

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

Tuesday, May 3, 2022, Riverhouse at Goodspeed Station, Haddam, CT

Meeting Summary

Attendees

FSAC Members: Terry Concannon, (East Hampton Resident) Chair, Raul de Brigard (Haddam Alternate) Secretary, Robert F. Kenny, Jr (Government), Ayanti Grant (Congress), Bob McGarry (Haddam First Selectman), Dan Casey (Haddam Neck Resident), Emmett Lyman (East Haddam Resident), Rob Desmarais (CY Representative), David Cox (East Hampton Alternate), Vic Fetter (Chester Resident)

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

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

CYCP(Connecticut Yankee Conservation Project): Jim McHutchison

Public: David Hallahan (East Hampton News)

CY: Wayne Norton, Jim Lenois, Rob Desmarais, Joe Laughney, Carla Pizzella, Bob Capstick, Sue Arnold, John Arnold (note taker)

Chair Terry Concannon called the meeting to order at 4:12 pm.

Attendees introduced themselves.

Approval of May 21,2019, Meeting Summary

The members approved the May 21, 2019, meeting summary as corrected.

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

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

Several questions were raised and addressed during and after the presentation. In discussing these questions, the following points were made.

CY continues to experience COVID-19 cases, but none at this point have been the result of on-site transmission. All apparently occurred due to transmission from other household members.

The NAC International Multi-Purpose Canister System (NAC-MPC) Certificate of Compliance (CofC) renewal application for the CY spent fuel storage system is for 40 years and currently under Nuclear Regulatory Commission (NRC) review. The application was submitted before the April 2020 20-year CofC renewal deadline and the initial CofC, which was completed in 2000, remains in effect until the renewal application is approved by the NRC.

As an ongoing part of the storage system Aging Management Program, there is a cask/canister inspection program. 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. No potential corrosion indications were identified in the two inspections conducted at Maine Yankee. The CY storage cask liner and canister externals are scheduled for inspection in 2024. The next CY inspection will be scheduled for as many as 10 years later, depending on the results of the 2024 inspection.

There was a question regarding what plans/actions would be taken should something be detected during the inspection. Wayne Norton stated there is ongoing work at the national level to develop in-place repair techniques. The primary area of concern being potential chloride induced stress corrosion cracking at the canister weld locations primarily at sites located close to the ocean coast.

Site environmental monitoring by CY and the State DEEP was discussed and Rob Desmarais stated that atmospheric monitoring is mainly performed in the warmer months.

The VCC exterior is inspected annually. The ISFSI's concrete slab or "pad" is also inspected annually. The ongoing ISFSI pad work involves repair of surface delamination, which is a visual issue and a potential tripping hazard. It is not a structural issue. Core borings have been taken by an independent engineering firm and evaluated at their laboratory to ensure the structural integrity of the pad. It was noted that 52% of the area requiring surface repair has been completed. Another 25% is scheduled to be completed this year. The remainder is scheduled to be completed in 2023.

The two 2022 Emergency Plan drill and annual Fire/Medical drill schedules were noted as was the Local Law Enforcement Training session held in April. These drills and trainings may be observed by State of Connecticut and NRC personnel. CY will attempt through the updates to keep FSAC members apprised of these drills and exercises.

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 Issue Update” and DOE Spent Fuel Lawsuit Status Update.” In response to questions the following points were made.

Bob noted that the NRC’s Decommissioning Rulemaking is primarily intended to prevent nuclear plants undergoing decommissioning from having to seek exemptions from NRC operating plant requirements. The Yankee plants sought exemptions as they went through the various stages of decommissioning when the risks to the public decreased. The Yankees will be submitting comments on certain sections of the rulemaking that would impose new reporting/approval requirements related to spent fuel management.

The DOE’s December 2021 Request for Information (RFI) on considerations for a consent-based siting process focused on a federal consolidated interim storage (CIS) initiative for Spent Nuclear Fuel (SNF) comments was discussed. CY provided comments through the Decommissioning Plant Coalition that were signed by Wayne Norton as the DPC Steering Committee Chair. It was reported the DOE will publish a report of their analysis of the comments in the coming months.

Bob noted the efforts of Congressman Courtney regarding the RFI initiative and as a member of the bi-partisan House Spent Nuclear Fuel Solutions Caucus seeking to establish a multigenerational sustainably funded integrated spent fuel program that includes a national repository.

DOE continues to address spent fuel transportation issues. DOE has visited several shut down sites including the CY site to evaluate SNF removal and transportation infrastructure needs. It was noted that private CIS sites would use private transportation, whereas DOE would be responsible for transportation to a federal site.

All utilities with spent nuclear fuel are litigating the cost of spent fuel storage or have settled with the Department of Justice (DOJ). The settlement options available to the Yankees have not been advantageous to ratepayers or owners in comparison to continued litigation. In the prior litigations, the Yankees and DOJ have agreed on almost all the spent fuel and business costs. During the last phase the parties agreed to settle the small remaining amount to avoid trial expenses.

Chair Meeting Participation

The Chair announced that she had participated on behalf of the FSAC in several NRC meetings since the last FSAC meeting in 2019.

Public Comments

One member of the public who reports for the East Haddam News attended the meeting and asked about radiation monitoring. The DEEP representatives stated that state radiation monitors are collected and analyzed quarterly.

Reelection of Chair

The Chair announced that she was willing to serve another year as Chair. The Committee unanimously endorsed her continued service.

Next Meeting Date

Following discussion, the Committee voted to hold the 2023 meeting on Wednesday, May 10, 2023.

Adjournment

At the end of the meeting Wayne Norton and Terry Concannon made a presentation of an inscribed glass plaque to John Arnold, who is retiring this year, in recognition of his 20 years of service to CY and the FSAC

There being no further business, the meeting was adjourned at 5:45 PM.

Connecticut Yankee Fuel Storage Advisory Committee

Meeting Agenda

Tuesday, May 3, 2022

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

Agenda

4:00 Call FSAC Meeting to Order – Terry Concannon

Introductions

Approval of May 21, 2019, meeting summary

Status Report – Jim Lenois

ISFSI Manager Position Update

September 2021 NRC Inspection

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

Public Comment and Questions

2023 Meeting date: May 2, 2023?

5:30 Adjournment

CONNECTICUT YANKEE FUEL STORAGE ADVISORY COMMITTEE

UPDATE – MAY 2022

Highlights

ISFSI Site Update

- Rob Desmarais was promoted to ISFSI site manager – Jim Lenois will remain as Security Manager for the 3 Yankees.
- ISFSI operations and security staffing levels continue to be managed and the CY workforce continues to be fully vaccinated.
- The new Perimeter Intrusion Detection System (PIDS) devices were installed in October 2021 and are operating well.
- The 2021 ISFSI Pad Repair work scope was successfully completed and the 2022 work scope is anticipated to begin in the fall.
- The NRC completed their Operations/Safety Inspection for CY in September with no issues, recommendations, or violations.
- The NRC has notified CY that the next Security Inspection is scheduled for September 2022.
- The NAC-MPC Certificate of Compliance renewal application for CY's dry storage system NRC review is on-going.

Federal Nuclear Waste Issues Update

- The President's FY 23 Budget released on March 28th included funding for commercial spent nuclear fuel interim storage (SNF).
- On February 28th President Biden nominated Dr. Kathryn Huff to be Assistant Secretary of the Department of Energy for Nuclear Energy and on March 17th the Senate Energy & Natural Resources Committee held a hearing on her nomination.
- DOE's Request for Information (RFI) for a consent-based siting process for a federal consolidated SNF interim storage (CIS) initiative requested comments by March 4th and CY was involved with comments provided by several national organizations.
- The March 11th Omnibus bill funding the government for the remainder of FY 22 has \$20 million for interim storage activities and \$7.5 million for nuclear waste fund oversight activities.
- In March Senators and Reps from NM and TX introduced legislation to prohibit the use of federal funds for the development of a private CIS facility and required the prohibition to remain in place until a permanent repository is available to accept SNF.
- On March 14th a meeting was held with Congressman Courtney to discuss DOE's RFI for a consent-based siting process for a federal CIS facility and nuclear waste issues. He also toured the site on April 20th.
- The NRC has several rulemakings underway involving ISFSI security and decommissioning requirements that will impact CY.
- President Biden has not yet nominated a Democrat and a Republican to be confirmed by the Senate in order to restore the Commission to its full complement of five members.

DOE Spent Fuel Lawsuit Status Update

- The original Judge scheduled the discovery/deposition phase to run until the end of July 2022 and set a trial date of July 25, 2023 should a trial be needed. The cases were reassigned to a new judge in February but the trial schedule is not expected to change.

ISFSI Site Update

Industrial Safety

No OSHA Recordable injuries or Lost Time Accidents have occurred since the last report. The last Lost Time Accident at CY was March 3, 2015. Since the last report, Connecticut Yankee has not had any near miss reports.

ISFSI Operations

CY ISFSI Manager Position: As was announced to the FSAC at the end of March, Rob Desmarais was promoted to ISFSI site manager – Jim Lenois will remain as Security Manager for the 3 Yankees.

Status: ISFSI operations and security staffing levels continue to be managed. The CY workforce has been fully vaccinated since June 2021. In early January, as the Omicron variant emerged as a highly contagious threat, CY proactively reinstated the remote working program and limited company travel to mission-essential needs only that required the prior approval of senior leadership. In late February and early March, with updated CDC guidance and favorable COVID-19 infection trends, CY authorized return to work, normal business travel for vaccinated personnel (with controls for non-vaccinated) and authorized access for vendors who meet our protocols (or who adhere to an approved travel plan). CY continues to monitor for changing conditions and stand ready to enact actions as necessary should another surge be experienced.

Security Equipment Replacement: The new Perimeter Intrusion Detection System (PIDS) devices were installed the week of October 18th and are operating well. Installation was completed as planned with no injuries or human performance incidents. A replacement non-regulatory camera will be installed in 2022.

2021 ISFSI Pad Work: The 2021 ISFSI Pad Work scope was successfully completed. The 2022 ISFSI Pad repair plan and associated documents have been developed and the project field work has been delayed until mid-September 2022 to accommodate a new class of officers and their associated training.

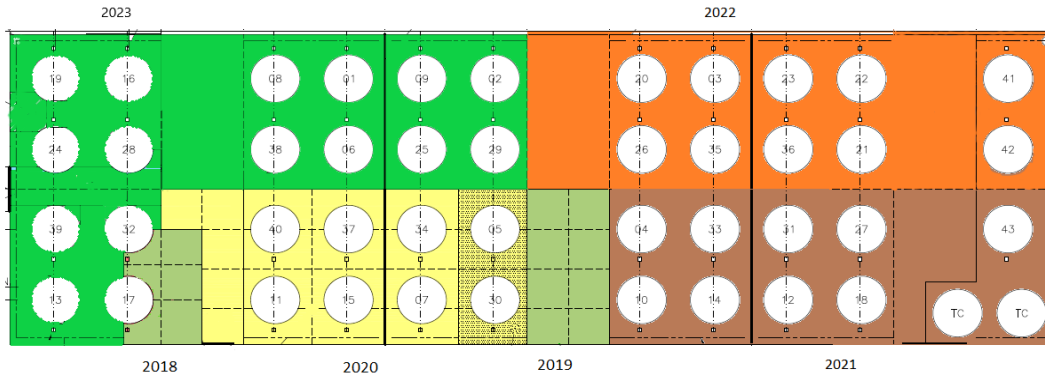
2022 Emergency Plan Events: The Emergency Plan drills will be scheduled for June 8, 2022, and the annual Fire Medical drill is yet to be scheduled for the Fall 2022. An in person Local Law Enforcement Training session is planned for April 21, 2022.

NRC Inspections

The NRC completed their Operation/Safety Inspection for CY during the week of September 27, 2021. The CY inspection was completed with no issues, recommendations, or violations. The inspector had good comments about the site and personnel stating that the site condition was great and it was evident that the Security Organization had ownership of the site and that it was apparent that the staff was a mature organization. The NRC has notified CY that the next

Security Inspection is scheduled for September 2022.

CY Comprehensive ISFSI Pad Repair Plan 2018-2023



11/19/2020

Cask Relicensing and Aging Management

The NAC-MPC Certificate of Compliance (CofC) renewal application review is on-going at NRC. A set of six NRC Requests for Additional Information (RAI) were responded to on August 10, 2021. The Maine Yankee UMS CofC renewal application (submitted separately by NAC for NRC review) had a RAI with four questions that were noted as applicable to the MPC renewal application. An update to the MPC application was submitted on March 18, 2022 addressing each of the applicable RAIs.

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.

Atmospheric monitoring using the wet-candle method will commence again in 2022 at Connecticut Yankee once freezing temperatures are no longer expected.

Federal Nuclear Waste Issues Update

Administration

The DOE 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 and develop two SNF rail car designs.

The President's FY 2023 Administration Budget Request was released by the Office of Management and Budget on March 28th. The "Budget in Brief" summary for DOE's Fuel Cycle Research and Development program supports R&D on technologies that have the potential to accelerate progress on managing and disposing of the nation's spent fuel and high-level waste - including efforts to establish an interim storage option for commercial spent fuel. While it does not state an amount for the interim storage option, it does state \$10.2 million from the Nuclear Waste Fund to fund the Department's responsibilities for managing the NWF, administering the Standard Contract, and maintaining the security of the Yucca Mountain site.

On February 28th, President Biden nominated Dr. Kathryn Huff, Senior Advisor, Office of the Secretary, to be Assistant Secretary of Energy for Nuclear Energy. She was an assistant professor of nuclear engineering at the University of Illinois at Urbana-Champaign (UIUC). She joined DOE's Office of Nuclear Energy as Principal Deputy Assistant Secretary on May 10, 2021 and also has the title of Acting Assistant Secretary. On March 17 the Senate Energy & Natural Resources Committee held a hearing on her nomination and at MY's request, Senator King submitted a "Question for the Record" -- asking for her view of the 2012 BRC recommendations and whether the DOE is looking at them with a view to developing comprehensive amendments to the NWPA for Congressional consideration. Dr Huff responded that to fully implement a sustainable waste management system, the NWPA will need to be amended. She also noted that the DOE is currently pursuing a consent-based siting process as recommended by the BRC specifically for federal interim storage facilities under its existing authority as directed and funded by Congress.

The DOE's December 2021 Request for Information (RFI) on considerations for a consent-based siting process focused on a federal consolidated interim storage (CIS) initiative for SNF comments were due March 4th and CY was involved with comments provided by the national organizations (NEI, NWSC, DPC) that were all supportive of the initiative, but also provided comments and suggestions on the process. A copy of the DPC comments that were signed by Wayne Norton as the DPC Steering Committee Chair was provided to the FSAC on March 15th. The DOE team is analyzing the responses and will publish a report of their findings in the coming months. Following that report, DOE is expected to issue a Funding Opportunity Announcement for entities that want to learn more about the process.

Congress

Funding Legislation

Just prior to the March 11th expiration of the 3rd FY 21 Continuing Resolution, the House and Senate passed an Omnibus bill to fund the federal government for the remainder of the 2022 fiscal year that the President subsequently signed into law. As with the past two federal budgets, \$27.5 million was appropriated for nuclear waste management with \$20 million appropriated for interim storage activities and \$7.5 million for nuclear waste fund oversight. The bill did not include the authorization language from the Senate bill that would have directed the DOE to establish a CIS program with an initial focus on shutdown plants or the proposed rider that would have prohibited the expenditure of any federal funds in support of privately developed CIS facilities.

Authorization Legislation

On March 2nd Senators Heinrich (D-N.M.) and Cruz (R-Texas) and Reps Leger Fernández (D-N.M.) and Plfuger (R-Texas) introduced bipartisan legislation that prohibits the use of federal funds to carry out any activities that would lead to the development of a CIS facility owned or operated by a private company and requires the prohibition to remain in place until a permanent repository is available to accept SNF. The legislation also requires the DOE Secretary to submit a report detailing possible locations and siting process for future CIS facilities and repositories if Congress were to authorize such activity for new facilities through a consent-based process. Senator Ben Ray Luján (D-N.M.) and Representative Melanie Stansbury (D-N.M.) are original cosponsors of the legislation. The bill was not included in the FY 22 Omnibus funding bill although there was a concerted effort made to do so.

U.S. Representatives Mike Levin (D-CA) and Darrell Issa (D-CA) reintroduced the Spent Fuel Prioritization Act in Congress on February 9th – the bill aims to prioritize spent fuel removal from decommissioned nuclear sites in areas with high populations, seismic hazards, or national security risks.

House Spent Nuclear Fuel Solutions Caucus

Congressman Courtney is also a member of the bi-partisan House Spent Nuclear Fuel Solutions Caucus which is a bipartisan caucus formed in 2021 to address the challenges associated with stranded commercial spent fuel across the country and serve as a forum where House members can come together to make headway on the issue, regardless of whether or not they have a preferred solution.

Meeting with Congressman Courtney

The Congressman requested a meeting with CY to discuss the DOE’s Request for Information for a consent-based siting process focused on a federal consolidated interim storage (CIS) facility and nuclear waste issues. A ZOOM call was held with the Congressman and one of his D.C staff on March 14th. He also toured the site on April 20th.

Nuclear Regulatory Commission

Commissioner Status

The Commission currently has three members – Chairman Christopher Hanson (D), Commissioner Jeff Baran (D), and Commissioner David Wright (R). This will remain the case until President Biden nominates a Democrat and a Republican to be confirmed by the Senate in order to restore the Commission to its full complement of five members.

ISFSI Security Requirements Rulemaking

In January the Commission issued a rulemaking staff requirements memo that disapproved of the Staff’s request to discontinue the ISFSI security requirements rulemaking and directed the NRC

staff to prepare an options paper for the Commission for the rulemaking. There is expected to be an unclassified public meeting to gain stake holder input for the options paper that will likely be held in late April or May.

Decommissioning Rulemaking

The staff proposed Decommissioning Rulemaking was approved by the Commissioners last November and was published for public comment in the Federal Register March 3rd following changes made by the staff that were directed by the Commission. The staff released four rulemaking related draft guidance documents in late February. Comments will be accepted through May 17th. NRC held public meetings on March 21st and March 31st to present the proposed rule and receive public comments. The NEI Decommissioning Working Group has formed 11 issue area subcommittees to review and develop comments on the rule and guidance documents. The 3 Yankee companies have participants on all the NEI subcommittees and are also involved with the Decommissioning Plant Coalition review and comment efforts as well.

NRC and NEI SNF Transportation Documents

In late December the NRC released its “Regulatory Readiness for Oversight of Large-Scale Commercial Transportation of Spent Nuclear Fuel” document. The NRC Working Group did not identify any rulemaking changes that were needed at this time but recommended developing or updating guidance and inspection documents as well as qualification and training requirements to support an integrated, risk-informed schedule for safety and security inspections of SNF shipment activities. Also in early January, NEI released a document, “Spent Fuel Transportation Planning and Implementation Guidance” for stakeholder reference that provides the industry perspective regarding spent fuel transportation campaigns.

Private Consolidated Interim Storage (CIS) License Applications

Texas CIS Facility: The Texas attorney general received an extension to January 20th from the December 13th Court ordered date to make opening arguments in the lawsuit filed last September asking the Fifth Circuit U.S. Court of Appeals to vacate the NRC license issued to ISP for its proposed CIS facility because it violated the Texas law making it illegal to transport or store SNF in Texas except where it is already stored and prohibiting state agencies from issuing permits for a CIS facility. On February 8th, Governor Abbot joined the state’s petition and the Texas AG, Faskin LTD, and the Permian Basin Land Owners filed opening briefs on 2/10/22.

New Mexico CIS Facility: The NRC final licensing action on the Holtec application will depend on the adequacy of Holtec’s responses to NRC’s 3rd set of Requests for Additional Information (RAIs). Until NRC receives Holtec’s schedule for responding to the RAIs, they won’t update their review schedule for final licensing action on the Holtec application. Holtec expects a decision on the license at the end of the second quarter and anticipates late filed contentions on the EIS by the intervenors. Oral arguments were held January 20th on the NM lawsuit filed last

March against the NRC and the US to stop the Holtec & ISP CISs. On January 19th, a bill (SB 54) backed by the NM Governor was introduced banning the storage of HLRW and SNF (except at WIPP) however the bill failed to pass before the end of the legislative session in February.

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 \$45 million.

The cases originally assigned to Judge Stephen Schwartz were reassigned on February 28, 2022 to Judge Carolyn Lerner who was appointed to the U.S. Court of Claims at the end of 2021. 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. This reassignment is not expected to impact the existing schedule established by Judge Schwartz.

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.