

**Meeting Minutes
of
November 9, 2016
Yankee Rowe Spent Fuel Storage & Removal
Community Advisory Board**

Meeting Minutes

Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board November 9, 2016

The Yankee Rowe Spent Fuel Storage & Removal Community Advisory Board held their Annual meeting at the Golden Eagle Restaurant in Clarksburg, MA on November 9, 2016.

Attendees: Lenny Laffond (Rowe), David Nash (Monroe), Art Schwenger (Franklin County Chamber of Commerce), Gail-Anne Cariddi (North Adams); Dawn Peters (Heath), Anne Skinner (Williamstown) William LeQuier (Readsboro) and Tom Wilson (CAN),

YAEC Representatives: Brian Smith, Robert Capstick, Dave Yorke, Kevin Shea and Karen Sucharzewski.

The meeting was called to order at 6:10 p.m. by Lenny Laffond, Chairman.

Minutes of the November meeting were approved as written.

ISFSI Status Report was presented by Brian Smith, (ISFSI Manager).

Brian gave a review of his career and introduced Kevin T. Shea, Technical Specialist and explained Kevin's job function at Yankee. Brian also spoke briefly of the new position of Aging Canister Manager which is a position shared between the 3 Yankees, Yankee Atomic Rowe, Connecticut Yankee and Maine Yankee.

Brian's presentation is attached.

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

A brief discussion was held regarding transferring the fuel to transportable casks and who is responsible for designing and constructing the transportable cask, Bob Capstick replied that it was DOE's responsibility to design and construct the cask.

Robert Capstick's presentation is attached.

CAB New Business: None

The next CAB meeting is scheduled for Thursday, November 2nd, 2017 at the Golden Eagle Restaurant.

The Meeting was adjourned @ 7:45 p.m.

For more information, contact Brian Smith at 413-424-5261 X-303 or via email at bsmith@3yankees.com.

Brian Smith
ISFSI Manager
Presentation

ROWE ISFSI SITE UPDATE

November 9, 2016

ISFSI Operations

- ISFSI Operations have been normal.

Industrial Safety

- There was one OSHA Recordable injury in June. The individual received treatment for a sprained ankle and was placed on light duty, but did not lose any time at work. The officer is currently attending physical therapy and continues on light duty.

Administration Building improvement

- The existing handicap lift was replaced with a ramp to the first floor of the building, a permanent roof structure was added over the outside HVAC units to shield them from the ice and snow, and the layout of the first floor office space was improved to accommodate five work stations.

Septic System Repairs

- Unplanned repairs to the septic system leach field mound were needed as the leach field mound lost its ability to properly drain when there is significant rain and cold weather. A Sanitary Engineer was hired to advise on the needed repairs. The work to the leach field mound began following the Town of Rowe approval and was completed in June. Replacement of the septic pumps is planned for next spring.

Emergency Plan Drill

- The biennial Emergency Plan Drill was performed on September 7th. Personnel from Connecticut Yankee and Maine Yankee, along with a number of outside agencies, participated and/or observed.

NRC Office of Nuclear Security and Incident Response (NSIR) Visit

- The Yankee site hosted an informational visit in September from the NSIR senior policy staffer responsible for developing the new security regulations for ISFSIs at decommissioning sites and at stand-alone ISFSI sites. She visited all three Yankee sites and had discussions with management and staff regarding her efforts associated with standalone ISFSI security regulations. At the conclusion of her site visits she expressed her appreciation and indicated a greater appreciation on how the Yankee's and stand-alone ISFSI sites conduct security operations.

NRC Site Inspection

- The next biennial NRC inspection will be conducted in the spring of 2018.

NRC Region 1 Quarterly Briefing Conference Call

- The next 3-Yankees/NRC Region 1 quarterly briefing call will be held on January 4, 2017.

Ground and Surface Water Sampling Program

- In accordance with the MADEP approval for Yankee Atomic to decommission wells no longer used for sampling, eight monitoring wells were decommissioned the week of September 12th, reducing the number of monitoring wells from thirteen to seven. The most recent ground water sampling was finished in the spring and a final report was provided to the MADEP and other organizations. The results of the samples were consistent with the approved conceptual site model. The next sampling event is scheduled for March 2021.
- The biennial soil stability inspection of the site was completed in August by a third-party inspector. The results of the inspection were acceptable and a report provided to the MADEP.

Cask Relicensing

- Yankee uses the NAC International MPC dry cask storage system which has an NRC issued Certificate of Compliance for storage (CofC) and a CofC for transportation. The NAC MPC storage CofC expires in 2020 and a significant effort is underway working with NAC to prepare and submit the NAC MPC storage license renewal application in advance of the expiration date. This lengthy review is customary for the storage CofC because the renewal period in this case will be up to 40 years.
- Yankee also has been utilizing a proposed aging management processes for inspecting the concrete casks and pads to be implemented during the renewal period. This is to ensure that when the renewal period begins, there will be a smooth transition to the processes that are being proposed for use by both industry and the regulator. This year's vertical concrete cask inspections have been completed with acceptable results.

GTCC Cask and Canister Inspection at Maine Yankee

- During the week of July 11th, Maine Yankee removed the outer lid from a cask containing Greater-Than-Class-C (GTCC) waste to check for moisture intrusion as part of the information gathering process to support canister relicensing. Additionally, Maine Yankee supported an Electric Power Research Institute (EPRI) sponsored visual inspection of the GTCC canister using a robotic camera. This allowed EPRI to test the recent robotic delivery system and visual inspection tool improvements that have occurred since 2013. The inspections and demonstrations were very successful, allowed for all inspection and measurement techniques to be demonstrated, and provided some much needed confirmation of these processes to the many industry and government agency representatives who were present. The information from this effort will also benefit Yankee's MPC storage system CofC renewal project.

Robert Capstick
Public/Government Affairs Manager
Presentation

YAEC SPENT FUEL STORAGE AND REMOVAL COMMUNITY ADVISORY BOARD UPDATE

November 9, 2016

Federal Nuclear Waste Issues Update

Administration

The DOE 2013 Report, “*Strategy for the Management and Disposal of Used Nuclear Fuel and High Level Radioactive Waste*” remains the policy of the current Administration. The strategy document milestones include development of a pilot consolidated storage facility with priority for shutdown reactor fuel, a larger consolidated storage facility, and a repository.

DOE activities include continued gathering and updating of information from the shutdown reactor sites regarding transportation modes, site infrastructure, and routes to prepare for the eventual shipment of SNF. A DOE team visited Vermont Yankee in May 2016 and information from the visits to the permanently shutdown sites is contained in DOE's “Preliminary Evaluation of Removing Spent Nuclear Fuel from Shutdown Sites” which can be accessed on the DOE website.

DOE is continuing to fund the design, construction, and testing of a rail car that will comply with new American Association of Railroad standard for transporting spent nuclear fuel canisters. This is one of the transportation related activities needed in the future for DOE to transport the spent nuclear fuel (SNF) from the sites that Yankee and others have been urging DOE to do under its existing authority. Yankee and others are pressing DOE to expand that effort to include the fabrication of the NRC licensed transportation casks and components.

The DOE public comment period on their effort to develop a consent-based approach for spent nuclear fuel and high-level radioactive waste facilities concluded on July 31st. The Yankees provided comments through the Decommissioning Plant Coalition and the Nuclear Waste Strategy Coalition. The DOE held a September 15th public meeting that summarized the feedback they received and discussed next steps in the process - those steps include a request for comments by October 30th on their draft report summarizing the public input they received - their intent to establish an advisory committee to focus on consent based siting and waste program management - their plan to issue a draft CBS process planning document for comment - as well as develop draft siting considerations for waste facilities.

On October 27th DOE issued a Request for Information on how DOE might engage with private Consolidated Interim Storage (CIS) initiatives and Secretary Moniz testified before the Senate Energy & Water Development Appropriations Committee on September 14th that he is supportive of the private CIS initiatives and that DOE counsel has advised him that he has the authority to engage with private facilities for commercial spent fuel storage - although he thinks that specific congressional authorization is important for the applicant's confidence.

Congress

Energy & Water Development (E&WD) Appropriations Legislation:

The Senate E&WD bill did not address Yucca Mountain and instead included a provision calling for the creation of a pilot program consolidated Interim storage facility with priority for shutdown plants site material. The bill also includes language directing \$10 million in funds from the DOE's Office of Nuclear Energy (not the Nuclear Waste Fund) in order for DOE to be able to contract with private parties for the management of spent fuel that DOE holds title to or has a contract to accept title to. As previously reported, the Senate bill passed the Senate Appropriations Committee and was passed by the Senate by a vote of 90 to 8 in May.

The House E&WD bill reported from the Committee continued to include strong support for getting the Yucca Mountain license application finished proposing \$150 million going to the Department of Energy and \$20 million to the Nuclear Regulatory Commission for continued work on the application. However, the bill failed to pass, primarily due to unrelated amendments that were adopted during floor debate and not due to the substance of the bill that went to the floor.

Just before the September 30th end of the fiscal year, Congress passed a Continuing Resolution that will continue status quo funding for the government (and none for Yucca Mountain) until December 9th.

House Consolidated Interim Storage Legislation:

In addition to the legislation introduced by Congressman Conaway of Texas last year (H.R. 3643, "*Interim Consolidated Storage Act of 2015*") proposing to authorize the DOE to contract with private parties for the development of consolidated interim storage facilities, there was a bill introduced by Congressman Mulvaney of South Carolina that is the same as Conaway's except that it would require annual appropriations to fund the interim storage program instead of the Conaway bill approach of granting the Secretary the authority to tap into the interest in the nuclear waste fund. Between both of those bills, there were over 30 co-sponsors and similar legislation is expected to be introduced early in the next session of Congress.

Nuclear Waste Authorization Legislation:

The hearing for the bipartisan Senate 854, "*Nuclear Waste Administration Act of 2015*" (which included provisions for the establishment of a pilot consolidated interim storage facility with priority removal from permanently shutdown reactor sites) was never rescheduled. While the bill was important to the Senate Energy Committee and Chairman Murkowski, there was no action taken on it this session due to competing legislation, the short Senate schedule, and the continuing impasse with the House while Senator Reid remained the Senate Minority Leader.

House Energy Subcommittee Chairman Shimkus is expected to introduce nuclear waste legislation next year that will focus on restarting the Yucca Mountain Licensing Application process and may include a provision for consolidated interim storage.

The Stranded Nuclear Waste Accountability Act of 2016

The “*Stranded Nuclear Waste Accountability Act of 2016*” (H.R. 5632) was introduced July 6th by Congressman Dold (R-IL) who represents Zion Illinois that has a shutdown nuclear power plant. There were three original cosponsors: Rep Courtney (D-CT), Rep Welch (D-VT), and Rep. Ribble (R-WI) - others have subsequently signed on as well, including Rep Pingree (D-ME) and Rep. Neal (D-MA). The bill directs the Secretary of Energy to carry out a program to provide payments to communities in which a nuclear power plant that has ceased generating electricity prior to the date of enactment of the bill and stores spent nuclear fuel onsite. It would authorize \$100 million to be appropriated from general funds (not the nuclear waste fund) for the program for each fiscal year from 2017 through 2023.

Congressman Neal Tour of Yankee Rowe

Congressman Neal, State Representative Paul Mark, Town of Rowe officials, and two members of the Yankee Rowe CAB met and toured the site on October 3rd. Reporters from two local newspapers interviewed the Congressman and several of the tour participants outside the gate following the tour and articles ran in the Greenfield Reporter and Springfield Republican.

Nuclear Regulatory Commission

NRC Commissioner Public Meeting with NRC Stakeholders

Wayne Norton participated in the day long July 26th “*NRC Commission Meeting with NRC Stakeholders*” and represented the 3 Yankee companies and Decommissioning Plant Coalition. The roundtable discussion meeting was to solicit stakeholder perspectives, concerns, and recommendations on the NRC’s regulatory programs. Wayne’s comments focused on the reduced risk profile of sites in the spent fuel dry storage and ISFSI-only site configuration; he also urged the Commission to bi-furcate the decommissioning rulemaking to first adopt the historical exemptions - such as those the Yankee’s and other decommissioning sites received in the reduced risk areas of EP and security after permanent shutdown; and he also urged that the NRC clarify future rulemaking and regulatory guidance documents to address their applicability - or lack thereof - to 10 CFR Part 50 stand-alone ISFSI sites such as the Yankees.

Continued Storage of Spent Nuclear Fuel Rule:

The U.S. Court of Appeals for the D.C. Circuit opinion issued on June 3rd in “New York v. NRC II” that rejected challenges to the NRC's Continued Storage Rule supporting the generic environmental impact statement (GEIS) was appealed for a hearing of the entire Appeals Court by New York, Connecticut, Vermont, Massachusetts, NRDC, and the other petitioners. The June 3rd D.C. Circuit ruling will stand as the request for rehearing by the entire Appeal’s Court was denied without comment on August 8th.

[BACKGROUND NOTE: The Continued Storage rule and Generic Environmental Impact Statement (GEIS) became effective in October 2014. The GEIS analyzed the environmental impact of storing spent fuel beyond the licensed operating life of reactors over three timeframes: 60 years (short-term); 100 years after the short-term scenario (long-term); and indefinitely. Although the Commission stated they do not believe that the indefinite storage scenario is likely, its inclusion in the analysis allowed the NRC to fully analyze the environmental impacts associated with continued on-site storage.]

Volunteer Consolidated Interim Storage Site Proposals

Texas Proposal: The team of Waste Control Specialists (WCS), AREVA, and NAC International submitted a license application to the NRC this past spring and NRC expects that the review will take three years. WCS plans to expand their Low Level Waste facility in west Texas to build a private, temporary storage site for SNF. WCS is not seeking federal funds to build or operate the site, but plans to enter into an agreement whereby DOE would take title to the SNF, pay WCS to store the fuel and remain liable for the waste.

New Mexico Proposal: Officials from two rural New Mexico counties announced last year an agreement between Holtec International and the Eddy-Lea Energy Alliance to site a CIS facility on 32 acres in the communities of Carlsbad and Hobbs. The New Mexico team recently sent a letter to the NRC saying submittal of their license application will be delayed until next year.

DOE SPENT FUEL LAWSUIT STATUS UPDATE

Phase III Case

The Federal Government decided not to appeal U.S. Court of Federal Claims Judge decision in the Phase III DOE litigation issued April 7, 2016. The decision awards Connecticut Yankee, Yankee Atomic, and Maine Yankee approximately \$76.8 million in total damages for the costs related to the government's continuing failure to honor its contractual obligations to remove SNF and high-level waste from the three sites. These Phase III litigation awards represent damages that Maine Yankee, Connecticut Yankee and Yankee Atomic incurred from January 1, 2009 through December 31, 2012. Yankee was awarded approximately \$19.6 million in the decision.

The funds were transferred to the three companies in mid-October and placed in the respective company trust fund accounts. The Yankees are working with FERC counsel and the states on the FERC filings that are necessary before the Yankees can distribute any funds to their owners as detailed in the filings.

Spent Fuel Litigation Background

In the Phase I case, the federal government ultimately paid the Yankee Companies (Connecticut Yankee, Maine Yankee, and Yankee Atomic) nearly \$160 million in damages in February 2013. These Phase I litigation awards represent damages through 2001 for Connecticut Yankee and Yankee Atomic and through 2002 for Maine Yankee. The US government did not appeal the US Court of Appeals judgment of May 18, 2012 that confirmed the US Court of Federal Claims

awards to Connecticut Yankee in the amount of \$39,667,243; and Maine Yankee of \$81,690,866; and Yankee Atomic of \$38,268,655. The Federal Energy Regulatory Commission (FERC) approved a filing effective July 1, 2013 following the award of the Phase I damages funds that accepted an agreement reached between the three Yankee Companies and state utility regulators in Connecticut, Maine and Massachusetts that have historically intervened in the companies' FERC rate cases. That agreement detailed an approach for applying the Phase I damages proceeds and future damages awards that best serves the interests of the ratepayers in their state.]

The Phase II case, the federal government did not appeal U.S. Court of Federal Claims Judge Merow's ruling of November 14, 2013 that awarded Connecticut Yankee, Yankee Atomic, and Maine Yankee approximately \$235.4 million in total damages (CYAPCO recovered \$126.3 million, YAEC \$73.3 million, and MYAPCO \$35.8 million). These Phase II litigation awards represent damages that CYAPCO and YAEC incurred from January 1, 2002 through December 31, 2008, and that MYAPCO incurred from January 1, 2003 through December 31, 2008.]

The ongoing litigation between the three companies and the Department of Energy is being conducted in phases as an earlier U.S. Federal Appeals Court decision ruled that utility companies, such as the three 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.