

Meeting Minutes
Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board
November 7, 2019

The Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board held their Annual meeting at the Golden Eagle Restaurant in Clarksburg, MA on Thursday evening November 7, 2019.

CAB MEMBERS/Attendees: Lenny Laffond (Town of Rowe), Art Schwenger (Franklin County Chamber of Commerce), Dawn Peters (Town of Heath), Jason Hoch (Town of Williamstown), Bryan Lovin (YAEC)

YAEC Attendees: David Yorke, Robert Capstick, Matt Marston, Kevin Shea, Karen Sucharzewski

The meeting was called to order at 6:00 p.m. by Lenny Laffond.

Minutes of the November 2018 meeting were approved as written.

ISFSI Status Report was presented by Bryan Lovin ISFSI Manager

Bryan Lovin's presentation is attached.

Regional and Federal Nuclear Waste Issue Update Report was presented by Robert Capstick Public/Government Affairs Manager

Robert Capstick's presentation is attached.

CAB New Business: A brief discussion was held regarding the condition of the entrance road into the Rowe site and the Commonwealth of Massachusetts' MASSWorks Infrastructure Grant program denial of the Town's request for funding the necessary repairs.

The next CAB meeting is scheduled for Thursday, November 12, 2020 at the Golden Eagle Restaurant.

The Meeting was adjourned @ 7:00 p.m.

For more information, contact Bryan Lovin at 413-424-5261 X-303 or via email at blovin@3yankees.com.

ISFSI Manager
Presentation

Bryan Lovin

Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board Update – November 7, 2019

ISFSI Site Update

- Bryan Lovin assumed the duties of ISFSI Manager in May of 2019. Shae Hemingway returned his role as the CY ISFSI Manager.

Industrial Safety

- There has been one (1) OSHA Injury at the site. This occurred when an officer encountered bee's or wasps in one of the site structures and tripped while retreating from the insects. The officer struck his head and had to have medical treatment. In addition, there was one (1) OSHA first aid case when an officer was treated for heat stress and was treated by removal of the officer to an air-conditioned building and the application of ice. The officer refused further treatment and returned to duty later in the day.

ISFSI Operations

- ISFSI Operations have been normal. This year Yankee Atomic added additional CCTV coverage of the site to better monitor selected areas at the site. Additional Security Measures were also installed to better protect access to critical areas of the site buildings.
- The State Police radio system was successfully installed and tested with offsite Response Organizations. Results show that the system that was installed greatly improved the sites ability to communicate with the site's state and local law enforcement agencies as well as state and local Emergency Management Service partners.
- During an intrusive Self-Assessment of the Yankee Rowe Security training program in the early part of this year it was identified that although the Security training program ensured that the Security Officers were receiving adequate training to perform their duties some of the training program did not meet the 3Yankees training programs expectations. Corrective actions were identified and taken to rebuild the Yankee Rowe training program to meet the 3Yankees training expectations. After the corrective actions were taken training was resumed with the implementation of the on-going training cycles which were conducted without any major issues followed by an initial

Officer training class which is currently on going and expected to graduate by the first week of December.

Quality Assurance Surveillance/NRC Site Inspections

- Quality Assurance Surveillance Report QSR Y-19-001 for the Periodic Assessment of ISFSI Activities was completed in September of this year. We had favorable results Overall. *Findings* – No Findings were identified during the Surveillance. *Deficiencies* – Three (3) Deficiencies were identified during the Surveillance. *Observations* – One (1) Observation was identified during this Surveillance.
- There were no NRC Inspections this year. The next anticipated NRC Inspection for Yankee Atomic is September of 2020. The 3Yankees team communicates on a quarterly phone call with the NRC as well as each ISFSI Manager or Yankees staff management member communicates with the NRC as needed.

Biennial Emergency Exercises

- The biennial Emergency Plan Exercises were conducted during the month of October of this year. Exercise one (1) was conducted on October 9th and was a Phase one (1) Exercise which included both a Security issue at site and a Radiological event. Exercise two (2) was an Exercise for a Medical and Fire event. Both Exercises were deemed a success. Areas for improvement were identified in both Exercise and cut across all four evaluated areas. They will be incorporated into the Emergency Program training program going forward.

Cask Relicensing and Aging Management:

- Rowe uses the NAC International MPC dry cask storage system and the MPC storage Certificate of Compliance (CofC) expires in 2020. The Revision 1 draft of the MPC CofC renewal applications was issued for review by NAC and the Yankees submitted comments to NAC on 6/27/19. The renewal application will be submitted next year.
- The Rowe exemption request to permit the continued application of existing exemptions following the adoption of Amendment 8 of the NAC-MPC CofC is awaiting NRC approval. The reconciliation process with the NAC CofC Amendment once the exemption is approved is underway.

- The NRC published its NUREG 2214 on Managing Aging Processes in Storage (MAPS) Report in July 2019. This is an important input document to the NAC CofC renewal application.

Town of Rowe Site Access Road

- The condition of the site access road continues to deteriorate. The road has effectively been reduced to a one lane road. This issue has been discussed with the town board. The town of Rowe had an engineering study conducted to evaluate cost of the repair options. The town has applied for funding from the state however that process will take time to process. Yankee Atomic authored a letter supporting the town effort with the state.

Public/Government Affairs Manager

Presentation

Robert Capstick

YANKEE ROWE SPENT FUEL STORAGE & REMOVAL COMMUNITY ADVISORY BOARD UPDATE – NOVEMBER 7, 2019

Federal Nuclear Waste Issues Update

Administration:

Department of Energy

In October President Donald Trump nominated Deputy Energy Secretary Dan Brouillette to head the Energy Department after Energy Secretary Rick Perry steps down before the end of the year. In July, Dr. Rita Baranwal was sworn in as Assistant Secretary for the DOE's Office of Nuclear Energy. She previously served as the Director of the Gateway for Accelerated Innovation in Nuclear (GAIN) initiative at Idaho National Laboratory.

The DOE continues to conduct evaluations for the removal of SNF from the increasing number of shut down reactor sites and is conducting a de-inventory report for Yankee Rowe this year. It previously did De-Inventory reports of Maine Yankee and Connecticut Yankee. In July two representatives of the Federal Railroad Administration met at Maine Yankee with Cask Relicensing Manager Paul Plante and Eric Howes to discuss site related spent fuel transport issues.

Nuclear Waste Technical Review Board Report:

On September 23, 2019, the U.S. Nuclear Waste Technical Review Board released a report to the U.S. Congress and the Secretary of Energy, titled *Preparing for Nuclear Waste Transportation – Technical Issues That Need to Be Addressed in Preparing for a Nationwide Effort to Transport Spent Nuclear Fuel and High-Level Radioactive Waste*. The report is a product of a multi-year effort, during which the Board reviewed the Department of Energy's (DOE) activities related to the eventual transportation of spent nuclear fuel (SNF) and high-level radioactive waste (HLW). The Board is an independent federal agency in the Executive Branch and the report may be downloaded from the Board's website at www.nwtrb.gov.

The report identifies technical issues that DOE will need to address in preparing to transport SNF and HLW to a waste repository or interim storage site and presents three findings and three recommendation in areas related to (i) technical and integration issues, (ii) readiness to move commercial SNF from shutdown nuclear power plant sites and DOE-managed SNF and HLW from DOE sites where they are located, and (iii) advance planning for development of casks and canisters for SNF and HLW.

Congress:

Nuclear Waste Program Funding

Continuing Resolution to November 21, 2019

In Fiscal Year 2019 which ended September 30, 2019 Congress did not appropriate any funding for Consolidated Interim Storage (CIS) or the Yucca Mountain (YM) license application. Congress approved and the President signed into law a Continuing Resolution to fund the federal government until November 21, 2019.

FY 2020 House Energy and Water Development Appropriations

The House Energy & Water Development FY 2020 funding bill was passed by the Subcommittee on May 14th and the full Committee on May 21st. It provided \$47.5 million for Integrated Waste Management Storage, of which \$25 million is directed for interim storage activities. An amendment in full Committee to include funding for YM failed on a vote of 25 to 27. The bill was combined with four separate measures in a “mini-bus” (H.R. 2740) that passed the House on June 16, 2019. With the Democrats controlling the House following the November 2018 elections, Speaker Pelosi has made it clear she supports the Nevada delegation in opposing moving forward on the Yucca Mountain license application.

FY 2020 Senate Energy and Water Development Appropriations

On September 12, 2019 the Senate Appropriations Committee approved the FY 2020 Energy and Water Development Appropriations bill by a vote of 31-0 sending the bill to the full Senate. As in past years, the bill authorizes and funds the Secretary of Energy to initiate a pilot program for one or more pilot CIS facilities for SNF "located on sites without an operating nuclear reactor." The report language reiterates the Committee's support for the 2012 Blue Ribbon Commission on America's Nuclear Future recommendations (BRC), provides \$22.5 million for integrated waste management system activities - to be used to implement plans for a CIS facility with priority for SNF from shutdown reactors and accelerate the development of transportation capabilities, specifying that within existing authorities \$10 million is to be used to contract for management of SNF with a private company. Neither the House nor the Senate's FY 2020 Energy and Water Development Appropriations bills contains funding for Yucca Mountain. The Senate is expected to vote on the bill in November.

Senator Alexander, Chair of the Senate Energy and Water Development Appropriations Subcommittee, has indicated that he may offer an amendment to include funding for the YM license application in order to force a Senate floor debate and vote on YM when the FY 2020 bill is voted on by the full Senate. If the bill is passed in the Senate, there will be a conference committee to reconcile the differences between the House and Senate FY 2020 Energy and Water Development Appropriations bills.

Nuclear Waste Legislation

Senate:

The Nuclear Waste Administration Act of 2019

A bi-partisan bill to amend the Nuclear Waste Policy Act that was introduced in the prior Congress by the Chairs and Ranking Members of the Senate Energy and Natural Resources

Committee and the Senate Energy & Water Development Appropriations Committee was reintroduced (S 1234 - the Nuclear Waste Administration Act of 2019) on April 30th. The bill would implement several of the recommendations of the 2012 BRC report, including the establishment of a pilot CIS facility with priority for shutdown plant site material through a consent based siting process.

A June 27th hearing before the Senate Energy and Natural Resources Committee on this bill included testimony by Wayne Norton on behalf of the 3 Yankee Companies and the Decommissioning Plant Coalition. He was on a panel that included the Nuclear Energy Institute, the American Nuclear Society, the Idaho National Laboratory, and the Nuclear Resources Defense Council.

The STRANDED Act

The Sensible, Timely Relief for America's Nuclear Districts' Economic Development (STRANDED) Act (S.1985) was introduced July 7, 2019 by Senator Collins and Senator Tammy Duckworth (D-IL). As noted in Senator Collins' press release "The legislation would address the impacts of stranded nuclear waste by providing federal assistance to communities around the country that are burdened with storing this spent fuel. Senators King (I-ME), Markey (D-MA), and Sanders (I-VT) are original cosponsors of the bill.

House:

The Nuclear Waste Policy Amendments Act of 2019

A refile of the Nuclear Waste Policy Amendments Act bill that passed the House in June 2018 with strong bipartisan support was filed on May 14, 2019 by California Democrat Jerry McNerney (HR 2699). Along with recognizing that a repository is a necessary feature of a responsible, integrated waste management program, the bill authorizes the development of a pilot CIS program with priority for nuclear waste stranded at shutdown sites. The bill prohibits moving any SNF to the initial CIS facility until there is a final decision on the YM construction authorization. Additionally, the bill authorizes increased resources to states and tribes to prepare for the safe transportation of spent nuclear fuel. The House Energy and Commerce Subcommittee on Environment and Climate Change held a markup hearing September 26th on this bill and number of others. On a unanimous voice vote, the subcommittee sent the bill to the full Committee which has not yet schedule action on the bill.

The STORE Nuclear Fuel Act

Rep Matsui, (D-CA) whose district includes the shutdown Rancho Seco site stated during the September 26th Energy Subcommittee hearing that CIS with consent is needed to overcome the long standing stalemate on the SNF issue and she was disappointed that the Subcommittee did not consider her legislation introduced in June called the STORE Nuclear Fuel Act (*H.R. 3136 - the "Storage and Transportation of Residual and Excess Nuclear Fuel Act of 2019"*) that "creates a legislative framework to initiate a consolidated interim storage program at the Department of Energy"... "with priority given to decommissioned plants, to move spent nuclear fuel to interim storage facilities... and "creates a process for developing an interim storage site

that will be built on consent-based agreements with affected tribes, states, and local governments."

Nuclear Decommissioning Collaborative

The Nuclear Decommissioning Collaborative received a grant from the Commerce Department to perform an 18 month study and write a report fulfilling the report language accompanying the FY 19 Appropriations bill of the Subcommittee on Commerce, Justice, Science and Related Agencies regarding existing resources and funding opportunities to assist shutdown site communities. There was an April 10th federal agency roundtable meeting of the Collaborative and the US Department of Commerce's Economic Development Administration in Washington, DC and that effort continues to move forward. Eric Howes of Maine Yankee is serving on the Expert Panel for this project at the invitation of Nuclear Decommissioning Collaborative Executive Director Jim Hamilton, and he participated in the April 10 federal agency roundtable. Information on the Collaborative can be accessed at its website: <https://decommissioningcollaborative.org>,

Nuclear Regulatory Commission

Consolidated Interim Storage Initiatives

New Mexico CIS facility License Application

The NRC Atomic Safety and Licensing Board (ASLB) held a hearing in January 2019 on the license application submitted by Holtec Inc. and the Eddy-Lea Alliance to construct and operate a CIS facility for spent fuel from commercial nuclear power reactors in Lea County, New Mexico. The three-judge board heard oral arguments as to the standing of the several petitioners and the admissibility of their proposed contentions. On May 7th, the ASLB issued a decision that while some of the six petitioners met the qualifications for standing, they concluded the nearly 50 contentions raised were not admissible for an evidentiary hearing as they were either were not relevant to the application or did not establish a genuine dispute with aspects of the application. The intervenors have appealed the ASLB decision to the NRC Commission.

On June 7, 2019 New Mexico Governor Michelle Lujan Grisham wrote to DOE Secretary Perry and NRC Chairman Kristine Svinicki "I write to express my opposition to the proposed interim storage of high-level radioactive waste in the state of New Mexico. The interim storage of high-level radioactive waste poses significant and unacceptable risks to New Mexicans, our environment and our economy. Furthermore, the absence of a permanent high-level radioactive waste repository creates even higher levels of risk and uncertainty around any proposed interim storage facility."

Texas CIS facility License Application

The Interim Storage Partners (ISP) revised CIS license application for the WCS site in west Texas was submitted to the NRC June 8, 2018. The ASLB panel in the Holtec proceeding will also adjudicate this application and held a hearing on standing and the admissibility of

contentions on July 11 & 12 in Texas. The same ASLB heard oral arguments July in Midland, Texas on petitions for an adjudicatory hearing on ISP's license application for a CIS facility at the Waste Control Specialists site in west Texas. The hearing was largely a replay of the Holtec hearing with similar petitioners and contentions.

In an August 23rd statement, the ASLB agreed to hear the Sierra Club's contention that the environmental report in ISP's application "failed to sufficiently address the potential impacts of the facility on the habitats of the dune sagebrush lizard and the Texas hound lizard." While denying their proposed contentions, the board also granted standing to several of the other intervenors. The order stated that both the Board's and NRC staff's views on the admissibility of various contentions changed after ISP revised its license application in response to a June 7th question from the Board agreeing that absent new legislation, the US DOE could not lawfully assume ownership of the spent nuclear fuel in its proposed storage facility because the Nuclear Waste Policy Act prohibits DOE from taking title to US utilities' spent fuel before a repository becomes operational.

The NRC staff stated in July 1st letters to both Texas and New Mexico applicants that their schedule to complete the environmental and technical/safety reviews of both applications has been revised and pushed back to May 2021.

Decommissioning Rulemaking

The Draft Rulemaking that began in 2014 and was submitted by the NRC staff to the Commissioners for their review in May 2018 continues to have no set timetable for the Commissioners to take action. NRC staff's goal is to publish the final rule mid-2021. The Decommissioning Plant Coalition submitted comments to the NRC Executive Director of Operations that emphasized the direction that the DPC would like to see the NRC take when issuing the rule: codify the commonly granted decommissioning exemptions such as emergency planning to increase efficiency and reduce costs; ensure that implementation of the rule does not have any unintended consequences for the Stand alone ISFSI/Decommissioned Reactor sites; and not proceed with additional staff recommended rules and guidance documents without a safety or security basis for doing so.

Community Advisory Board Best Practices Report

Under the December 2018 Nuclear Energy Innovation and Modernization Act, the NRC was directed by Congress to hold a minimum of 10 public hearings near decommissioning plant sites and submit a report to Congress by June 2020 on best practices for community engagement panels near decommissioning nuclear power plants. The NRC invited Maine Yankee's Community Advisory Panel's Chairman Don Hudson to make a presentation about the Maine Yankee CAP's experience at the September 10th meeting in Brattleboro VT. Chairman Hudson spoke and provided the NRC with copies of the Maine Yankee CAP's 2005 decommissioning experience report, "The Maine Yankee Decommissioning Advisory Panel, A Model for Public Participation in Nuclear Projects". Following Chair Hudson at the VT meeting, Eric Howes of Maine Yankee spoke at the NRC's invitation also addressing the experience of the community advisory panels at Connecticut Yankee and Yankee Rowe which have been in place about the

same length of time as the Maine Yankee CAP and whose experience in large measure mirrors the Maine Yankee CAP's.

DOE Spent Fuel Lawsuit Status Update

Phase IV Case

The Phase IV case filed in May 2017 in the U.S. Court of Federal Claims is complete. Phase IV addressed damages resulting from the federal government's ongoing failure to honor its contract obligations for the 2013-2016 timeframe.

This past summer payment was received from the Treasury Department regarding Judge Nancy Firestone's February 2019 decision that approved the 3 Yankee Companies' Motion for Partial Summary Judgment of the \$103.2 million in undisputed damages in the Phase IV DOE spent fuel litigation as well as the award of an additional \$500,000 from a June 2019 agreed offer of judgment between the 3 Yankee Companies and the Department of Energy to resolve the disputed damages in the Phase IV cases.

As with previous DOE spent fuel litigation damage awards, the state utility regulators in ME, MA, and CT agreed with the 3 Yankee Companies' proposal for the disposition of the funds in a manner that best serves the interests of our electric utility owners and their ratepayers in the respective New England states in accordance with September filings at the Federal Energy Regulatory Commission.

NOTE: The ongoing litigation between the three 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 (\$159.6 million + \$235.4 million + \$76.8 million + \$103.7 million). These awards are paid out of the US Judgment Fund - not the Nuclear Waste Fund.