 3 Yankee Companies learned that the consolidated Phase V case had been transferred from Judge Lerner to Judge Thompson M. Dietz. Just as before with Judge Lerner, no reason was given for the transfer.

As a result of previous schedule extensions and the government's position that two weeks will be needed to try all the issues, Judge Dietz issued an order scheduling the trial from October 16-27, 2023.

Discovery was scheduled to end on April 28, 2023. However, the parties agreed to extend the deadline until the end of May 2023. One discovery dispute remains and is with the Court for consideration. The Yankees also filed a Motion for Summary Judgment on the off-set issue, seeking a legal determination that increases in the Trust Funds do not off-set damages. The Government responded opposing the Yankee Motion and included one of their own seeking a ruling in their favor on the off-set issue.

The parties had a pre-trial conference with Judge Dietz on July 27, 2023. During the conference the Judge stated that he intends to rule on the Motions before going to trial and that he was considering having Oral Argument on them in the October/November 2023 timeframe. As a result, he said the earliest practical date for the Phase V trial would be in February/March 2024 and he asked the parties to confer and try to agree on a new schedule to propose to him. Judge Dietz issued an Order setting November 2, 2023 as the date for the oral arguments on the two Motions for Summary Judgment.

NOTE: The ongoing litigation between the 3 Yankee companies and the Department of Energy is being conducted in phases as an earlier U.S. Federal Appeals Court decision ruled that utility companies cannot receive damage awards for costs that have not yet been incurred. As a result, the three companies have, and expect to continue to litigate with the DOE every several years to request damages for costs incurred by the ratepayers for the federal government's failure to meet its statutory and contractual obligation to begin removing the SNF and GTCC waste from the sites beginning in January 1998. The total damages awarded to the 3 companies to date for the Phase I, II, III, and IV lawsuits are \$575.5 million and these awards are paid out of the US Judgment Fund - not the Nuclear Waste Fund that the electric ratepayers have paid into.

CONDITION OF YANKEE ROAD



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