

## **NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)**

**Monday, March 25, 2024**

**Hybrid Meeting (in-person and virtual)**

**Meeting Minutes**

The meeting was called to order at about 6:30 pm by Mr. Lampert.

Prior to roll call, Ms. Gatslick presented a challenge regarding the participation of the Plymouth Director of Public Health (Doctor Barry Potvin) at the meeting. Then, Mr. Lampert read the statute to the panel and stated his opinion that designees can be appointed by any member on the panel.

Mr. Fortini and Ms. duBois expressed their opinions about designations. Ms. duBois indicated that Ms. Cosentino should have requested her appointing authority, Plymouth Select Board, to appoint a designee.

A motion was made by Ms. Gatslick to overrule Chair Lampert’s interpretation of the statute, and the motion was seconded. The motion passed by roll call vote.

Ms. Waldron suggested asking the attorney general for advice on dealing with designees and appointments. Ms. Gatslick agreed to draft a letter for Chair Lampert’s review.

### **NDCAP MEMBERS PRESENT**

- James Lampert (Chair), Speaker of the House Appointee (in person)
- Mary Jo Gatslick (Vice-Chair), Minority Leader of the Senate Appointee (in person)
- Pine duBois, Speaker of the House Appointee (virtual)
- Michael Fortini, Minority Leader of the Senate Appointee (in person)
- David C. Nichols, Governor Baker Appointee (in person)
- Andrew Gottlieb, Governor Baker Appointee (virtual)
- Seth Pickering,<sup>1</sup> Department of Environmental Protection (in person)
- Jack Priest, Department of Public Health, Radiation Control Program (virtual)
- David Bryant, Massachusetts Emergency Management Agency (in person)
- John Slocum, Massachusetts Department of Public Utilities (in person)
- David Noyes,<sup>2</sup> Holtec Decommissioning International (in person)
- John Moylan, Holtec Site Vice President (in person)
- Kelly O’Brien, UWA Representative (in person)
- Mary Waldron, Old Colony Planning Council (virtual)

### **NDCAP MEMBERS NOT PRESENT**

- Kevin Canty, Plymouth Select Board Appointee
- Henrietta Cosentino, Plymouth Select Board Appointee
- Mary Lampert, Senate President Appointee

### **GUESTS IN ATTENDANCE**

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<sup>1</sup> Designee of Secretary of the Executive Office of Energy and Environmental Affairs

<sup>2</sup> Replacing Pat O’Brien (Holtec)

- Caleb White, representing U.S. Senator Elizabeth Warren's office

### **PREVIOUS MINUTES REVIEW & APPROVAL**

Mr. Noyes indicated that several changes should be made to the prior minutes including the date the financial report was to be submitted and other errors.

Mr. Lampert stated that other errors needed to be corrected in the prior minutes.

Mr. Lampert made a motion to approve the minutes as amended and was seconded by Mr. Noyes. The motion to approve the minutes passed.

### **HOLTEC – HDI PILGRIM DECOMMISSIONING UPDATE**

Mr. Noyes provided an update. In summary:

For demolition:

- Upper security access enclosure and old main gate stairs have been demolished to grade level.
- Upcoming activities include the removal of two underground storage tanks.
- Town fire department and a licensed professional will be on site during removal of the tanks.

For reactor internal segmentation:

- Separation of 4<sup>th</sup> and final cut of the shroud ring has taken place.
- Segmentation will take place to cut into smaller pieces and then placed in waste boxes.
- Drain down of the cavity will occur sometime during the summer.

For regulatory updates:

A severity level four violation was issued by the NRC relating to the decommissioning trust fund; it was found that \$84,000 in community contributions were improperly charged to the trust fund. Funds have been fully reimbursed with interest. A formal response will be submitted to the NRC by March 30, 2024.

There was an alleged violation of the Massachusetts Clean Air Act for asbestos control during demolition activities. Holtec settled without an admission of liability and subject to consent judgment restrictions.

Mr. Lampert indicated that the complaint and judgment can be found on the Suffolk Civil Superior Court's website. Mr. Lampert stated the following:

- The judgment was \$200,000.
- The judgment must not come from the decommissioning trust fund.
- The judgment will be paid from the HDI overhead fund.

For Building Heating:

- Holtec has responded to inquiries regarding emissions associated with evaporation.
- Building heating is no longer required for the season.
- Heaters in the spent fuel pool were de-energized on March 18, 2024.

Mr. Lampert asked Mr. Noyes to explain the differences between certain classes of waste.<sup>3</sup>

Mr. Fortini asked if there were commencement dates for demolition of the turbine and reactor building. Mr. Noyes indicated that they are scheduled in the 2033-2034 time frame with the turbine building first. Mr. Noyes stated that some variables could affect that commence date and could start sooner.

Mr. Lampert asked Mr. Noyes how much water remained on the site. Mr. Noyes stated that under 900,000 gallons of water remained on the site.

Mr. Gottlieb asked Mr. Noyes to clarify information about tank removal and justifications for various heating options.<sup>4</sup> A discussion ensued among Mr. Gottlieb, Mr. Noyes, Mr. Priest and Ms. Gatslick.

Mr. Priest asked Mr. Noyes to clarify the timeline for the reactor internal segmentation. Mr. Noyes explained further the procedure and the timeline of such activities.<sup>5</sup>

A discussion took place among Mr. Priest, Mr. Noyes and Mr. Pickering about water volumes, evaporation, and activities associated with draining.<sup>6</sup> Mr. Priest emphasized that not all the water from the cavity will be drained to the torus.

Mr. Pickering asked Mr. Noyes to clarify how long will segmentation of the shroud take. Mr. Noyes indicated that segmentation would take anywhere from four to six weeks. The jet pumps will also be included in the segmentation process.

A discussion ensued between Mr. Pickering and Mr. Noyes regarding the scheduling of shipping waste off the site. Mr. Noyes indicated that he was not sure of a set schedule.

Mr. Lampert asked Mr. Noyes several questions about the water remaining on the site and their locations. In short, water is still in the spent fuel pool, the torus, and separator pit. There are approximately 150,000 gallons of water in the torus.

Mr. Priest asked whether Holtec could create a table indicating the water volumes and locations. Mr. Noyes agreed to have a table created with that information.

Mr. Lampert asked whether the reactor cavity, torus, and separate pit each has a de-mineralization filter system. Mr. Noyes stated that only the spent fuel pool has that filter system. A discussion ensued between Mr. Lampert and Mr. Noyes on filters.<sup>7</sup>

Mr. Lampert asked Mr. Noyes whether he could say what the balance of the trust fund was at the end of 2023. Mr. Noyes indicated that he could not.

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<sup>3</sup> Minute Markers 30:59 – 31:47 of video.

<sup>4</sup> Minute Markers 33:42- 38:06 of video.

<sup>5</sup> Minute Markers 38:43- 40:15 of video.

<sup>6</sup> Minute Markers 40:22 – 41:52 of video.

<sup>7</sup> Minute Markers 51:26 – 54:42 of video.

Mr. Gottlieb asked about the settlement with the Commonwealth regarding asbestos control. Mr. Noyes indicated that he cannot speak to the terms of the settlement, and indicated that the company settled the claims in light of the anticipated cost of defending the lawsuit.

### **INTERAGENCY WORK GROUP (IWG) UPDATE**

Mr. Pickering provided updates on behalf of the IWG.

First, Mr. Pickering provided administrative updates:

- EOHHS and EOED (econ dev) is continuing to fill vacancies.
- Gerard Martin at MassDEP has moved to a new role as Regional Director for the Southeast Region. John Handrahan, Deputy Regional Director for Bureau of Waste Site Cleanup, will take over Mr. Martin's role.

Mr. Pickering also provided updates on water evaporation/discharge from the site:

- MassDEP sent a letter to Holtec on Feb 21, 2024, requesting that Holtec calculate and submit an analysis of the "potential to emit" non-radiological air pollutant emissions resulting from the evaporation of the reactor process water occurring at the facility to determine potential applicability of MassDEP's air quality permitting regulations.
- Holtec provided an initial response to MassDEP on March 6, 2024, which MassDEP has determined to be inadequate. To support a further response, Holtec has agreed to conduct further water sampling to identify additional pollutants that may have been released to the reactor system water due to more recent decommissioning activities. MassDEP and DPH are in discussions with Holtec to agree up on a date for sample collection, so that state representatives can be present. Holtec has agreed to collect samples of certain "hard to detect" radionuclides.
- As previously explained, a MassDEP air permit is required from any person prior to constructing, substantially reconstructing, altering, or subsequently operating any facility or emission unit where such activity would result in an increase in potential emissions of a single air contaminant equal to/greater than 1 ton per year.
- MassDEP is in the process of reviewing documents in preparation for issuing a final determination on Holtec's application for a permit modification to discharge decommissioning wastewater into Cape Cod Bay.
- The next step is for MassDEP to issue a final determination. There is no prescribed time period for issuance.

Other updates were as follows:

- The Attorney General's Office, on behalf of MassDEP and DPH, provided comments on Jan. 19, 2024 on Holtec's site assessment work plan. Holtec has provide a response to the AGO's letter, which is currently under review by the state. Mr. Pickering agreed to provide a copy of the letter to the panel.
- Response actions under the Massachusetts Contingency Plan (MCP, or M.G.L. c. 21E) are ongoing. The Phase II Comprehensive Site Assessment (which documents the nature and extent of contamination and contains a risk characterization) is due to be submitted by April 21, 2025.
- DEP's asbestos section continues to be actively engaged in overseeing the demolition activity occurring at the site, and is meeting regularly with the company to manage the asbestos discovery/identification and abatement/removal processes.

- MassDEP is continuing to evaluate Holtec’s request to change to its wastewater disposal system to a Title 5 system.
- MEMA and the Town of Plymouth will be hosting Incident Command Training on April 8-10. This is a general emergency operations Incident Command System (ICS) that applies to all emergency responses, not just radiological responses.

Mr. Gottlieb asked whether Mr. Pickering and the state stand by the allegations in the settlement of alleged asbestos violations. Mr. Pickering stated that he defers to the Attorney General’s Office as to the terms of the settlement.

### **REQUEST FOR INVESTIGATION**

Mr. Lampert indicated that a request has been made several times to advise and ask the Governor to investigate the allegations stated in the whistleblower letter. Ms. Gatslick stated that the panel should take no action because in her opinion, advising the governor to commence an investigation is not within the charter.

Mr. Lampert invited Ms. Diane Turco to the podium and asked her to explain the reasons why the panel should advise the Governor to investigate the allegations. In summary, Ms. Turco mentioned:

- The purpose of the panel is to advise the Governor and encourage community involvement.
- The panel serves as a public forum to discuss decommissioning plans including disposition.
- The letter outlines safety concerns to personnel on the site and the environment.

Mr. Lampert expressed concerns about the identity of the whistleblower and whether that individual has come forward. Ms. Turco explained that the identity of the whistleblower remains anonymous.

Ms. Turco stated that she sent a request to the NRC and Holtec seeking the engineering change review document. The purpose of obtaining the document is to verify whether the allegations in the letter were true. As a starting point, she is asking whether that document could be obtained.

Mr. Lampert asked Mr. Moylan whether the document could be provided to the panel. Mr. Noyes explained several reasons why the document was not shared, one of them being that it was an internal document.<sup>8</sup>

Mr. Lampert asked whether the document was filed with the NRC. Mr. Noyes indicated that it was. Ms. Turco concluded and asked that Holtec stop any kind of evaporation on the site.

Again, Mr. Lampert asked the panel what action should the panel take. Mr. Nichols made a motion to table the request to advise the Governor to investigate. Ms. duBois seconded the motion. Mr. Gottlieb asked whether a discussion to take place. Mr. Lampert agreed.

In summary, Mr. Gottlieb explained that the Governor should investigate the allegations in the whistleblower letter. Mr. Gottlieb opposed the motion to table the request.

The motion to table passed.

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<sup>8</sup> Minute markers 1:16:07 – 1:17:00 of video.

## **PUBLIC COMMENTS**

Rosemary Shields expressed her concerns about demolition and asbestos removal taking place on the site. She concluded by expressing environmental concerns for towns nearby.

Doctor Barry Potvin asked Mr. Noyes whether the cost of shipping has decreased since there is less water on the site since decommissioning commenced. Mr. Noyes answered yes. Doctor Potvin asked if certain expenditures were permitted under the trust fund agreement. Mr. Noyes answered that some were.

Art Desloges read a statement and demanded that Holtec pause the evaporation of water on the work floor until it is determined to be safe.

Chris Nord asked several questions:

- Will Holtec be responsible for removing the low-level waste buried under the site.
- Whether there is a violation of the ocean sanctuaries act when evaporation takes place.
- Why is Massachusetts not stopping Holtec from violating the ocean sanctuaries act.
- What safeguards and plans are in place to protect the region from toxic.
- What radiations are going into the environment without proper monitoring.

Diane Turco read a letter sent to Mr. Moylan by several elected officials demanding Holtec to stop evaporation.

Doctor Benjamin Cronin asked whether Holtec believed if they were ideal corporate citizens. In his opinion, Mr. Noyes believed that Holtec was an ideal corporate citizen.

Jamil Graham thanked the individuals of the panel and the member of the public. She indicated that she would like to establish a forum for individuals in Boston. She believes that education is key in this issue.

Michael Hugo indicated that Plymouth has the highest rate of cancer in Massachusetts. Mr. Hugo asked Mr. Noyes whether he know of any studies involving cancer risks. Mr. Noyes indicated that he does not.

Brian Campbell discussed the closure of Indian Point Power Plant in New York and believes that Holtec is a good corporate citizen.

## **REVIEW AND APPROVAL OF ANNUAL REPORT**

Mr. Lampert made a motion to approve the March 21<sup>st</sup> draft of the annual report as the final version. Ms. Waldon seconded the motion.

Ms. duBois indicated that she had an objection to the water discussion section of the report. A discussion ensued between Ms. duBois and Mr. Lampert about that section.<sup>9</sup>

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<sup>9</sup> Minute Markers 1:57:50 – 2:04:30 of video.

Mr. Gottlieb stated that the panel should compile the meeting minutes into a single report and allow that to be the annual report. Mr. Priest and Ms. duBois indicated that compiling the meeting minutes is how it was done previously.

Mr. Noyes expressed several concerns with the most recent draft of the report and could not support it. A discussion ensued between Mr. Noyes and Mr. Lampert.<sup>10</sup>

Mr. Noyes indicated that he would offer a write up on several sections of the report including split sampling, the NRC presentation, and one of Ms. duBois' challenges. Ms. Gatslick stated that those write ups would be acceptable.

Mr. Priest asked whether Mr. Gottlieb made a motion to compile the meeting minutes and send this to the Governor. Mr. Gottlieb indicated that he did and restated the motion as follows: "I make a motion that we compile the minutes of the 2023 meetings, put a cover letter on it to the Governor saying this is what happened at NDCAP this year."<sup>11</sup> Mr. Nichols seconded the motion.

The members took a vote on Mr. Gottlieb's motion, and the following votes were recorded:

Yes – 9 – Members Noyes, Moylan, O'Brien, DuBois, Fortini (originally no, but changed to yes), Nichols, Priest, Gottlieb, Waldron

No – 1 – Member Gatslick

Abstain – 4 – Members (James) Lampert, Pickering, Slocum, Bryant

Mr. Lampert indicated that nine favorable votes is sufficient to pass the vote, as it is a majority of our present 17 members.

Mr. Lampert stated that he takes the motion as one to "amend the [annual] report that has been circulated to be what Mr. Gottlieb described." Mr. Gottlieb confirmed that this is the intent of the motion, and that the report in its entirety should be substituted by the minutes.

## **ADJOURNMENT**

Mr. Lampert made a motion to adjourn which was seconded and passed.

Adjournment took place at around 8:30 p.m.

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<sup>10</sup> Minute Markers 2:06:36 – 2:09:58 of video.

<sup>11</sup> Minute Marker 2:10:36.