

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

**Monday, May 20, 2024**

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

**Meeting Minutes**

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

### **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 (in person)
- Mary Lampert, Senate President Appointee (in person)
- Michael Fortini, Minority Leader of the Senate Appointee (in person)
- Andrew Gottlieb, Governor Baker Appointee (virtual)
- Kevin Canty, Plymouth Select Board Appointee (in person)
- Henrietta Cosentino, Plymouth Select Board Appointee (in person)
- Seth Pickering,<sup>1</sup> Department of Environmental Protection (in person)
- Jack Priest,<sup>2</sup> Department of Public Health, Radiation Control Program (virtual)<sup>1</sup>
- Kristopher Callahan,<sup>3</sup> Department of Public Health (virtual)
- David Bryant, Massachusetts Emergency Management Agency (in person)
- John Slocum, Massachusetts Department of Public Utilities (virtual)
- David Noyes, Holtec Decommissioning International (in person)
- Mark Lawson, sitting in for John Moylan, Holtec Site Vice President (in person)
- Mary Waldron, Old Colony Planning Council (virtual)
- Kelly O’Brien, UWA Representative (in person)

### **NDCAP MEMBERS NOT PRESENT**

- David C. Nichols, Governor Baker Appointee

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

A discussion ensued among panel members about the previous meeting minutes and corrections.<sup>5</sup>

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

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

Mr. Noyes provided an update.

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

<sup>2</sup> Designee of Bureau of Environmental Affairs

<sup>3</sup> Designee of Secretary of the Executive Office of Health and Human Services

<sup>5</sup> Minute Markers 03:20 – 11:30 of video. See: [Nuclear Decommissioning Citizens Advisory Panel: 5/20/24 \(youtube.com\)](https://www.youtube.com/watch?v=...)

For demolition:

- Excavation of the underground storage tanks has been completed.
- Asbestos wrap was found on the feed lines.
- Two underground storage tanks remain on the site but are scheduled for demolition.

Ms. Lampert asked Mr. Noyes what kind of testing was conducted during excavation of the underground storage tanks. Mr. Noyes indicated that the licensed site professional conducted testing of the soil in the area surrounding the tanks and that soil samples on and within 6-8 inches of the exposed surface were sent out and chemically tested.

For reactor internal segmentation:

- Shroud ring cut number 4 has been complete including segmentation.
- Packaging of the jet pump diffusers are complete.
- Removal of the feedwater spargers is ongoing.

For regulatory updates:

- Three reports were submitted to the NRC: Radiation exposure information and reporting system, Radioactive effluence release report, and the radiological environmental operating report.

A discussion ensued between Mr. Lampert and Mr. Noyes about gaseous release and the supplemental heaters used in the prior year. A second discussion arose about water and evaporation on the site.<sup>6</sup>

Ms. Lampert expressed her environmental concerns related to the gaseous releases and their impacts on Cape Cod Bay. Ms. Lampert asked how wind direction was determined. Mr. Noyes said that Holtec used a 10 year analysis that had been prepared by Entergy.

For waste disposal:

- A total of 11,754 cubic feet of radioactive material has been removed from the site for 2024.
- To date, a total of 247,723 cubic feet of radioactive material has been removed.

Ms. Cosentino asked for clarification on the analysis used for water volumes and evaporation. Mr. Noyes indicated what variables were used to determine those numbers, explaining that the analysis assumed that all water on site would be evaporated in one year in order to assess what the non-radiological constituents would be. Mr. Pickering added that the variables and numbers used in the analysis were used to determine the “potential to emit” under MassDEP’s air quality regulations.

Mr. Noyes stated that there were 895,850 gallons of water on the refuel floor, in the spent fuel pool, dryer separator, reactor cavity and vessel, and 40,000 gallons in the torus.<sup>7</sup>

A discussion ensued among Mr. Noyes, Mr. Lampert, and Mr. Pickering about water volumes and how it is calculated using a scientific formula.<sup>8</sup>

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<sup>6</sup> Minute Markers 22:50-28:27 of video.

<sup>7</sup> Minutes Markers 40 to 44 of video

<sup>8</sup> Minute Markers 39:09 - 43:53 of video.

Another discussion took place between Mr. Noyes and Mr. Lampert about finances.<sup>9</sup> At the end of 2023, there was \$542.8 million dollars in the trust fund with an expected balance of \$83 million by 2063. Mr. Lampert expressed his concerns that calculations do not consider inflation.

Mr. Lampert asked Mr. Noyes if he had prepared a table indicating water volumes. Mr. Noyes said he had not but could compile data to show water volumes in a tabled format. Ms. Lampert asked when the panel could expect that table. Mr. Noyes said he was not sure.

Mr. Lampert asked Mr. Noyes what was the HDI overhead fund. Further discussion ensued about Holtec finances, including a commitment by Dr. Singh of HDI to ensure that decommissioning funds are sufficient. Mr. Noyes said he is not aware of any legal document that Holtec has been asked to sign.

Ms. Lampert inquired about questions raised by independent experts indicating that particulates other than tritium should be a concern because they would be considered volatile. Ms. Lampert inquired whether Holtec's position is that other particulates would not be volatile. Mr. Noyes indicated that this depends on the temperature at which each particulate would be released from water. Mr. Noyes said that all releases are being measured.

Mr. Gottlieb asked Mr. Noyes what was the purpose of a letter from April 2024 to EPA regarding permit modification. Mr. Noyes explained that there was a discharge that should have been considered modified and not new. The purpose of the letter was to clarify that information.

Mr. Gottlieb was concerned that this information was not included in Mr. Noyes' update. Mr. Gottlieb also expressed several concerns about finances and operating costs and asked Mr. Noyes to send someone to NDCAP who knew finances to provide detail and answer questions. Mr. Lampert also expressed similar concerns about finances.<sup>10</sup>

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

Mr. Pickering provided an update on behalf of the IWG.

Regarding water discharge/evaporation:

- MassDEP has reviewed Holtec's April 22, 2024, response to MassDEP's letter dated April 1, 2024, which directed Holtec to revise its previous submittal, dated March 6, 2024, regarding applicability of MassDEP's air permit regulations at 310 CMR 7.02 to decommissioning wastewater evaporation. To be conservative, Holtec did its calculations assuming that all 895,850 gallons of the wastewater could be evaporated in a discrete 12-month period.
- Based on Holtec's analysis, the Potential to Emit pollutants regulated by MassDEP is 26.94 pounds per year, which is well below MassDEP's Air Quality permitting threshold of 1.0 ton (2,000 pounds) per year. Based on MassDEP's initial review of Holtec's submittal it appears that the calculations were done correctly. The Holtec submittal is now going through internal MassDEP review. This is the normal process for a determination of this type.
- These calculations do not include radionuclides, which are regulated by the NRC. For 2023, radioactive particulate and tritium air releases from Pilgrim Station were well below NRC standards

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<sup>9</sup> Minute Markers 44:13 – 46:06 of video

<sup>10</sup> Minute Marker 1:15 of video

as published in the Pilgrim Nuclear Power Station 2023 Annual Radiological Environment Operating Report submitted to the NRC.

- As previously stated at the March NDCAP, Holtec has agreed to conduct additional wastewater sampling to identify pollutants present in the decommissioning wastewater currently. Sampling is currently scheduled for June 4, 2024.

Regarding the surface water discharge permit modification:

- MassDEP is still 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.
- MassDEP is aware of, and is reviewing, correspondence and revised permit application submitted by Holtec to the U.S. EPA and MassDEP. Holtec's correspondence and revised permit application state that Holtec has determined that Outfall #015 is not a "new source" as defined by 33 U.S.C. § 1316 and EPA's U.S. Clean Water Act regulations. The documents related to this request have been uploaded to the Department's web page for Pilgrim.
- The next step is for MassDEP to issue a final determination. There is no prescribed time period for issuance. MassDEP's final determination could be subject to appeal to MassDEP and then the courts.

Regarding site assessment work plan/MCP:

- MassDEP and DPH, in consultation with the Attorney General's Office (AGO), have reviewed the further responses provided by Holtec on the state's comments to Holtec's site assessment work plan. The AGO will provide a response shortly.
- 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.

Other Updates:

- 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 continues to work with local partners on public safety planning and will schedule additional trainings as appropriate.

### **PUBLIC COMMENTS**

Rosemary Shields asked Mr. Noyes to clarify the license site professionals responsible for handling the asbestos removal on the site. Mr. Noyes clarified that the asbestos professional was an individual who works for Vertex and the company involved was New England Abatement Resources. Mr. Noyes explained each of their roles.

Art Desloges read a statement expressing environmental concerns about decommissioning.

Brain Campbell read a statement expressing his support for disposal of the water on the site.

Doctor Barry Potvin indicated that he would save his comments and questions for the next meeting in order to facilitate more time for the open meeting law complaint discussion.

Doctor Benjamin Cronin read a statement regarding testimony and events that took place during a Senate Hearing in May of 2022. He then asked Mr. Noyes whether individuals residing in Plymouth and nearby towns were stakeholders in decommissioning. Mr. Noyes said that those individuals were stakeholders. Doctor Cronin asked Mr. Noyes a questions about Doctor Singh’s testimony<sup>11</sup>.

Joanne Wilson Keenan expressed her concerns for the environmental impacts and evaporation of the water.

Kristen Cersosimo asked whether any releases of chemicals into Cape Cod Bay were taking place. Mr. Noyes said there was no sewage or chemical releases from the site into the bay. Mr. Noyes acknowledged that there was surface water runoff and other permitted outfalls.

Kristen Cersosimo then asked Mr. Noyes to clarify what a NDPES permit was. Mr. Noyes indicated that it was a permit issued by the EPA that Holtec must apply to every five years along with the submission of a monthly report.

### **OPEN MEETING LAW COMPLAINT**

Mr. Lampert gave a presentation on the Open Meeting Law.<sup>12</sup>

A complaint was filed by Mr. Noyes alleging the violation of the open meeting law. Mr. Lampert explained the complaint in detail.<sup>13</sup>

Additional discussion ensued:

- Ms. Lampert read a statement. She indicated that she did not violate the open meeting law.<sup>14</sup>
- Ms. Cosentino read a statement and expressed her frustrations about transparency.<sup>15</sup>
- Mr. Pickering read a brief statement indicating that the AGO provides training on law.

Ms. Waldron, Ms. Lampert, Ms. duBois, and Mr. Lampert expressed their concerns with the operation of the panel and compliance of the open meeting law. Mr. Lampert acknowledged that the Open Meeting Law presents challenges for the entire panel.

Mr. Lampert returned to his presentation. He discussed a proposed motion that would remedy the violation and the next steps required by the law.<sup>16</sup> Mr. Lampert made the motion which was seconded.

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<sup>11</sup> Minute Markers 1:53:30-1:54:39 of video.

<sup>12</sup> Minute Markers 2:02:27- 2:06:10 of video.

<sup>13</sup> Minute Markers 2:06:11-2:13:23 of video.

<sup>14</sup> Minute Markers 2:14:52 – 2:21:01 of video.

<sup>15</sup> Minute Markers 2:21:01 – 2:28:05 of video.

<sup>16</sup> Minute Markers 2:37:00- 2:41:37 of video.

Ms. Gatslick suggested an amendment to the motion which would indicate that all panel members would retake the Open Law Meeting course provided by the AGO. Ms. Waldron seconded the amendment. Mr. Lampert expressed his concerns with the amendment since the statute does not require the course/training.

Mr. Canty expressed his concerns with the exchange of emails and their potential to violate the Open Meeting Law.

Mr. Priest suggested that panel members send a copy of their certificates of training to the Chair and set a deadline. Mr. Lampert asked whether the September meeting would be a sufficient deadline. Mr. Priest agreed.

Mr. Lampert amended his motion to require that all panel members provide him with a copy of their certificates by the September meeting to send to the AGO; also to send a response to Mr. Noyes and notify the AGO (removing #1-4 of original motion). Ms. Waldron seconded the motion. The motion passed.

### **2023 ANNUAL REPORT**

Mr. Lampert indicated that he circulated a report which contains a cover sheet, table, all the meeting minutes, presentations, and list of panel members. He asked the panel whether this is what should be submitted to the Governor and the General Court.

Mr. Gottlieb made a motion that the report just be the cover letter and meeting minutes. Mr. Lampert asked Mr. Gottlieb to clarify whether the presentation and table should be removed. Mr. Gottlieb indicated that it should only be the cover letter and meeting minutes. Ms. Lampert seconded the motion.

Ms. Gatslick stated that the presentations should be included in the report because they contain information and is not reflected in the meeting minutes. Ms. duBois stated that she intended those presentations to be included in the annual report.

The motion to submit a cover letter and meeting minutes as the annual report failed.

Mr. Canty made a motion to approve the report which contains the cover letter, table of contents, all meeting minutes, presentations, and list of panel members. Ms. Waldron seconded the motion. The motion passed.

### **ADJOURNMENT**

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

Adjournment took place at around 9:40 p.m.

## **DOCUMENTS AND EXHIBITS USED AT MEETING**

Ssee <https://www.mass.gov/info-details/nuclear-decommissioning-citizens-advisory-panel-meetings> for documents of which NDCAP has copies.

- Holtec presentation
  - IWG report
  - Statement of Arthur Desloges
  - Statement of Brian Campbell
  - Statement of Dr. Benjamin Cronin
  - Statement of Joanne Wilson Keenan
  - Chair Open Meeting Law presentation
  - Statement of Ms. Lampert
  - Statement of Ms. Costentino
  - Statement of Mr. Pickering
  - Proposed Motion of Chair re Open Meeting Law
  - Draft 2023 Annual Report circulated before meeting
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