

Connecticut Yankee (CY) Fuel Storage Advisory Committee Meeting (FSAC)

Wednesday, May 1, 2024, Riverhouse at Goodspeed Station, Haddam, CT

Meeting Summary

Attendees

FSAC Members: Emmett Lyman(East Haddam) Chair, Nicole Velardi (Government), Bob McGarry (Haddam), Robert Desmarais (CY), David Cox (East Hampton), Vic Fetter(Chester), and Noah Carver (Congress)

Connecticut Nuclear Energy Advisory Council (NEAC): Craig Salonia, Jim Sherrard

State of Connecticut Department of Energy and Environmental Protection (DEEP): Mike Firsick, Jeffrey Semancik

Public: Tim Bragdon (Chester), Michael Lafleur (East Hampton)

CY: Bob Capstick, Kathleen Capstick, Shae Hemingway, Jim Lenois, John Macdonald, Carla Pizzella

Chair Emmett Lyman called the meeting to order at 4:09 pm.

Chair Lyman asked the attendees to introduce themselves. After the introductions, the Chair invited the members of the public to speak out with their questions during the meeting instead of waiting until the Public Comment segment of the meeting as described on the agenda.

Approval of May 7, 2023, Meeting Summary

The members approved the May 7, 2023 meeting summary.

CY Independent Spent Fuel Storage Installation (ISFSI) Site Status Report

Rob Desmarais, the CY ISFSI Manager, provided a CY site status update report and spoke from the attached meeting handout section entitled "ISFSI Status Update."

Mr. Desmarais presented an update on Industrial Safety at CY, which continues to be good. The last Lost Time Accident was 2015.

Mr. Desmarais discussed the CY ISFSI pad multi-phased resurfacing project that was completed in the Spring of 2023. Mr. Desmarais mentioned that to date, the repairs appear to be holding up well.

Mr. Desmarais then reviewed the CY site projects that will be undertaken this year. The first project mentioned is a canister inspection planned for July 2024 to inspect the internals of one spent fuel canister to assess for chloride induced stress corrosion. Mr. Desmarais pointed out that both Yankee Atomic and Maine Yankee have conducted similar inspections. The Nuclear Regulatory Commission (NRC) will observe the inspection as they will be on-site for their triennial inspection of ISFSI operations.

The Committee asked Mr. Desmarais how many fuel canisters were at the CY ISFSI, and he responded that there are 40. The Committee followed up with an inquiry as to how CY can determine if one canister is representative of all canisters with regard to the inspection. Mr. Desmarais and Mr. Macdonald pointed out that CY follows industry guidance and regulations driven by the NRC, as well as an Aging Canister Management Program. They also explained that the canister selected for inspection is the one with the lowest heat rating. This is because the lower the heat, the more likely it is for condensation/moisture to form. Mr. Desmarais was asked about the frequency of inspections and he explained that the canisters are on a ten-year inspection cycle, unless something is found during an inspection which would impact the frequency.

Mr. Desmarais was asked by a few members of the Committee whether they could attend the canister inspection. Mr. Desmarais explained that he would have to determine if this is possible and would get back to the Committee.

Mr. Desmarais then explained that a project for ISFSI infrastructure power and fiber optic upgrades is planned for later in the year. Mr. Desmarais pointed out that it has been 20 years since the first cask was put on the ISFSI pad. He also stated that the Certificate of Compliance for the canisters was approved in October of 2023, relicensing them for forty years.

Mr. Desmarais mentioned that the area radiation monitors that are on the outside fence surrounding the ISFSI will be out of service for a period of time while the infrastructure upgrades are underway. However, CY's area dosimetry will remain active as well as the Department of Energy and Environmental Protection's (DEEP) dosimetry. Mr. Desmarais also mentioned that the security staff is trained to do assessments if the need arises. Finally, Mr. Desmarais mentioned that the radiation monitors will be sent for calibration while they are out of service. A member of the public asked if there has been a safe level of radiation at the ISFSI as measured over the past 20 years. Mr. Desmarais responded affirmatively. The Committee then asked how the level of radiation and temperature have changed over the years. Mr. Desmarais explained that both the measured radiation and temperature have decreased over the years and should continue in that manner.

Mr. Desmarais also mentioned that 2024 is an Emergency Plan exercise year for CY. A Fire/Medical Drill is scheduled for Thursday, June 27, 2024, and a Radiological Exercise is scheduled for Thursday August 29, 2024.

The Committee asked if the recent New Jersey earthquake impacted CY and Mr. Desmarais responded that it had not.

Federal Nuclear Waste Management Program Update

Mr. Capstick provided the attendees with an update on nuclear waste issues from the national perspective. He spoke from the attached handout section entitled “Federal Nuclear Waste Management Program Update”. The following points were made:

- The President’s FY 2025 Budget for the DOE nuclear waste management program proposes to continue at the FY 24 funding levels and scope of effort.
- In March, Paul Murray (DOE’s Deputy Assistant Secretary for Spent Nuclear Fuel (SNF) and Waste Disposition) met with the US House Spent Nuclear Fuel Solutions Caucus (of which Congressman Courtney is one of its most active members on the issue). Mr. Murray outlined that he is looking to restart an integrated nuclear waste management program - under his existing authority - that would include initiating a second repository program for all the nation’s nuclear waste - commercial, naval, WW II Manhattan Project legacy sites, and future advanced new nuclear reactor material.
- Congressman Courtney continues to be a great advocate on solving the national SNF storage issue, and he invited CY to participate in a March 27th series of daylong meetings in his District where he hosted the Department of Energy’s Deputy Assistant Secretary for Spent Nuclear Fuel & Waste Disposition, the previously mentioned Paul Murray, and Finland’s Ambassador to the U.S. Congressman invited Finland’s Ambassador to his Congressional District.
- The March 27th visits included the 3 Rivers Community College Nuclear Engineering Technology Program (that is headed by Jim Sherrard) and Millstone Station’s SNF Storage facility; and the stakeholder roundtable discussion focused on the nuclear waste issue and Finland’s geologic repository program, which will become the world’s first operational geologic repository for SNF this year following a lengthy consent-based licensing process. The afternoon stakeholder roundtable meeting at the Waterford Town Hall had a panel that included Congressman Courtney, Finland’s Ambassador, the DOE Deputy Assistant Secretary, the Millstone VP, the State Representative from Waterford, Jim Sherrard of the Three Rivers Nuclear Program Director, the Waterford First Selectman, and others including DEEP’s Radiation Division Director Jeff Semancik, and Mr. Capstick.

Mr. Firsick of the DEEP mentioned to the Committee that the DOE now has an Atlas rail car that has been tested and certified to move SNF. He also mentioned that the North Anna Nuclear Generating Station has safely and successfully moved fuel from one of their sites to another.

Private Consolidated Interim Storage Facility Status

Bob then updated the Committee on the status of private consolidated interim storage. He spoke from the attached handout section entitled “Private Consolidated Interim Storage Facility Status”. Bob explained that the private CIS facilities in Texas and New Mexico have NRC approved licenses; however, there is strong state political opposition and an ensuing legal battle over those license approvals that may rise to the level of the U.S. Supreme Court.

DOE Spent Fuel Lawsuit Status Update

Bob provided the attendees with an update on the current phase (Phase V) of the lawsuit with the Department of Energy. The Phase V lawsuit seeks monetary damages for the period from 2017 – 2021 for the federal government’s ongoing failure to fulfill its contractual obligation to remove the Spent Nuclear Fuel and Greater-Than-Class C Waste from the CY Site (as well as the Maine Yankee and Yankee Rowe Sites). Bob referred the Committee to the attached handout section entitled “DOE Spent Fuel Lawsuit Status Update” for the details surrounding the legal activity associated with the lawsuit. At the present time, discovery is still underway, in accordance with a Judge issued Order of March 13, 2024 establishing a schedule to complete all discovery by June 10, 2024. A trial date has yet to be scheduled pending the completion of discovery.

Next Meeting Date

Following discussion, the Committee voted to hold the 2025 meeting on Wednesday, May 7, 2025.

Adjournment

There being no further business, the meeting was adjourned at 5:10 PM.

ATTACHMENTS

- **May 1, 2024 Meeting Agenda**
- **Connecticut Yankee May 1, 2024 FSAC Update**
- **Approved May 10, 2023 Meeting Summary**

Connecticut Yankee Fuel Storage Advisory Committee

Meeting Agenda

Wednesday, May 1, 2024

**The Riverhouse at Goodspeed Station, Rte. 82, 55 Bridge Rd.,
Haddam, CT**

4:00 p.m. Call FSAC Meeting to Order – Emmett Lyman

Introductions

Approval of May 10, 2023, Meeting Summary

Status Report – Rob Desmarais

- **ISFSI Operations**
- **Cask Relicensing**
- **Aging Management Program Inspection**
- **NRC Inspection**
- **Security and Equipment Upgrades**

Federal Nuclear Waste Management Program Update – Bob Capstick

DOE Spent Fuel Lawsuit Status Update – Bob Capstick

Other Business – Emmett Lyman

Public Comment and Questions

Proposed 2025 Meeting date: Wednesday, May 7, 2025

5:30 p.m. Adjournment

CONNECTICUT YANKEE FUEL STORAGE ADVISORY COMMITTEE

MAY 1, 2024 UPDATE REPORT

Highlights

ISFSI Site Update

- There will be a canister inspection conducted at Connecticut Yankee in July 2024.
- 2024 is an exercise year for Connecticut Yankee.
- The NRC triennial Operations/Safety Inspection at Connecticut Yankee is scheduled for the week of July 22, 2024, to coincide with aging management program inspection.

Federal Nuclear Waste Issues Update

- Congressman Courtney held a March meeting in his District addressing the nuclear waste issue that CY participated in.
- Congress passed and the President signed the FY24 Energy & Water Development Appropriations bill in March.
- The legal battle over the NRC license approvals for the private CIS facilities has intensified and could reach the Supreme Court.

DOE Spent Fuel Lawsuit Status Update

- The Judge in the Phase V DOE litigation case ruled on the Motions for Summary Judgment but has not yet set a trial date.

ISFSI Status Update

Industrial Safety:

There have been no Lost Time Accidents, OSHA Recordable Injuries, First Aid cases, or near misses since the last report. The last Lost Time Accident at Connecticut Yankee occurred in March 2015.

ISFSI Operations:

The site continued the planning and preparation for major work in 2024. The Project Execution Plan and Design Change Record for the Protected Area Infrastructure upgrades is planned in two phases: first phase to start in April and second phase in September.

2024 Emergency Plan Events:

2024 is an exercise year for CY. The Fire/Medical Drill is planned for Thursday, June 27, 2024, and the Radiological Exercise is planned for Thursday August 29, 2024. The site recently held the annual Emergency Plan site familiarization training on March 21, 2024, for Local Law Enforcement (LLEA) and local fire and emergency medical services.

NRC Inspections:

The NRC triennial Operations/Safety Inspection at Connecticut Yankee Atomic is scheduled for the week of July 22, 2024, to coincide with aging management program inspection. The NRC also notified the site that the triennial security inspection is tentatively scheduled for the week of August 18, 2025.

Reports to the NRC Operations Center:

No reports have been made to the NRC Operations Center since the last update report.

Cask Relicensing and Aging Management Program:

The NRC finished their review of the MPC relicensing application which allows CY and Yankee Rowe to implement the NAC storage cask system Certificate of Compliance (CofC) within one year of the renewed CofC effective date, which was October 17, 2023. The CofC renewal change management plan was completed on February 15th. The Aging Management Program (AMP) for the CY ISFSI storage system was implemented as part of that change management plan. As required by the Aging Management Program, there will be a canister inspection at Connecticut Yankee in July 2024.

Federal Nuclear Waste Management Program Update**Administration**

The President's FY 2025 Budget was released on March 11th. The DOE nuclear waste management program will continue to focus on efforts that further consent based siting of federal consolidated interim storage and transportation related activities through the Office of Nuclear Energy Integrated Waste Management subprogram. There is also \$12 million requested from the Nuclear Waste Fund to continue support requirements for the physical security at the Yucca Mountain site, management of the NWF investment portfolio, as well as fund DOE spent fuel contract management activities. The budget indicates that the end of FY '24 balance of the Nuclear Waste Fund is approximately \$49 billion and will earn almost \$1.8 billion in interest during FY '25.

In April Dr. Katy Huff announced that her final day as Assistant Secretary for Nuclear Energy will be May 3rd as she will return to her professorship at the University of Illinois at Urbana-Champaign. Dr. Mike Goff (DOE Principal Deputy Assistant Secretary for Nuclear Energy) will step into the role of Acting Assistant Secretary.

In March, Paul Murray (Deputy Assistant Secretary for Spent Nuclear Fuel and Waste

Disposition) met with the House Spent Nuclear Fuel Solutions Caucus (Congressman Courtney is a Caucus member). He explained that he is looking to restart an integrated nuclear waste management program under his existing authority that would include a second repository program for all the nation's nuclear waste (commercial, naval, WW II nuclear program legacy sites). In the next year he will focus on projects to garner public confidence in the DOE regarding the safe transportation of SNF – in addition to overseeing the consent based siting (CBS) process for a federal consolidated interim storage (CIS) initiative which is underway.

The Decommissioning Plant Coalition (CY is a member) is involved with the DOE consent-based siting federal CIS initiative as a non-compensated team member of one of the consortia (Energy Communities Alliance) that received funding from DOE. A meeting with DOE's Paul Murray involving CY's Wayne Norton (as the DPC spokesperson) is scheduled for April 25th in Washington D.C.

The U.S. Nuclear Waste Technical Review Board (NWTRB) issued a new report in February to the U.S. Congress and the Secretary of Energy titled "Evaluation of The U.S. Department of Energy Research and Development Activities on the Disposition of Commercial Spent Nuclear Fuel in Dual-Purpose Canisters". The report presents the Board's findings, conclusions, and recommendations regarding its evaluation of U.S. Department of Energy (DOE) research and development activities related to the disposition of commercial spent nuclear fuel stored inside NRC approved dry-storage casks at independent spent fuel storage installations. The new report and other Board reports, correspondence, testimony, and information are available on the Board's website at www.nwtrb.gov.

Congress

Congressman Courtney District Meeting

Congressman Courtney invited CY to participate in a March 27th series of daylong meetings in his District where he hosted the Department of Energy's Deputy Assistant Secretary for Spent Nuclear Fuel & Waste Disposition and the Finland Ambassador to the United States. It included visits to the Connecticut Three Rivers Community College Nuclear Engineering Technology Program; Millstone Station; and a stakeholder roundtable discussion in Waterford on the nuclear waste issue and an update on Finland's geologic repository program.

The afternoon stakeholder discussion meeting at the Waterford Town Hall had a panel that included Congressman Courtney, Finland's Ambassador, the DOE Deputy Assistant Secretary, the Millstone VP, the State Representative from Waterford, the Three Rivers Nuclear Program Director, the Waterford First Selectman, CT DEEP's Jeff Semancik, and CY's Bob Capstick.

Authorizing Legislation

There has been no nuclear waste reform legislation introduced thus far this session;

however, the House Energy & Commerce Subcommittee on Energy, Climate, and Grid Security held an April 10, 2024 hearing on “American Nuclear Energy Expansion: Spent Fuel Policy and Innovation”.

Appropriations Legislation

On January 18th Congress passed legislation to keep the federal government open into March - approving the third stopgap spending bill in four months. The Senate passed the legislation 77-18 and the House followed suit 314-108. The bill extended the prior January deadlines respectively to March 1st and March 8th. Congress then extended the deadlines again in late March by a week.

During the first week of March Congress passed and the President signed a package of six appropriations bills which included the House Energy & Water bill that supported the ongoing federal CIS consent based siting efforts and took note of the fact that there is much more that can be done under the existing NWPA than is currently envisioned. The final conference report deleted both the House provision that would have prohibited the use of any federal funds in support of private CISF efforts and the Senate provision authorizing a pilot CIS program with a priority accorded shutdown plant fuel. Also in March Congressional negotiators released and the President signed into law the remaining FY24 appropriation bills in a \$1.2 trillion government-funding package to keep funded through September – and the FY 25 appropriations process is now underway.

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.

There is an intensifying legal battle over the NRC license approvals for the private CIS facilities that is likely to reach the US Supreme Court. There have been several appellate court hearings and rulings in March that address whether the NRC has authority to issue licenses to the two facilities.

On March 5th the DC Court of Appeals held oral arguments regarding challenges to NRC’s issuance of the Holtec CIS license. Some press accounts stated that the Court appeared skeptical of claims that the NRC acted outside its authority when it approved the license.

On March 14th March - the 5th Circuit Court of Appeals denied the request for a full (*en banc*) review of the 3 member panel’s ruling -- that the NRC lacks the statutory authority to grant licenses to private entities for interim SNF storage -- and thus vacated the ISP license. The vote of the judges was 7-9 and the government will now have to decide whether to seek Supreme Court review.

Shortly before the 5th Circuit issued its opinion in Texas v. NRC case, opponents filed a petition for review at issue in this case challenging the license issued by the NRC in May 2023 to Holtec International to establish a facility to store nuclear waste New Mexico.

The 3 Judge panel in the 5th Circuit issued a decision on March 27th that vacated the NRC license granted to HOLTEC for its CIS facility in NM – which clashes with the January 2023 opinion from the US Court of Appeals for the District of Columbia Circuit. The panel also denied the NRC’s motion to transfer the case to the DC Circuit is as Moot.

The NRC has 90 days to file a petition with the Supreme Court of those decisions - unless an extension is granted.

DOE Spent Fuel Lawsuit Status Update

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. The hearing took place as scheduled and the Judge indicated that he would issue his decision on the opposing Summary Judgement Motions "soon". He also stated that he would address the trial issues, including the date of the trial after he rules on the Summary Judgement Motions.

Since the November 2023 update, Judge Dietz ruled on February 7, 2024 in favor of the Yankees on the competing Summary Judgment Motions, finding, in essence, that the government could not use trust fund earnings as a set off to damages. Approximately two weeks later, Judge Dietz held a status conference with the parties to discuss pending discovery motion. He subsequently ruled in favor of the government's request for further email discovery and ruled in Yankees' favor that the government needed to provide the Yankees with the specific category of issues they plan to challenge at trial. On March 13, 2024, the Judge issued an Order establishing a schedule to complete discovery by June 10, 2024. The Judge has yet to schedule a trial date.

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.

Connecticut Yankee (CY) Fuel Storage Advisory Committee Meeting (FSAC)

Wednesday, May 10, 2023, Riverhouse at Goodspeed Station, Haddam, CT

Meeting Summary

Attendees

FSAC Members: Terry Concannon, (East Hampton) Chair, Raul de Brigard (Haddam) Secretary, Nicole Velardi (Government), Bob McGarry (Haddam), Sue Bement (Haddam Neck), Emmett Lyman (East Haddam), Rob Desmarais (CY), Peter Strickland (East Hampton), David Cox (East Hampton), Vic Fetter (Chester), Marjorie DeBold (Haddam)

Connecticut Nuclear Energy Advisory Council (NEAC): Craig Salonia, Jim Sherrard, Raymond Woolrich

State of Connecticut Department of Energy and Environmental Protection (DEEP): Mike Firsick (DEEP Liaison)

Connecticut Yankee Conservation Project: Jim McHutchison

Public: R. Thurston Clark, Andrew Egri, Ben Egri, & Deborah Olsen (Haddam Neck Residents), Lee Wood (Haddam Resident), Debbie Langdon (RiverCOG)

CY: Luke O'Day, Jim Lenois, Bob Capstick, Carla Pizzella

Chair Terry Concannon called the meeting to order at 4:07 pm.

Attendees introduced themselves. The Chair invited the members of the public to speak out with their questions during the meeting instead of waiting until the Public Comment segment of the meeting as described on the agenda. Members of the public in attendance commented that it was helpful to ask questions throughout the meeting as specific topics were discussed.

Approval of May 3, 2022, Meeting Summary

The members approved the May 3, 2022 meeting summary.

CY Independent Spent Fuel Storage Installation (ISFSI) Site Status Report

Rob Desmarais, the CY ISFSI Manager, provided a CY status site update report and spoke from the attached meeting handout, "ISFSI Status Report."

Mr. Desmarais discussed the cask/canister inspection program scheduled in 2024 as part of the storage system Aging Management Program. He noted that these inspections involve use of a small robotic device with a camera that travels along the

carbon steel liner inside the Vertical Concrete Cask (VCC) that encloses the fuel storage canister. The robotic device surveys the inside of the VCC and the exterior of the storage canister. There are 24 – 28 spent fuel rods in each canister.

Mr. Desmarais agreed to provide the Committee with a picture of the ISFSI pad via email following the meeting.

In response to a number of questions from the Committee and the public, Mr. Desmarais, Mr. Lenois and Mr. Capstick provided the following information:

The CY ISFSI Pad Repair was necessitated due to delamination that occurred when the concrete pad was initially poured and cured. This degrading of the concrete is not a structural issue (as determined through engineering inspections and core bores) and never compromised the safety of the fuel canisters.

Additionally, the issues associated with the ISFSI Pad concrete were unrelated to the crumbling foundation issue in CT, and the vendor who supplied the concrete for CY was not JJ Mottes, the company that installed most of the CT house foundations that have degraded. The sections of the pad that have been repaired are holding up well and the final repair is expected to be completed by the end of May. The ISFSI Pad is approximately three feet thick.

Each year CY sees small changes in the ISFSI radiological surveys. Surveys at the ISFSI initially showed a dose of approximately 2 millirem and over time have declined to a dose of around 1.4 millirem.

A member of the public asked why CY's spent fuel could not be stored at Millstone. Peter Strickland, a long-time Millstone employee mentioned that there is no room at Millstone to store spent fuel there other than what has been generated at Millstone. Additionally, Mr. Capstick pointed out that Millstone and CY have different owners. A follow-up question was asked by a member of the public who inquired if there are increased transportation risks if rail is ultimately used to transport the spent fuel from the Site. Mr. Capstick mentioned that it has successfully been transported via rail in the past. Mr. Firsick of the DEEP added that the Navy transports spent fuel via rail every day.

A Committee member asked whether it was permissible to store spent fuel from another site at CY. Mr. Capstick explained that a legal agreement established under a federal court order with the Town of Haddam does not allow any fuel other than CY's to be stored on Site.

A member of the public asked if there is a firing range on the CY Site. Mr. Desmarais explained that there is a firing range on Site used to maintain qualifications for Security personnel and also utilized for the same purpose by local law enforcement.

Several members of the public asked why the CY Site is not accessible to the public since the ISFSI itself is set back from a large part of the property. Mr. Capstick explained that the site is private, not public property and is not accessible because of ongoing NRC security related rulemakings and future unknown elements of NRC required security protocols for ISFSI sites, as well as the future need to safely transport the spent fuel off the CY Site. He added that CY understands the desire for access and continues to work on a possible solution.

National Nuclear Waste Program and DOE Spent Fuel Lawsuit Status Update

Bob Capstick provided the attendees with an update on nuclear waste issues from the national perspective and the Department of Energy (DOE) Phase V Spent Fuel lawsuit. He spoke from the attached handout documents entitled “Federal Nuclear Waste Issues Update” and “DOE Spent Fuel Lawsuit Status Update.” In response to questions the following points were made:

Bob noted that the DOE efforts regarding consent-based siting for a federal Consolidated Interim Storage (CIS) facility does not involve seeking specific host communities but rather to determine what the federal government consent-based siting process should be. Bob also directed the Committee members to a link in his handout to the DOE’s most up-to-date report on this subject entitled “Consent-Based Siting Process Report April 2023”.

Bob also noted the efforts of Congressman Courtney, who recently visited the CY Site with DOE and state/local representatives and continues to champion the need to find a nuclear waste storage solution. Bob provided the Committee with a copy of a letter that Congressman Courtney recently sent to CT elected officials regarding DOE’s current actions on a consent-based siting process for a federal CIS.

Bob updated the Committee on private CIS initiatives in Texas and New Mexico. Bob advised that the NRC issued HOLTEC, a private company, a facility license in New Mexico on May 9, 2023. He reminded the Committee that the New Mexico legislature passed and the Governor signed into law on March 17, 2023 a bill that would ban the storage/disposal of SNF/HLW in New Mexico unless consented to by the state and to preclude any political subdivision from issuing a permit for the construction of such.

Bob provided a summary on the efforts of a working group established to develop policy principles focused on overcoming the long standing impasse on spent nuclear fuel issues. Bob pointed out that the more than two dozen participants included him as well as the FSAC Chair, and FSAC member Peter Strickland. The group discussed initial priorities for Congressional action which included establishing continued reliable and adequate funding out of the Nuclear Waste Fund for a federal CIS/disposal program and authorization to move the program out of the DOE to an independent nuclear waste management organization. The Chair added that there needs to be a stronger sense of urgency from operating nuclear facilities and a prioritization for shutdown sites.

Bob then offered an updated on the current phase (Phase V) of the lawsuit with the Department of Energy. The Phase V lawsuit seeks monetary damages for the period from 2017 – 2021 for the federal government's ongoing failure to fulfill its contractual obligation to remove the SNF/GTCC from the CY Site (as well as the Maine Yankee and Yankee Rowe Sites). A trial has been scheduled in the Federal Court of Claims for the last two weeks of October. In response to a question from a Committee member as to whether the damages received from the DOE from litigation come from the Nuclear Waste Fund, Bob explained that the funds come from the US Treasury's Judgement Fund and ultimately, after funding assurance as prescribed by the Federal Energy Regulatory Commission has been met, any excess flows back to CY's utility owners/ratepayers.

Officer Elections

Terry Concannon announced that she was stepping down from her position as Chair at the conclusion of the meeting and proposed that Emmett Lyman, a contributing member of the FSAC for a number of years assume the role as Chair for a two-year period as referenced in the Committee Charter. The Committee unanimously endorsed this recommendation.

Additionally, the Chair proposed that Peter Strickland, a fellow East Hampton resident with considerable experience in nuclear matters assume the vacant position of Vice Chair of the Committee for a two-year period. The Committee unanimously endorsed this recommendation with a motion put forward and approved.

Finally, the Chair proposed that Raul de Brigard, the current Committee Secretary continue in this position for another two-year period. The Committee unanimously endorsed this recommendation with a motion put forward and approved.

Next Meeting Date

Following discussion, the Committee voted to hold the 2024 meeting on Wednesday, May 8, 2024.

Adjournment

At the end of the meeting Bob Capstick made a presentation of an inscribed plaque to Terry Concannon, in recognition of her 10 years of service to CY and the FSAC as she retires from her position as Chair of the FSAC.

The Committee Resolution as passed is as follows:

WHEREAS	Terry Concannon has provided 10 years of dedicated and outstanding service to the Connecticut Yankee Fuel Storage Advisory Committee as Chair from 2017 -2023, Vice Chair from
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2016 - 2017, and a Committee Member representing the Town of East Hampton since 2013,

WHEREAS After this distinguished period of service to the Connecticut Yankee Fuel Storage Advisory Committee, Terry has decided to step-down from her position,

Now, therefore be it

RESOLVED That Connecticut Yankee and the Connecticut Yankee Fuel Storage Advisory Committee express their deep gratitude to Terry Concannon for her invaluable leadership and the contributions she made to enhance open communication, public involvement, and education on the storage/removal of spent nuclear fuel.

There being no further business, the meeting was adjourned at 5:12 PM.

Connecticut Yankee Fuel Storage Advisory Committee

Meeting Agenda

Wednesday, May 10, 2023

The Riverhouse at Goodspeed Station, Rte. 82, 55 Bridge Rd.,
Haddam, CT

4:00 p.m. Call FSAC Meeting to Order – Terry Concannon

Introductions

Approval of May 3, 2022, Meeting Summary

Status Report – Rob Desmarais

- ISFSI Operations
- Security and Equipment Upgrades
- ISFSI Pad work
- Cask Relicensing

Federal Nuclear Waste Management Program Update – Bob Capstick

DOE Spent Fuel Lawsuit Status Update – Bob Capstick

New Business – Terry Concannon

- Election of Officers

Public Comment and Questions

Proposed 2024 Meeting date: May 8, 2024

5:30 p.m. Adjournment

CONNECTICUT YANKEE FSAC MAY 10, 2023 UPDATE

Highlights

ISFSI Site Update

- The annual LLEA/Fire Department/EMS Site Familiarization presentation took place on March 23rd and the annual Emergency Plan drills are in the process of being planned.
- The ISFSI Pad Repair work scope is in the final stages.
- The NAC-MPC Certificate of Compliance renewal application for CY's dry storage system NRC review is nearing completion.
- There will be a canister inspection conducted at Connecticut Yankee in 2024.

Federal Nuclear Waste Issues Update

- The Department of Energy consent-based siting process and funding opportunity for federal consolidated interim storage facilities continues to move forward.
- Congressman Courtney hosted a tour of CY by the DOE Assistant Secretary for Nuclear Energy and state/local officials last December and sent a letter on April 27, 2023 to Connecticut elected officials regarding the Administration's recent actions on its consent-based siting process to find a nuclear waste storage solution.
- The NRC has several rulemakings underway involving ISFSI security and decommissioning requirements that could impact CY.
- State opposition and the numerous lawsuits continue opposing the proposed private Consolidated Interim Storage facilities in Texas and New Mexico.

DOE Spent Fuel Lawsuit Status Update

- The Phase V DOE litigation case continues with the discovery/deposition phase extended and the trial date rescheduled to October.

ISFSI Site Update

Industrial Safety

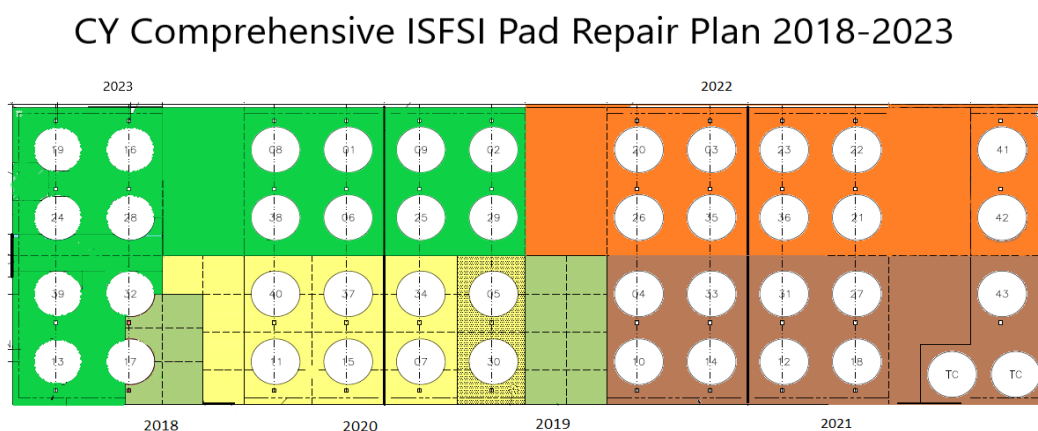
No OSHA Recordable injuries or Lost Time Accidents have occurred since the last update. The last Lost Time Accident at Connecticut Yankee was March 3, 2015.

ISFSI Operations

2023 Emergency Plan Events: The annual LLEA/Fire Department/EMS Site Familiarization presentation took place on March 23, 2023. The annual Emergency Plan

drills are in the process of being planned and currently the site is targeting July 20, 2023 for Phase One and October 12, 2023 for Phase Two, but these are subject to change based on the three-site effort to coordinate these events.

2023 ISFSI Pad Repair Project: The final phase of ISFSI Pad repair (green portion in the graphic below) began in April.



11/19/2020

NRC

NRC Inspections: The NRC notified the Yankee Companies that as is now the case for the NRC Security Inspections, the NRC Operations/Safety Inspections will move from biennial to a triennial schedule and the next inspections are tentatively planned for the Spring of 2024 at all three sites.

Reports to the NRC Operations Center: No reports have been made to the NRC Operations Center since the last update report.

ISFSI Security

Overall security performance at Connecticut Yankee is good with stable, experienced on-site Allied leadership and ISFSI Shift Supervisors (ISSs). The site will look at a new hire class in June, after the ISFSI Pad repair project is completed. The Security Training Program is healthy with an experienced Allied Training Coordinator and several Allied staff members qualified and experienced in back-up training roles. Human performance error reduction continues to be a focus area.

Cask Relicensing and Aging Management Program

The NAC-MPC Dry Cask Storage System Certificate of Compliance (CofC) renewal application was submitted in December 2019 and accepted for review by NRC. The MPC application is now with the NRC rulemaking group. Currently, we anticipate the effective date to be August 2023, as there have been delays resolving due to NRC Branch Chief and NRC Office of General Counsel comments and questions. NAC anticipates having the FSAR revision for the renewed CofC by the end of October 2023.

The Aging Management Program for the CY ISFSI storage system has been drafted and is in the internal review process. Aging management procedures are also being developed. As required by the draft Aging Management Program, there will be a canister inspection at Connecticut Yankee in 2024.

Federal Nuclear Waste Issues Update

Administration

FY 24 Budget Request:

The Administration's FY 24 budget request of \$53 million for the Department of Energy (DOE) Integrated Waste Management Program is the same amount as was requested and approved by Congress for FY 23 with similar direction to focus on developing a federal consolidated interim storage program using a consent-based siting process.

DOE Consent Based Siting Funding Opportunity Announcement

The DOE extended the deadline to January 31st for submitting grant applications in response to its consent-based siting Funding Opportunity Announcement. DOE also increased the funding amount to \$26M to allow for up to 16 competitively selected awardees (previously they targeted \$16M for up to 8 awardees). The DOE is expected to begin announcing grant awards in the next couple of months. The DPC is a non-compensatory participant in an application with other parties. The deadline for submitting grant applications to DOE in response to its consent-based siting Funding Opportunity Announcement closed on January 31st.

The DOE effort is not seeking communities potentially interested in hosting a federal consolidated interim storage facility but as a first step is asking what should the federal government be looking for in a consent based siting process. DOE anticipates it will be a 10-15 year process before a federal consolidated interim storage facility begins operation in a volunteer host community following a consent-based siting process.

On April 25th DOE issued a 37 page "Consent-Based Siting Process Report April 2023" which is an updated version of DOE's January 2017 "Draft Consent-Based Siting Process Report for Consolidated Storage and Disposal Facilities for Spent Nuclear Fuel and High-level Radioactive Waste". As DOE notes: "While both versions focus on a

consent-based approach to siting spent nuclear fuel facilities, there are four key updates to the 2023 version: 1. Focusing specifically on siting one or more federal consolidated interim storage facilities; 2. Placing greater emphasis on equity and environmental justice; 3. Creating a larger role for host communities in developing site-specific assessment criteria; and 4. Expanding consideration of funding opportunities, subject to availability of appropriations, to support community participation.” A link to the DOE revised report is: [4 Key Updates](#).

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

Nuclear Waste Technical Review Board Meeting

On March 28th the Nuclear Waste Technical Review Board held a meeting in Orlando, FL on “DOE’s Efforts Related to Removing Spent Nuclear Fuel from Commercial Nuclear Power Plant Sites”. The meeting was a comprehensive overview of the issue with presentations by Dr. Erica Bickford, Director Office of Integrated Waste Management, Dr. Katy Huff, Assistant Secretary for Nuclear Energy, other DOE officials, and a panel on the tribal perspective. Dr. Bickford’s slides were a very good overview of the current DOE Office of Integrated Waste Management efforts. The link to Dr. Bickford’s slides is: <https://www.nwtrb.gov/docs/default-source/meetings/2023/march/erica-bickford---overview.pdf?sfvrsn=8>.

Congress

Funding Legislation

Fiscal Year 2023: The FY 2023 Omnibus signed into law by the President just after Christmas funds the government through this fiscal year which ends September 30th. The Administration’s \$53 million request for nuclear waste disposition was fully funded. As with the past few years, the FY 2023 Omnibus Bill Statement of Managers report “directs the Department to move forward under existing authority to identify a site for a federal interim storage facility. The Department is further directed to use a consent-based approach when undertaking these activities and to continue site preparation activities at stranded sites, to evaluate the re-initiation of regional transport, and to undertake transportation coordination efforts.”

Fiscal Year 2024: The release of the President’s FY 24 budget initiated the Congressional process of holding Committee hearings on agency budget requests and on March 23rd, Secretary Granholm testified before the House Appropriations Committee on the DOE’s proposed FY 24 budget request.

The Administration's FY 2024 budget request of \$53 million for the DOE's Integrated Waste Management Program is essentially the same amount as was requested and approved by Congress for FY 2023 with similar direction to focus on developing a federal consolidated interim storage program using a consent-based siting process.

On March 31st, Congresswoman Matsui (D-CA) and Congressman Levin (D-CA) again led the effort to send what has become an annual letter to the Chair and Ranking Member of the House Energy & Water Development Appropriations Subcommittee urging approval of the Administration's \$53 million budget request and priority removal of SNF stored at shutdown reactor sites. Seventeen members of Congress with shutdown reactors in their districts signed the letter including Congressman Courtney.

Authorizing Legislation

On December 1, 2022, the Senate Energy and Natural Resources Committee held a hearing on Committee Chair Manchin's draft bill, "The Nuclear Waste Administration Act" (NWAA). The draft bill would establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste, and for other purposes. The draft bill was to have been included during the July full Senate Committee on Energy and Natural Resources hearing along with 10 other bills, but was pulled by Senator Manchin from the schedule just before the hearing date based on his absence from the hearing due to his Covid diagnosis. The draft bill is similar to earlier versions of the NWAA and would implement a number of the recommendation of the 2012 Blue Ribbon Commission on America's Nuclear Future report. Senator Manchin is expected to introduce his bill this session.

On February 14th, Nevada Sen. Catherine Cortez Masto and Rep. Dina Titus introduced legislation (the Nuclear Waste Informed Consent Act) in the Senate and House which would ensure that state, tribal, and local officials will play a key role in decisions regarding siting a deep geological repository for nuclear waste.

Congressman Courtney CY Site Visit and Stakeholder Meeting and April 27th Letter

Congressman Joe Courtney invited DOE Assistant Secretary for Nuclear Energy Dr. Kathryn Huff, DOE Acting Deputy Secretary for the Office of Spent Fuel and Waste Disposition & Office of Integrated Waste Management Dr. Kim Petry, and other state/local officials to take a tour on December 20th of Connecticut Yankee that was led by Wayne Norton and Rob Desmarais. Following the tour, Congressman Courtney, Dr. Huff and Dr. Petry held a roundtable discussion on "Consent Based Siting of Spent Nuclear Fuel: Policies, Programs, and Progress" in Waterford with state/local stakeholders that was covered by several news media outlets.

The Congressman sent a letter on April 27, 2023 to Connecticut elected officials regarding the Administration's recent actions on its consent- based siting process to find a nuclear waste storage solution - which Ayanti Grant also distributed by email.

Working Group on Spent Fuel Policy Principles

In mid-February, the Chair of the San Onofre Nuclear Generating Station Community Engagement Panel (Dr. David Victor) invited a group of over two dozen people to participate in an effort to bring together front-line communities and interest groups from across the country to develop a set of policy principles aimed at overcoming the long standing impasse on the spent nuclear fuel issue. The intent is to finalize the policy principles and use them as the basis for outreach to members of Congress. The over two dozen participants included Terry Concannon, Peter Strickland and Bob Capstick. The group met virtually once in March and then again in April to discuss a summary document developed by Dr. Victor of the top-level points and key policy principles which was not intended as a consensus document or a final report. The policy principles are not as yet finalized.

Nuclear Regulatory Commission

ISFSI Security Requirements Rulemaking

The NRC staff's ISFSI Security Options Paper was made publicly available November 30th and that the staff continues 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." There is no timetable for Commission action on this paper as yet. The staff identified 3 other options and an alternative view but does not recommend them.

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

The final rule was surprisingly issued on March 14th and applies to several classes of facilities including ISFSIs as well as activities involving the transportation of radioactive materials. Several associated Regulatory Guides were also issued. The effective date for the final rule was April 13, 2023; however, compliance is not required until January 8, 2024. The Yankees are assessing the potential impacts to the sites.

NRC Proposed Enhanced Security Requirements for Special Nuclear Material Rulemaking

There have been several NRC public meetings held this year regarding this rulemaking in response to the NRC Commissioners directing the staff to provide them with a notation vote paper with a full range of rulemaking options. The rule would also impact ISFSI sites and the staff plans on sending their options paper to the Commissioners this fall.

Decommissioning Rulemaking

The NRC staff expects to provide the final rule to the Commission in October 2023 with the Agency expecting to publish it in 2024.

Private Consolidated Interim Storage Facility Status

TX and NM CIS Facility Litigation

In the Texas Interim Storage Partners CIS facility site case before the DC Court of Appeals brought by the litigants that were unsuccessful intervenors in the NRC licensing process - the Court issued a judgement on January 25th dismissing the petitions and upholding the license granted by the NRC.

In the litigation against the NRC's granting of a license to Interim Storage Partners in Texas in the 10th Circuit Court of Appeals - the Court denied New Mexico's legal challenge on February 11th citing a lack of jurisdiction.

A decision is pending in the case brought by the Texas Attorney General before the 5th Circuit Court of Appeals.

Intervenors in the Holtec CIS application also brought challenges in the DC Circuit Court of Appeals and those cases are being held in abeyance pending final action by the NRC on the Holtec CIS application.

New Mexico CIS NRC License Review

On March 20, 2023 NRC notified Holtec that due to resource constraints the staff will not be able to issue its final licensing decision by its previously estimated date of the end of March 2023. The staff now estimates that it will issue its final licensing decision and final safety evaluation report on or before the end of May 2023.

The New Mexico Legislature passed and the Governor signed into law on March 17th a bill that bans the storage or disposal of spent nuclear fuel and/or high-level radioactive waste 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.

Also in March, New Mexico Gov Luhan Grisham sent a letter to NRC Chair Hanson asking the NRC to suspend its consideration of Holtec's license application due to the State of New Mexico's opposition.

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/GTCC 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 Phase V damage claims for CY are approximately \$54 million.

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, 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 the Phase V damages are approximately \$150 million.

On November 8, 2022, the 3 Yankee Companies learned that the consolidated Phase V case has 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 Thompson has issued an order scheduling the trial from October 16-27, 2023.