



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

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**VIA ELECTRONIC MAIL & CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

January 4, 2024

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford, CT 06103-3597
kbaldwin@rc.com

RE: **PETITION NO. 1586** – Dominion Energy Nuclear Connecticut, Inc. petition for a declaratory ruling, pursuant to Connecticut General Statutes §4-176 and §16-50k, that neither a new Certificate of Environmental Compatibility and Public Need (Certificate) nor a modification to its existing Certificate is required to revise the boundaries of the Millstone Power Station electric generating facility site located off Rope Ferry Road, Waterford, Connecticut. **Final Decision.**

Dear Attorney Baldwin:

At a public meeting held on January 4, 2024, the Connecticut Siting Council (Council) considered and declined to issue a declaratory ruling without prejudice for the above-referenced petition that was submitted to the Council on July 28, 2023, with supplemental information submitted on August 30, October 10, and October 23, 2023, on the basis that it is premature for the Council to review any potential effects of the requested site boundary revision on the environment and the provision of adequate and reliable public utility services at the lowest reasonable cost to ratepayers throughout the state given the lack of information surrounding the proposed data centers and their direct interconnection to Millstone Power Station Units 2 and 3.

Enclosed for your information is a copy of the staff report on this petition.

Please do not hesitate to contact our office if you should have any questions.

Sincerely,

Melanie A. Bachman
Executive Director

MAB/dll

Enclosure: Staff Report dated January 4, 2024

c: Service List dated September 28, 2023
The Honorable Robert J. Brule, First Selectperson, Town of Waterford (firstsel@waterfordct.org)

STATE OF CONNECTICUT)

: ss. Southington, Connecticut January 4, 2024

COUNTY OF HARTFORD)

I hereby certify that the foregoing is a true and correct copy of the Decision and Staff Report in Petition No. 1586 issued by the Connecticut Siting Council, State of Connecticut.

ATTEST:



Melanie A. Bachman
Executive Director
Connecticut Siting Council

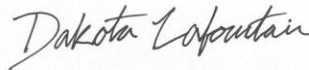
STATE OF CONNECTICUT)

: ss. New Britain, Connecticut January 4, 2024

COUNTY OF HARTFORD)

I certify that a copy of the Connecticut Siting Council Decision and Staff Report in Petition No. 1586 has been forwarded by Certified First Class Return Receipt Requested mail, on January 4, 2024, to each party and intervenor, or its authorized representative, as listed on the attached service list, dated September 28, 2023.

ATTEST:



Dakota LaFountain
Clerk Typist
Connecticut Siting Council

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Petitioner	<input checked="" type="checkbox"/> E-mail	Dominion Energy Nuclear Connecticut, Inc.	<p>Kenneth C. Baldwin, Esq. Robinson & Cole LLP 280 Trumbull Street Hartford, CT 06103-3597 Phone: (860) 275-8345 kbaldwin@rc.com</p> <p>Michael J. O'Connor Site Vice President – Millstone Dominion Energy Nuclear Connecticut, Inc. Millstone Power Station Rope Ferry Road (Route 156) P.O. Box 128 Waterford, CT 06385 michael.j.oconnor@dominionenergy.com</p>
Party (granted 09/14/23)	<input checked="" type="checkbox"/> E-mail	Town of Waterford	<p>Robert A. Avena, Esq. Nicholas F. Kepple, Esq. Suisman, Shapiro, Wood, Brennan, Gray & Greenberg, P.C. 20 South Anguilla Road P.O. Box 1445 Pawcatuck, CT 06379 Phone: (860) 650-8008 ravena@sswbgg.com nkepple@sswbgg.com</p> <p>Robert J. Brule First Selectman Town of Waterford 15 Rope Ferry Road Waterford, CT 06385 Phone: (860) 442-0553 rbrule@waterfordct.org</p>
Intervenor (granted 09/28/23)	<input checked="" type="checkbox"/> E-mail	Michelle Neri P.O. Box 548 Westbrook, CT 06498 homemade.ad@protonmail.com	



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Petition No. 1586

Dominion Energy Nuclear Connecticut, Inc. Rope Ferry Road, Waterford, Connecticut

Staff Report January 4, 2024

Introduction

On July 28, 2023, the Connecticut Siting Council (Council) received a petition from Dominion Energy Nuclear Connecticut, Inc. (DENC) for a declaratory ruling, pursuant to Connecticut General Statutes (CGS) §4-176 and §16-50k, that neither a new Certificate of Environmental Compatibility and Public Need (Certificate) nor a modification to its existing Certificate is required to revise the boundaries of the Millstone Power Station (MPS) electric generating facility site¹ located off Rope Ferry Road in Waterford, Connecticut (Petition).

DENC owns and operates MPS. Under CGS §4-176, any person may submit a petition to an agency for a declaratory ruling as to the applicability of any statute to a jurisdictional matter. In its Petition, DENC seeks a declaratory ruling from the Council that CGS §16-50k does not apply to a boundary revision of an existing electric generating facility site.

Pursuant to a February 2022 Memorandum of Understanding (MOU) with NE Edge, LLC (NEE), DENC seeks to revise the boundaries of the existing MPS site to lease three parcels to NEE for development of two data center buildings and an associated electric switchyard that will provide power directly to the data centers from the MPS generating units. NEE would construct, operate and maintain the data centers and the switchyard as an independent use. The data centers and the switchyard are not related to DENC operations or electric generation at MPS.

On July 28, 2023, in accordance with Regulations of Connecticut State Agencies (RCSA) §16-50j-40, DENC provided a copy of the Petition to the Town of Waterford (Town).

On July 28, 2023, the Council developed a schedule for the Petition in accordance with CGS §4-176. Also on July 28, 2023, pursuant to RCSA §16-50j-40, the Council sent correspondence to the Town stating that the Council has received the Petition and invited the Town to contact the Council with any questions or comments by August 27, 2023. The Town submitted comments in support of DENC's Petition on August 23, 2023.

The Council issued interrogatories to DENC on August 9, 2023 and September 26, 2023. DENC responded to the Council's interrogatories on August 30, 2023 and October 10, 2023, respectively.

On August 21, 2023, Jocelynn Neri requested an extension of the August 27, 2023 public comment period deadline. The Council granted an extension of the public comment period deadline to September 7, 2023 for all interested persons.

¹ Under Regulations of Connecticut State Agencies §16-50j-2a(29), "site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements on which a facility and associated equipment is located, shall be located or is proposed to be located.

On August 28, 2023, the Town requested party status. During a regular meeting held on September 14, 2023, the Council granted the Town party status. The Council issued interrogatories to the Town on September 26, 2023. The Town responded to the Council's interrogatories on October 10, 2023.

Between September 5 and 7, 2023, the Council received 7 requests for a public hearing from interested persons. Pursuant to CGS §4-176(e) of the Uniform Administrative Procedure Act (UAPA), an administrative agency is required to take action on a petition within 60 days of receipt. On September 14, 2023, pursuant to CGS §4-176(e), the Council voted to deny the requests for a public hearing and set the date by which to render a decision in this matter as no later than January 24, 2024, which is the 180-day statutory deadline for a final decision under CGS §4-176(i).

On September 12, 2023, Michelle Neri (Neri) requested intervenor status. During a regular meeting held on September 28, 2023, the Council granted Neri intervenor status.

On September 14, 2023, the Council developed a revised schedule for the exchange of interrogatories among parties and intervenors. On October 12, 2023, Neri issued interrogatories to DENC. On October 23, 2023, DENC responded to Neri's interrogatories.

Public Act 21-1

Public Act (PA) 21-1, "An Act Concerning Incentives for Qualified Data Centers to Locate in the State," authorizes the Department of Economic and Community Development (DECD) to enter into agreements to provide tax incentives to qualified data centers that locate within the state and make a specified minimum investment for 20- or 30-year terms. It was designed to advance the federal Opportunity Zone and state Enterprise Zone programs that provide federal and state tax benefits for private investments in identified opportunity and enterprise zones. Connecticut has 72 opportunity zones in 27 municipalities that are recognized by the U.S. Treasury Department and 19 enterprise zones in 19 municipalities that are recognized by DECD.² Waterford is not in a federal opportunity zone or a state enterprise zone.

PA 21-1 requires data center developers to enter into a Host Municipality Fee Agreement (HMFA). In a February 2023 presentation to the Town, NEE describes the data centers as a reliable base load for MPS and a financial benefit to the Town if the MPS licenses are extended. NEE also characterizes the direct purchase of power from DENC for operation of the data centers as "behind the meter at no cost to ratepayers." It claims no diesel generators or peak shaving³ would be employed at the data centers.

The 1998 Town Plan of Conservation and Development (POCD) Business Development Plan Map identifies the MPS site as "Electric Generation Facility." The 2012 Town POCD Business Development Plan Map identifies the MPS site as "Industrial Area." A common goal among the 1998 and 2012 Town POCDs is to promote business and economic development to meet local needs and maintain a favorable tax base. The 2012 Town POCD contemplates the development of possible future mixed-use areas⁴ located to the north and northeast of the MPS site along Interstates 95 and 395, as well as along Route 85. See Attachment 1 – 2012 Town POCD Business Development Plan Map.

² Public Act 21-1, available at <https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00001-R00HB-06514-PA.PDF>

³ Peak shaving or load shedding is a strategy to avoid peak demand charges on the electrical grid by reducing power consumption during time intervals of high demand.

⁴ Mixed-use areas refer to development devoted to more than one use or purpose on the same property in the same area, such as residential uses in combination with commercial, industrial, office, institutional or other land uses.

Host Municipality Fee Agreement

During a joint Board of Selectmen and Representative Town Meeting (RTM) held on February 22, 2023, the Town approved the proposed HMFA with NEE for construction of two data centers at the MPS site. The meeting was open to the public.

The HMFA was executed on March 17, 2023. The total financial benefit to the Town over the 30-year HMFA term would be \$231,037,500. The HMFA references the Town's support of data center development at the MPS site because "it could help [MPS] remain in Waterford through its existing licenses and possibly beyond." A condition of the HMFA requires NEE to enter into a power purchase agreement with DENC to serve the data centers.

Public comments related to the data center development at the MPS site were received by the Town beginning in March 2023 and heard by the Town during a RTM meeting held on October 2, 2023. Town resident topics of concern include, but are not limited to, location, project developer, overall data center development, data center decommissioning, environmental impacts, lack of public meetings, noise, traffic, loss of land buffer, emergency planning, data center energy consumption, and increased energy prices.

No alternative sites for data center development in Town were explored. No applications or site plans for data center development at the MPS site have been submitted to the Town.

If the Council issues a declaratory ruling in this Petition, construction of the data centers would be evaluated in accordance with Town planning and zoning, and wetland and conservation commission regulations. The Town is unable to determine any impacts the MPS boundary revision could have on Town designations and uses of the MPS site or on the surrounding resources, including, but not limited to, Long Island Sound, wetlands and watercourses, public recreational areas, historic and cultural resources, water supply and usage, viewsheds and agricultural areas.

State Energy Policy

The state Comprehensive Energy Strategy (CES) examines future energy needs and identifies opportunities to reduce ratepayer costs, ensure reliable energy availability, and mitigate public health and environmental impacts. CES Strategy No. 3 is "Grow and sustain renewable and zero-carbon generation in the state and region." The state Integrated Resource Plan (IRP) assesses the state's future electric needs and plans to meet those future needs, including, but not limited to, pathways to achieve a 100 percent zero-carbon electric supply by 2040.

MPS is the largest zero-carbon electric generating facility in the New England region. It provides regional reliability benefits by generation of approximately 2,100 MW. This is approximately 7.5% of the highest actual annual regional demand of 28,130 MW in 2006.⁵ According to MPS' 2023 Forecast of Electric Loads and Resources Report, for calendar years 2018 through 2022, MPS had an average annual electrical energy output of approximately 16,602 GWh. This is approximately 12.2% of the highest actual annual regional electrical energy consumption of 136,355 GWh in 2005.⁶

In 2018, an Independent System Operator – New England, Inc. (ISO-NE) Operational Fuel Security Analysis concluded that retirement of MPS would lead to rolling blackouts throughout the region during a

⁵ ISO-NE Electricity Use, all-time peak demand *available at* <https://www.iso-ne.com/about/key-stats/electricity-use/>

⁶ ISO-NE Electricity Use, all-time highest total annual energy served, *available at* <https://www.iso-ne.com/about/key-stats/electricity-use/>

winter peak event.⁷ At the same time, due to plant operating costs and low energy market revenues, DENC signaled MPS was at risk of retirement.⁸

To prevent rolling blackouts and adverse impacts to regional fuel diversity, energy security and grid reliability, Connecticut entered an out of market, long-term power purchase agreement with MPS to provide approximately 36% of the state electric load and all environmental attributes associated with MPS through 2029.⁹ The costs of the contract are borne entirely by Eversource and United Illuminating ratepayers. This ratepayer backed contract is the only mechanism in the region securing the continued operation of MPS.

The 2020 IRP recommends exploration of market solutions and reevaluation of procurement strategies for grid-scale zero-carbon resources to account for the potential retirement of MPS at the end of the contract period. It examines several scenarios relative to the operation of MPS beyond 2029 and identifies the following critical needs:

1. pursue a regional mechanism to meet public policy needs, including retaining existing zero-carbon resources like MPS and building new clean energy resources;
2. engage in transmission planning needed to enable the interconnection of offshore wind, and to reduce unused output of variable renewable resources; and
3. enhance the transparency, sustainability, and efficiency of siting and permitting practices through a public proceeding.¹⁰

There has been a moratorium on construction of nuclear power facilities in the state since 1979.¹¹ Public Act 22-76, “An Act Exempting Existing Nuclear Power Generating Facilities in the State from the Nuclear Power Facility Construction Moratorium,” became effective on October 1, 2022. It exempts MPS from the state’s moratorium on building new nuclear power facilities.

Council Jurisdiction

Pursuant to CGS §16-50i(a)(3) of the Public Utility Environmental Standards Act (PUESA), the Council has jurisdiction over “**facilities**,” including, “any electric generating facility... using any fuel...**including nuclear materials...**” throughout the state. (Emphasis added). MPS is a nuclear-fueled electric generating facility. MPS is subject to the Council’s jurisdiction under CGS §16-50i(a)(3) because it is a nuclear-fueled electric generating facility.

However, pursuant to CGS §16-50(d), the state PUESA does not apply to any matter over which any agency, department or instrumentality of the federal government has exclusive jurisdiction. The federal Nuclear Regulatory Commission (NRC) has exclusive jurisdiction over nuclear electric generating facilities throughout the nation.

The NRC exercises exclusive jurisdiction over national security, public health, and safety at nuclear electric generating facility sites, including, but not limited to, the environmental risks related to radiological safety. Therefore, the Council’s jurisdiction is limited by the NRC to the **non-nuclear environmental effects** of

⁷ ISO-NE Operational Fuel-Security Analysis, January 17, 2018, available at https://www.iso-ne.com/static-assets/documents/2018/01/20180117_operational_fuel-security_analysis.pdf

⁸ 2020 Connecticut Integrated Resources Plan, October 7, 2021 at page 20, available at <https://portal.ct.gov/-/media/DEEP/energy/IRP/2020-IRP/2020-Connecticut-Integrated-Resources-Plan-10-7-2021.pdf>

⁹ *Id.* at page 175. (Retirement of MPS would increase GHG emissions across the New England region by 25%.)

¹⁰ *Id.* at page 179.

¹¹ Conn. Gen. Stat. §22a-136 (2023) (“Moratorium on construction of nuclear power facilities.”)

site development associated with the construction, operation, maintenance, and modification of nuclear electric generating facilities throughout the state. (Emphasis added).¹²

In accordance with its charge under PUESA and subject to NRC preemption, the Council must determine that the proposed MPS site boundary revision requested in the Petition would not have a substantial adverse effect on the environment and would not have a substantial adverse effect on the provision of adequate and reliable public utility services at the lowest reasonable cost to electric ratepayers throughout the state.

Existing MPS Site

The NRC¹³ approved the MPS site for suitability as a nuclear electric generating facility site in the 1960's.

It hosts three nuclear-fueled electric generating units as follows:

MPS Unit 1: The construction permit was issued in 1966, commercial operation commenced in 1970 with a generating capacity of approximately 690 MW and it was retired in 1998.

MPS Unit 2: The construction permit was issued in 1970, commercial operation commenced in 1975 with a generating capacity of approximately 870 MW and its NRC license expires in 2035.

MPS Unit 3: The Council issued a Certificate in 1974, commercial operation commenced in 1986 with a generating capacity of approximately 1,150 MW and its NRC license expires in 2045. An approximately 80 MW capacity uprate for this unit was approved by the NRC in 2008.¹⁴

The NRC-defined MPS site boundaries are delineated in the MPS Final Safety Analysis Reports (FSARs). FSARs include the performance characteristics and safety functions of nuclear electric generating facility structures, systems, and components.¹⁵ The site boundaries depicted in the MPS FSARs align with the MPS site boundaries depicted in Exhibit 1 to DENC's Petition. See Attachment 2 – MPS Site Map.

The Council¹⁶ assumed jurisdiction over MPS and the MPS site concurrent with the NRC when it was created under PUESA in 1971. Under RCSA §16-50j-2a(29), "site" means a contiguous parcel of property with specified boundaries, including, but not limited to, the leased area, right-of-way, access and easements ***on which a facility and associated equipment is located***, shall be located or is proposed to be located. (Emphasis added).

Between 1973 and 2020, the Council issued 34 decisions related to the MPS site, including, but not limited to, issuance of Certificates to construct, maintain and operate Unit 3¹⁷ and establish an independent spent fuel storage installation (ISFSI), and issuance of declaratory rulings to install a switchyard, buildings, salt shed, firing range, parking areas and other activities related to MPS site operations. See Attachment 3 – Council Decisions at MPS Site.

¹² *Conn. Coalition Against Millstone v. Conn. Siting Council*, 286 Conn. 57 (2008); *Burton v. Conn. Siting Council*, 161 Conn. App. 329 (Conn. App. 2015).

¹³ The NRC is the successor in interest to the federal Atomic Energy Commission.

¹⁴ 2008 Connecticut Siting Council Review of the Ten Year Forecast of Loads and Resources, November 21, 2008 at page 15, available at <https://portal.ct.gov/CSC/Forecast/Forecast-2008/Forecast-2008-Publication>

¹⁵ FSARs contain safety-related information that is not subject to public disclosure.

¹⁶ The Council is the successor in interest to the state Power Facilities Evaluation Council.

¹⁷ The Council issued a Certificate for Unit 3 on March 22, 1974 in Docket No. 4.

The existing MPS site is approximately 526 acres. It is owned and controlled by DENC. The site is currently developed with one retired nuclear-fueled electric generating unit (Unit 1) and two operating nuclear-fueled electric generating units (Units 2 and 3) and associated equipment, including, but not limited to, an electric switchyard, Eversource-owned electric transmission lines, an ISFSI and other buildings, structures, parking areas and internal access drives directly related to MPS operations.

The Amtrak railroad right of way (ROW), located approximately ½ mile north of Unit 3, bisects the MPS site into a South Parcel (234 acres) and a North Parcel (292 acres). The power generating units, turbine buildings and associated support facilities, including, but not limited to, the existing ISFSI,¹⁸ are located within an approximately 49-acre Protected Area on the South Parcel. The Protected Area was established and is maintained in accordance with requirements established by the NRC.

Recreational fields used by the Town and open space areas are located on the North Parcel. Other portions of the North Parcel have been used for activities in support of MPS operations. The acreage proposed to be leased for development of the data centers and switchyard would preclude expansion in support of any Town activities and activities directly related to MPS operations, including, but not limited to, future electric generation opportunities.¹⁹

Proposed MPS Site Boundary Revision

Under the MPS FSARs, DENC has controlling authority to determine all activities within the MPS site boundaries except for the passage of trains along the Amtrak railroad ROW. FSAR-allowable activities within the MPS site boundaries are not limited to electrical generation by the NRC.

In its Petition, DENC proposes to revise the MPS site boundaries to lease three areas on the North Parcel totaling approximately 55 acres to NEE as follows:

1. **Lease Area 1**: approximately 35 acres for development of a data center located east of the MPS access road, west of the MPS electric transmission line ROW and north of the Amtrak railroad ROW. This area is vacant and periodically used for equipment and material storage;
2. **Lease Area 2**: approximately 14 acres for development of a second data center west of the MPS access road, south of the fire training facility and north of the Amtrak railroad ROW. This area contains an existing salt shed that must be relocated and is periodically used for equipment and material storage; and
3. **Lease Area 3**: approximately 6 acres for development of an electric switchyard to provide power directly to the data centers east of the MPS access road, west of the MPS electric transmission line ROW and north of the Amtrak railroad ROW. This area is vacant and periodically used for equipment and material storage.

The size, configuration and boundaries of the Lease Areas are subject to change as the terms of any lease agreement are not yet final. In its Petition, DENC requests the Council to allow the substitution of a new MPS site plan map, if necessary, as part of its declaratory ruling.

¹⁸ Within an ISFSI-specific protected area and with ISFSI-specific security measures.

¹⁹ Conn. Gen. Stat. §16-50k (2023). (No person shall commence any modification of a facility that may, *as determined by the Council*, cause a substantial adverse environmental effect in the state.) (Emphasis added).

DENC is not currently using any portion of the Lease Areas for any purpose associated with MPS operations, including equipment and material storage except for the salt shed located on Lease Area 2 that was approved by the Council in Petition No. 521. It is a 40-foot diameter domed structure supported by an eight-foot tall and one-foot wide, steel-reinforced concrete ring wall on top of a six-inch concrete pad. DENC plans to relocate the salt shed to another location on the MPS site. Relocation of the salt shed would require Council review and approval.

Construction of the data centers and switchyard are not expected to have any impact on access to the MPS site. Data center-related traffic both during construction and after construction will not be permitted south of the MPS security checkpoint along the site access road.

Electrical Interconnection

The MOU between DENC and NEE contemplates the development of a power purchase agreement whereby MPS would supply electricity to the data centers directly from Units 2 and 3. This would be accomplished through a direct electric distribution level interconnection (< 69-kV) from the existing MPS switchyard to the proposed data center switchyard.

The expected maximum load from operation of the data centers is approximately 300 MW. In addition to the direct supply from MPS, NEE's data center development plans reference future access to offshore wind and other renewable energy sources.

The electrical interconnection design is conceptual. A final design is expected in late 2024. DENC believes that a potential ISO-NE requirement for the data center interconnection to the MPS switchyard would be limited to review of any changes necessary to the existing MPS Interconnection Agreement. Once the final electrical interconnection design is complete, DENC will determine what studies are required by third parties, including, but not limited to, ISO-NE.

According to DENC, operation of the data centers and associated switchyard would not have any impact on its existing obligations under federal, regional, and state permits, contracts, and licenses.²⁰ It expects to concurrently provide power to the data centers and manage future capacity obligations under the ISO-NE Forward Capacity Auctions. DENC believes the interconnection of the data centers and associated switchyard would not have any impact on MPS' winter and summer reliability.

It is not known how the data centers could be impacted by MPS unit shutdowns. This will depend on the final electrical interconnection design among the MPS units, data center and electric transmission system.

Data Centers

DENC's Petition requests the Council to issue a declaratory ruling to modify the boundaries of an existing electric generating facility site over which the Council has jurisdiction. This request does not include the development of the data centers that would be directly interconnected to the existing electric generating facility and located within the existing electric generating facility site.

At the end of the lease term, neither DENC nor NEE would repurpose the data center buildings or switchyard. DENC expects that the lease will require removal of all equipment and restoration of the Lease Areas at the end of the data centers' useful life. NEE, or its successor in interest, would be responsible for decommissioning the data centers and switchyard.

²⁰ DENC did not specifically reference the ratepayer backed out of market power purchase agreement with the state.

If the Council issues a declaratory ruling for the requested site boundary revision, and if the data centers are approved by the Town, construction would be phased to minimize active work areas. Staging, parking, and material storage areas would have separate access from the MPS access road. DENC expects the data centers will employ 120 people over 3 shifts with about 40 cars per shift. Each data center would be surrounded by separate security fencing and would employ on-site security staff.

Environmental Effects and Mitigation Measures

The data centers and switchyard would be located interior to the MPS site. Visibility is not expected from most locations within the surrounding area.

The approximate acreage of vegetation to be cleared and grubbed on the MPS site for development of the data centers and switchyard is as follows:

Lease Area 1: approximately 24 acres

Lease Area 2: approximately 9 acres

Lease Area 3: approximately 1 acre

DENC requests to remove approximately 55 acres from the MPS site. The acreage is subject to change in any lease that is executed. Currently, the North Parcel contains approximately 257 acres of open space areas. If the data centers and switchyard are developed on the proposed Lease Areas as presented in the Petition, approximately 204 acres of open space areas would remain on the North Parcel of the MPS site.

Wetland and watercourse delineations were performed within the Lease Areas in April and May 2023. It is not known if any mitigation measures for the protection of wetlands and watercourses on or traversing the Lease Areas are recommended. Previously identified “preservation areas” on the North Parcel in the vicinity of the Lease Areas would be considered in the data center and switchyard design development.

Public Safety

In compliance with NRC regulations and its FSARs, the MPS site has an approximate 10-mile radius Emergency Planning Zone (EPZ) for plume exposure and an approximate 50-mile radius EPZ for ingestion exposure. The MPS Emergency Response Plan (ERP) was last updated on August 8, 2023. DENC does not expect the data center and switchyard development would impact the existing MPS ERP. NEE would be responsible for an emergency response plan associated with operation of the data centers and switchyard.

DENC does not anticipate any changes to the current NRC FSARs for the proposed MPS site boundary revision because it believes the boundary revision would have minimal impact on safety. DENC will assess the final site boundary revisions for any applicable NRC-required minimum distance between the electric generating facility and associated equipment, including the ISFSI, and the location of the data center and switchyard development. DENC would comply with any applicable NRC-required minimum distances.

The nearest edge of each proposed Lease Area to the existing ISFSI is as follows:

Lease Area 1: approximately 2,000 feet

Lease Area 2: approximately 1,700 feet

Lease Area 3: approximately 1,400 feet

The required distance from the Amtrak railroad ROW and the proposed data center switchyard to comply with the National Electrical Safety Code is currently not known. Required railroad notifications and safety measures during construction of the switchyard have not yet been evaluated.

It is not known if any Occupational Safety and Health Administration restrictions apply to data center development activities on Lease Area 2 beneath the existing electric transmission lines.

Per the HMFA with the Town, a noise analysis is required to be conducted, and noise attenuation measures are required to be implemented in the design of the data centers.

The design, construction and operation of the switchyard would comply with federal, state, and local regulations and requirements.

Conclusion

The Council approved a site boundary revision in Petition No. 1310A to eliminate a lease area from the solar facility site where the footprint was reduced by the installation of higher wattage panels.²¹ The site boundary revision approved by the Council enabled the lease area to revert to the underlying property owner's exclusive use. The facility owner and operator, NextEra Energy, did not own the solar facility site.

The Council issued declaratory rulings for petitions to construct, operate and maintain fuel cell facilities to support future data centers in Petition Nos. 1533, 1533A and 1540.²² Each petition requested the Council to issue a declaratory ruling to install the fuel cell facilities on new electric generating facility sites over which the Council has jurisdiction. The declaratory rulings issued by the Council did not include the development of the data centers that would be interconnected to the fuel cell facilities. The facility owner and operator, Renew Developers, did not own the fuel cell facility sites.

In this proceeding, DENC owns the electric generating facility site. The NRC and the Council determined the MPS site is suited to electric generation. The primary purpose of the MPS site is electric generation. Data center development would be a secondary use of the electric generating facility site.

If the Council approves the site boundary revision request, it will lose jurisdiction over the proposed lease areas and the development of the data centers, or any other use of the lease areas, would not be subject to Council jurisdiction. If the Council does not approve the site boundary revision request, it will maintain jurisdiction over the lease areas and the development of the data centers, or any other use of the lease areas, would be subject to Council jurisdiction.

Staff recommends the Council decline to issue a declaratory ruling at this time as it is premature for the Council to review any potential effects of the requested site boundary revision on the environment and the provision of adequate and reliable public utility services at the lowest reasonable cost to ratepayers throughout the state given the lack of information surrounding the proposed data centers and their direct interconnection to MPS Units 2 and 3.

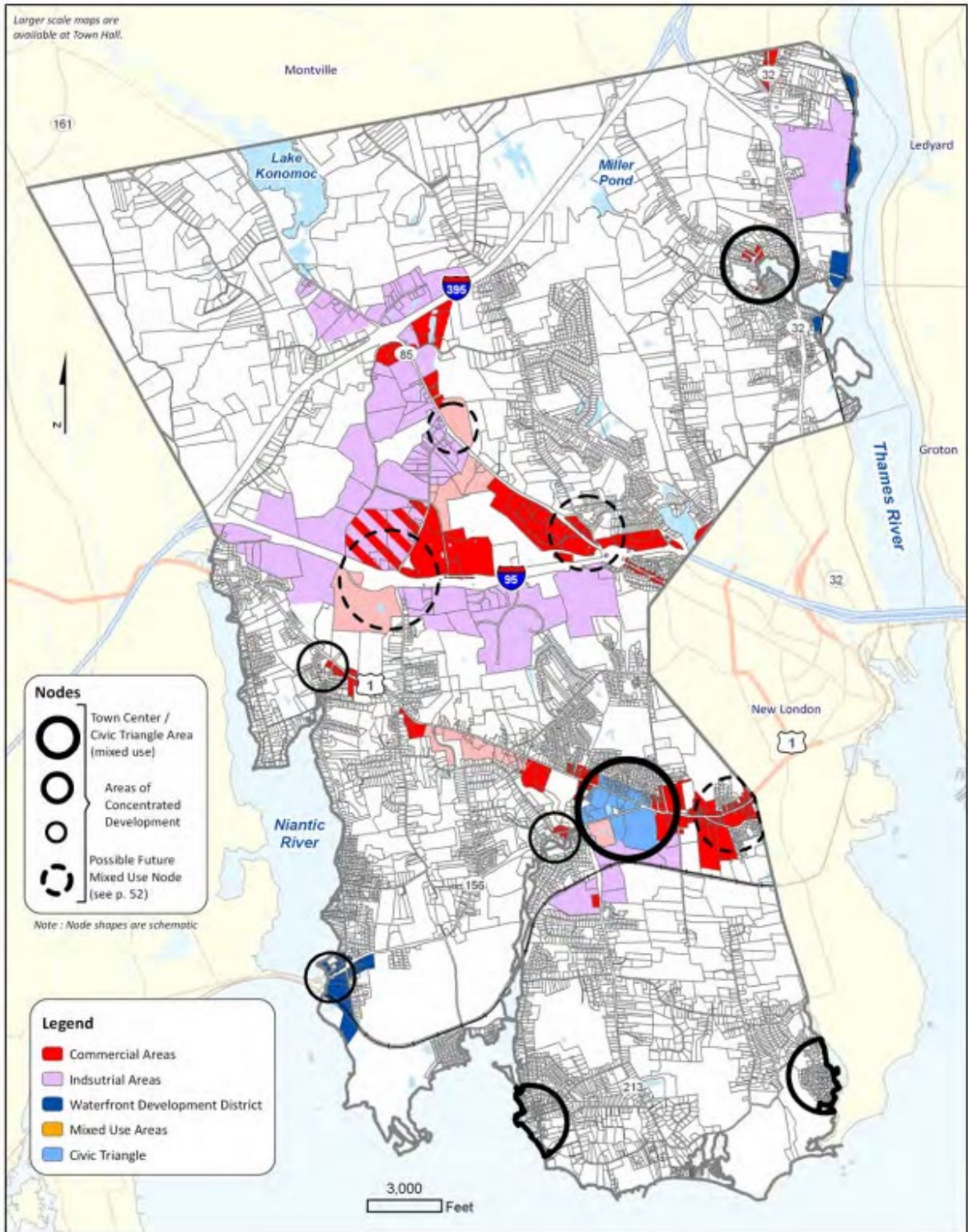
²¹ Petition No. 1310A, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1301-1310/Petition-No-1310A-CanterburyBrooklyn

²² Petition No. 1533, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1533; Petition 1533A, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1533A; Petition No. 1540, available at https://portal.ct.gov/CSC/3_Petitions/Petition-Nos-1501-1600/PE1540

Attachment 1 – 2012 Town POCD Business Development Plan

Business Development Plan

Waterford, CT



Attachment 3 - Council Decisions at MPS

1. **DOCKET NO. 4** - Millstone Point Company, et al, Certificate of Environmental Compatibility and Public Need for an electric generating facility identified as "Millstone Nuclear Power Station, Unit 3", located in the Town of Waterford, Connecticut.
2. **DOCKET NO. 25** - Connecticut Light and Power Company and Hartford Electric Light Company Certificate with respect to the construction of an overhead 345-kV electric transmission line between the Millstone Point generating station in Waterford, and the Manchester Substation in Manchester.
3. **DOCKET NO. 265** - Dominion Energy Nuclear Connecticut, Inc. modifications to an existing electric generating facility (Millstone Power Station) to establish an independent spent fuel storage installation on property located off Rope Ferry Road, Waterford, Connecticut.
4. **DOCKET NO. 265A** - Dominion Energy Nuclear Connecticut, Inc. Modified Certificate of Environmental Compatibility and Public Need for the existing independent spent fuel storage installation at Millstone Power Station, Rope Ferry Road, Waterford, Connecticut pursuant to Connecticut General Statutes § 4-181a(b) for the limited purpose of determining if changed conditions related to the existing independent spent fuel storage installation justify a modification of the Decision and Order.
5. **PETITION NO. 15** - Connecticut Light and Power Company, Hartford Electric Light Company and Western Massachusetts Electric Company declaratory ruling for a reinforced concrete building at Millstone Nuclear Power Station, Unit 1.
6. **PETITION NO. 59** - Northeast Utilities Service Company declaratory ruling for the construction of a one-story concrete Emergency Operations Center building and parking lot at Millstone Nuclear Power Station.
7. **PETITION NO. 60** - Northeast Utilities Service Company declaratory ruling for construction of a one-story concrete low-level solidified radioactive waste storage building within Millstone Nuclear Power Station.
8. **PETITION NO. 70** - Northeast Utilities Service Company declaratory ruling for the construction of a training facility consisting of a building, parking area, and septic system within Millstone Nuclear Power Station.
9. **PETITION NO. 95** - Northeast Utilities Service Company declaratory ruling for the construction of a simulation training facility building at the Millstone Point nuclear facility in Waterford.
10. **PETITION NO. 116** - Northeast Utilities Service Company declaratory ruling for a low-level radioactive waste reduction building at Connecticut Yankee and Millstone Nuclear Power Stations in Haddam and Waterford.
11. **PETITION NO. 166** - Northeast Utilities declaratory ruling for an addition to the existing Millstone Nuclear Power Station Unit No. 3 maintenance shop.
12. **PETITION NO. 209** - Northeast Utilities Service Company declaratory ruling for a proposed switchyard at the Millstone Nuclear Power Station.
13. **PETITION NO. 235** - Northeast Utilities Service Company declaratory ruling for the proposed construction of an east access building at the Millstone Nuclear Power Station.

14. **PETITION NO. 251** - Northeast Nuclear Energy Company declaratory ruling for a steam generator replacement project building at Millstone Nuclear Power Station.
15. **PETITION NO. 267** - Northeast Nuclear Energy Company declaratory ruling for two proposed Steam Generator Replacement Project Buildings at the Millstone Nuclear Power Station.
16. **PETITION NO. 300** - The Northeast Utilities Service Company declaratory ruling for a proposed office building at the Millstone Nuclear Power Station.
17. **PETITION NO. 301** - The Northeast Utilities Service Company declaratory ruling for a proposed fire training facility at the Millstone Nuclear Power Station.
18. **PETITION NO. 379** - Northeast Utilities Service Company declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed removal and replacement of fuel oil tanks at the Millstone Nuclear Power Station in Waterford.
19. **PETITION NO. 521** - Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for proposed modifications to the Millstone Power Station, Waterford, Connecticut.
20. **PETITION NO. 666** - Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need nor a modification of the existing Certificate is required to establish an indoor firing range at the Millstone Power Station, Waterford, Connecticut.
21. **PETITION NO. 762** - Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement of a generator step-up transformer and four new towers to support on-site power lines at Millstone Power Station, Waterford, Connecticut.
22. **PETITION NO. 851** – Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement and relocation of two existing auxiliary boiler fuel tanks and sandblasting facility building located at the Millstone Power Station, Waterford, Connecticut.
23. **PETITION NO. 856** – Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement of the Unit 3 Generator Step-Up Transformer located at Millstone Power Station, Waterford, Connecticut.
24. **PETITION NO. 859** – Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the installation of five enclosures to house new variable frequency drive systems to be connected to the circulating water system pump motors located at Millstone Power Station, Waterford, Connecticut.
25. **PETITION NO. 975** - Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the replacement of the Unit 2 Reserve Station Service Transformer and associated disconnect switch and the Unit 2 Normal Station Service Transformer located at Millstone Power Station, Waterford, Connecticut.
26. **PETITION NO. 1079** - Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for the proposed installation of an equipment storage building at the Millstone Power Station in Waterford, Connecticut.

27. **PETITION NO. 1233** - Dominion Energy Nuclear Connecticut, Inc. declaratory ruling that neither a new Certificate of Environmental Compatibility and Public Need (Certificate) nor a modification of the existing Certificate is required for the proposed construction, maintenance and operation of an on-site horizontal storage module fabrication area at the Millstone Power Station, Rope Ferry Road, Waterford, Connecticut.
28. **EM-DNC-152-140630(e)** – Dominion Nuclear Connecticut, Inc. notice of intent to replace Substation 5 and 8 transformers at the existing Millstone Power Station located off Rope Ferry Road, Waterford, Connecticut.
29. **EM-DNC-152-140918(e)** – Dominion Nuclear Connecticut, Inc. notice of intent to replace a transformer at the existing Millstone Power Station located off Rope Ferry Road, Waterford, Connecticut.
30. **EM-DNC-152-160531e** – Dominion Nuclear Connecticut, Inc. notice of intent to install a new permanent diesel generator at the existing Millstone Power Station, located off Rope Ferry Road, Waterford, Connecticut.
31. **EM-DNC-152-171227e** – Dominion Energy Nuclear Connecticut notice of intent to modify an existing energy facility located at the Millstone Power Station, Waterford, Connecticut.
32. **EM-DNC-152-190311e** - Dominion Energy Nuclear Connecticut, Inc. (DNC) notice of intent to modify an existing energy facility located at the Millstone Power Station, Waterford, Connecticut.
33. **EM-DENC-152-190621e** – Dominion Energy Nuclear Connecticut, Inc. (DENC) notice of intent to modify an existing energy facility located at the Millstone Power Station, Waterford, Connecticut.
34. **EM-DNC-152-191212e** – Dominion Energy Nuclear Connecticut, Inc. notice of intent to modify an existing energy facility located at the Millstone Power Station, Waterford, Connecticut.