



THE COMMONWEALTH OF MASSACHUSETTS
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November 22, 2021

VIA ELECTRONIC MAIL

William F. Gill, Vice President and
Corporate Counsel
1 Holtec Blvd.
Camden, NJ 08104
(W.Gill@holtec.com)

Subj: Notice of Non-Compliance with Paragraph 24 of Settlement Agreement

Dear Mr. Gill:

As you know, on June 16, 2020, the Commonwealth of Massachusetts (Commonwealth) and Holtec Pilgrim, LLC and Holtec Decommissioning International, LLC (together, Holtec) entered into a settlement agreement (Agreement) to resolve certain disputes regarding the transfer of the Pilgrim Nuclear Power Station to Holtec. We are writing because Holtec is currently in non-compliance with the requirements of paragraph 24 of the Agreement.

Paragraph 24 sets forth two binding obligations. First, paragraph 24 required Holtec to “undertake commercially reasonable efforts to evaluate use of a barge for shipment of solid, hazardous, and low-level radioactive waste (other than spent nuclear fuel) from the Site to other off-site locations licensed to receive the waste.” To date, Holtec has not provided the Commonwealth or its relevant agencies with a report or any other information demonstrating that it undertook this evaluation or the results of such an evaluation. Second, paragraph 24 required Holtec to “*in all events* submit a radioactive waste management plan to MEMA, DPH, and DEP for review and approval.” (emphasis added). To date, Holtec has not submitted a radioactive waste transportation management plan to the identified state agencies for their review and approval. Holtec’s failure to submit such a management plan for review and approval by the relevant state agencies is especially problematic because Holtec has already begun shipping radioactive waste offsite.

To remedy this noncompliance, the Commonwealth requests that Holtec submit to the state agencies identified in paragraph 24 with a copy to the undersigned as soon as practicable but no later than the dates specified herein: (i) a proposed radioactive waste transportation management plan for review and approval by the identified states agencies within fourteen (14) days of the date of this letter and (ii) a report summarizing the “commercially reasonable efforts”

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Holtec undertook (or will undertake) to evaluate use of a barge for shipment of solid, hazardous, and low-level radioactive waste (other than spent nuclear fuel) from the Site to other off-site locations licensed to receive the waste and the evaluation's finding(s) within thirty (30) days of the date of this letter.

We appreciate your cooperation in resolving the two issues identified above. If you have any questions about the subject of this letter, you may contact the undersigned by electronic mail to schedule a time to discuss this matter.

Sincerely,



Seth Schofield
Senior Appellate Counsel

Cc: Jason Day (by electronic mail)
(j.day@cdi-decom.com)