

Approved May 22, 2023

**NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)  
Monday, March 27, 2023  
Hybrid Meeting (in-person and virtual)  
Meeting Minutes**

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

**NDCAP MEMBERS PRESENT**

- John Mahoney, Plymouth Select Board Designee Delegate (in person)
- Pine duBois, Speaker of the House Appointee (Vice Chair) (in person)
- Mary Lampert, Senate President Appointee (in person)
- James Lampert, Speaker of the House Appointee (in person)
- Mary Jo Gatslick, Minority Leader of the Senate Appointee (in person)
- Michael Fortini, Minority Leader of the Senate Appointee (in person)
- Seth Pickering,<sup>1</sup> Department of Environmental Protection (in person)
- Andrew Gottlieb, Governor Baker Appointee (in person)
- Jack Priest, Department of Public Health, Radiation Control Program (in person)
- Henrietta Cosentino, Plymouth Select Board Appointee (in person)
- John Viveiros, Massachusetts Emergency Management Agency (virtual)
- 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)
- Robert Hayden, Massachusetts Department of Public Utilities (in person)<sup>3</sup>
- David C. Nichols, Governor Baker Appointee (virtual)

**NDCAP MEMBERS NOT PRESENT**

- Mary Waldron, Old Colony Planning Council

**GUESTS IN ATTENDANCE**

- Jim Cantwell, representing U.S. Senator Edward Markey’s office
- Caleb White, representing U.S. Senator Elizabeth Warren’s office
- Michael Jackman, representing U.S. Representative Bill Keating’s office
- State Senator Susan L. Moran
- State Representative Mathew J. Muratore
- State Representative Kathleen R. LaNatra
- Gerard Martin, Department of Environmental Protection

**REVIEW OF MINUTES**

Mr. Mahoney asked whether there were any concerns regarding the January 2023 minutes. There was no discussion about the prior minutes and a motion to approve passed unanimously.

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

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

<sup>3</sup> Jonathan Goldberg, General Counsel for the Massachusetts Department of Public Utilities, was also in attendance, and will be replacing Mr. Hayden on an acting basis until a permanent replacement is designated.

## LEGISLATIVE DELEGATION

State Senator Moran indicated that she continues to take concrete legislative action to hold Holtec accountable and ensure that discharge does not occur into Cape Cod Bay. She is focused on including more concrete language in recently filed legislation, which was proposed for the FY23 supplemental budget but was not included in the House version of the bill. The goal of the legislation is to ensure transparency throughout the decommissioning process.

Senator Moran also indicated that she along with other individuals from the legislative delegation toured the site, and learned that Holtec intends to complete deconstruction of the site in eight years. She also noted Holtec's intent to submit a National Pollutant Discharge Elimination System (NPDES) permit modification application related to discharge of decommissioning water. She concluded her remarks by emphasizing the importance of the state's duty to be actively involved in the decommissioning process.

State Representative Muratore offered remarks, together with State Representative LaNatra. Representative Muratore reiterated the purpose of the proposed legislation previously discussed during the January 2023 NDCAP meeting. To receive feedback, he met with several individuals and organizations. He clarified that the goal of the legislation is not to reduce the size of the panel but to make the panel more effective.

Mr. Cantwell from U.S. Senator Ed Markey's office read a statement to the panel. Senator Markey remains concerned regarding the various impacts that discharge of decommissioning water will have throughout the Cape Cod region. Mr. Cantwell reminded the panel that Holtec agreed to a third party evaluation of water impacts during the May 2022 public hearing held in Plymouth. Senator Markey has engaged in the following activities:

- Working with universities to understand the economic impacts of discharge
- Working to ensure that MassDEP and DPH are present for sampling of water and to conduct split sample testing
- Cooperating with U.S. EPA to ensure that it is monitoring any potential discharges
- Working to ensure that an independent study is conducted
- Ensuring that a portion of the Decommissioning Trust Fund ("DTF") is allocated to the community, the study, and sampling

Ms. duBois asked Mr. Cantwell a series of questions regarding the funds for the study, including whether use of DTF funds would create an appearance of bias. Mr. Cantwell indicated that the funds are anticipated to be paid to the state to ensure independence.

Ms. Lampert agreed with Mr. Cantwell that a study should be conducted. A failure to hold Holtec to its promises will hinder the public's trust and confidence. She also stated that Holtec would make a generous profit after certain reimbursements are made from the DTF.

Mr. Jackman and Mr. White did not add any comments on behalf of U.S. Representative Keating and U.S. Senator Warren.

## HOLTEC UPDATE

Mr. Noyes briefly updated the panel regarding the major activities associated with decommissioning, and a power point presentation was shown. Mr. Noyes presented a waterfall chart showing anticipated timelines for future work. In summary:

- Site characterization continues with development of the license termination planning.
- Maintenance of the 62 dry cask canisters and 3 canisters greater than Class C waste is ongoing.
- Final restoration of the site will commence after the characterization of the on-site material.

Regarding demolition:

- 70 percent of the buildings above grade have been removed from the site.
- Demolition of the secondary alarm point (site access building) continues.
- Two underground storage tanks, four above ground storage tanks, and four other structures are scheduled for demolition through the third quarter of this year.
- The intake structure and administration building are to remain on site to support decommissioning process.
- The main process buildings will be removed between 2025 and 2027.
- Trash compaction building has been removed and clean up has been complete.
- Upcoming demolition includes the old man gate and a wall next to the trash compaction facility.

For reactor segmentation:

- Control rod blades, fuel support castings, control rod guide tubes have been removed.
- In 2023, the lower core plate, shroud ring, and jet pumps will be removed.

For waste management:

- Class A Waste is being removed from the site as it is generated.
- Class B and C remain on site pending the approval of a cask design to permit shipment to Texas.

Regarding regulatory affairs:

- Decommissioning funding annual report is due on 03/31/2023.
- Permit modification for the EPA NPDES permit and state surface water discharge will be submitted by the end of the week.

Mr. Noyes provided an update on water management. Split sampling of the dryer separator pit, spent fuel pool, and torus is set to occur in April of 2023 along with MassDEP and DPH. Town of Plymouth officials will be on site as well.

A discussion took place between Mr. Gottlieb and Mr. Noyes about the permit application timeline and characterization of the water samples. Mr. Noyes confirmed that Holtec is committed to having the independent study done referenced at Senator Markey's congressional hearing in May 2022. Mr. Noyes also indicated that split sampling results will be received prior to any action taken on the permit modification application. Mr. Gottlieb asked how the independent study will be considered during the

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permit modification application. Mr. Noyes reiterated that Holtec is committed to the independent study.<sup>4</sup>

Ms. Lampert indicated that the study continues to be relevant because Holtec agreed to obey the terms of the settlement agreement, which requires compliance with all state regulations.

Ms. Cosentino asked whether economic impacts would be considered as part of the permit modification application process. Mr. Pickering indicated that he does not have an answer as of now.

Ms. duBois asked whether there can be a discussion at the next meeting about the permit modification application process, and how it may affect Holtec's decommissioning schedule. Mr. Noyes indicated that he would be willing to discuss this.

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

EEA, MassDEP, and Mass AGO participated in a meeting held with EPA and Holtec on February 15. Holtec requested the meeting to outline its proposed procedures for sampling and treatment.

Holtec informed MassDEP and EPA (along with the other IWG members) that they anticipate submitting permit applications on or before March 31.

Holtec, CZM, MEPA, Mass AGO, and EPA met for an initial pre-filing discussion regarding permitting on March 21. If a discharge permit application is submitted to EPA and MassDEP, the state will review the application in light of all applicable state laws. Relevant permits/reviews include:

- Federal NDPES Permit
- State surface water discharge permit
- MassDEP Water Quality Certification
- Federal Consistency Review by CZM
- Anti-degradation review conducted by MassDEP
- Potential review under Massachusetts Environment Policy Act (MEPA)

MassDEP and DPH finalized a sampling protocol for a baseline assessment of the decommissioning water:

- The three locations remain the same: the spent fuel pool, separator dryer pit and torus.
- Attendees include Mr. Pickering, Mr. Priest, Mr. Martin, and a representative from Plymouth.
- Split sampling will be provided to the state for independent testing.
- Gel Laboratories will also conduct the independent testing, not Eurofin.

Mr. Mahoney asked a question about the chain of custody once the results are returned. Mr. Pickering stated that MassDEP would get the results first. Then, a comparison of the results would occur. Lastly, the results would be made public.

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<sup>4</sup> Refer to minute marker 41:30-48:41 of video. See: [NDCAP Meeting: 3/27/23: Nuclear Decommissioning Citizens Advisory Panel #Plymouth - YouTube](#)

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Mr. Priest advised the panel that Gel Laboratories is an independent laboratory not affiliated with Holtec. It has a license to analyze both radiological materials and non-radiological pollutants MassDEP has identified.

Mr. Priest and Mr. Pickering emphasized that the results are used for information and consistency purposes, and do not have a regulatory purpose.

A discussion occurred between Mr. Lampert, Mr. Pickering, and Mr. Priest about the laboratories the state has used in the past for testing. Mr. Pickering indicated that MassDEP typically does not conduct radiological testing.<sup>5</sup>

Mr. Pickering explained the steps for sampling:

- Sampling will take place on April 5.
- State contracted radioactive material shipper will deliver the samples to Gel Laboratories.
- DPH samples will be analyzed at the Hinton State Laboratory.
- MassDEP will analyze for non-radiological contaminants.
- The results will be available to the public about a month thereafter.

Mr. Pickering continued the IWG update. The Mass AGO is reviewing the ESA (environmental site assessment) work plan and radioactive waste management plan.

On March 24, MassDEP met with Holtec to discuss response actions under the Massachusetts Contingency Plan (otherwise known as MCP or Chapter 21E) for two release tracking numbers that were issued in 2022. They include:

- For PCBs that have been detected in soil piles including removal.
- Benzopyrene detected above the groundwater category GW1.

Mr. Lampert asked for a timeline of when the review of ESA would be complete. Mr. Pickering said he did not know.

MassDEP continues to oversee demolition activities. MassDEP meets continuously with Holtec to manage the asbestos discovery identification, abatement, and removal process.

Regarding Holtec's desire to change the wastewater disposal system, MassDEP continues to evaluate the request.

Regarding public safety, MEMA continues to work with local partners on public safety planning and to schedule quarterly work group meetings.

Mr. Pickering answered a series of question that were e-mailed to him regarding the proposed water discharge, agencies and their roles in permitting, anti-degradation procedure, and any alternatives to discharge<sup>6</sup>.

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<sup>5</sup> Refer to minute marker 1:01:07-1:03:19 of video. See: [NDCAP Meeting: 3/27/23: Nuclear Decommissioning Citizens Advisory Panel #Plymouth - YouTube](#)

<sup>6</sup> Refer to minute markers 1:09:20- 1:26:13 of video. See: [NDCAP Meeting: 3/27/23: Nuclear Decommissioning Citizens Advisory Panel #Plymouth - YouTube](#)

Mr. Mahoney asked if the sampling results would be available to the public prior to the next NDCAP meeting in May. Mr. Pickering said he anticipates results to be ready by early May.

Ms. Gatslick asked whether testing of radionuclides has occurred at wastewater facilities in Plymouth. Mr. Pickering said he could not answer because it is not MassDEP's role. Mr. Priest suggested contacting the town engineer.

Mr. Mahoney asked how many labs throughout the country could do the independent testing. Mr. Pickering said they were only able to find one that could do both pollutants and radionuclides. Mr. Priest further explained the difficulties that arose in searching for a laboratory.

### **PUBLIC COMMENTS & QUESTIONS**

Pat Watson asked whether a university research lab could do the same work as the independent lab selected. Mr. Priest said 'no' due to licensing, accreditation, and the types of analytical data needed. Mr. Priest indicated that the state reached out to universities as well.

Art Desloges explained that he filed a citizen's legislation with the Massachusetts Senate. He went on to describe the objectives of the legislation which included appointments, structuring of the meetings, membership, and finances.

Brian Campbell expressed his support for discharge of the treated water from the site. In his opinion, it is the safest option available. He concluded by expressing his opposition to offshore wind projects.

Ryan Collins stated that he created an online petition to prevent Holtec from discharging the water into Cape Cod Bay. The petition has over 200,000 signatures and can be found on change.org. He printed out those signatures and handed them to Mr. Noyes after concluding his statement.

Margaret Raskin asked Mr. Noyes if he knew how much tritium was in the water. Mr. Noyes said he did not have the data with him to properly answer that question. Margaret then stated that 3 grams of tritium takes 40 years to be disseminated into the ocean.

Former Gloucester City Councilor Jay Gustaferra reminded the panel that there is legislation around decommissioning that arose during Seabrook's decommissioning. He hopes that Governor Healey will use her authority during this process.

Joanne Wilson Keenan expressed her concerns about the dangers associated with discharge into Cape Cod Bay. She listed a series of radionuclides that can adversely affect health. It is her hope that downplaying the dangers does not occur during decommissioning and testing of the water.

Diane Turco asked Holtec's prior statement that it would not discharge water without consent of "major stakeholders." Mr. Noyes acknowledged that the U.S. Senators and Representatives are major stakeholders.

Mr. Turco also asked whether the schedule for dismantling the reactor building would be affected by the permitting timeline for the NPDES permit modification application. Mr. Noyes acknowledged that the

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schedule may be affected, and reaffirmed Holtec's commitment not to discharge water prior to receiving a modified NPDES permit.

### **REVIEW OF 2022 ANNUAL REPORT**

Ms. Gatslick stated that Ms. duBois sent the annual report to members of the panel and asked whether there were any questions or concerns.

Mr. Lampert reminded the panel that the purpose of their duties is to advise the Governor and public on the issues involved in Pilgrim's decommissioning. He also mentioned that the statute is silent about the substance of the annual report. In his opinion, the goal of the annual report is to discuss both sides of decommissioning.

A discussion ensued between Ms. Gatslick, Mr. Lampert, Mr. Fortini, Ms. Cosentino, and Ms. duBois regarding the contents of the annual report.<sup>7</sup>

Mr. Priest suggested that the panel find a way to work collaboratively to compile a document that shows what the panel accomplished in 2022. Further, he suggested reserving a conference room on a weekend to finalize the report.

Mr. Nichols mentioned that the panel meeting in a forum such as a conference room may violate the open meeting law. Mr. Priest stated that the purpose would be a subcommittee meeting to work on a draft document, not a public deliberation.

There was a motion for a straw vote proposed by Mr. Priest on whether Ms. duBois's draft of the annual report should be the starting point for the 2022 annual report. Voting was conducted and Ms. duBois's draft was supported by a vote of 10-3-3 (yes-no-abstain).

Mr. Mahoney stated that there will be a vote on the 2022 annual report in May.

### **ADJOURNMENT**

A motion to adjourn was made and passed unanimously.

The meeting was adjourned at about 9:30 pm.

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<sup>7</sup> Refer to minute markers 02:18:56-02:26:42 of video. See: [NDCAP Meeting: 3/27/23: Nuclear Decommissioning Citizens Advisory Panel #Plymouth - YouTube](#)