

NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)

Monday, May 23, 2022

Hybrid Meeting (in-person and virtual)

Meeting Minutes

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

NDCAP MEMBERS PRESENT

- John T. Mahoney, Representative of the Town of Plymouth (Chair) (in person)
- Pine duBois, Speaker of the House Appointee (Vice Chair) (in person)
- David C. Nichols, Governor Baker Appointee (in person)
- Mary Lampert, Senate President Appointee (in person)
- Mary Gatslick, Minority Leader of the Senate Appointee (virtual)
- Seth Pickering,¹ Department of Environmental Protection (in person)
- John Viveiros,² Massachusetts Emergency Management Agency (virtual)
- Susan Whitaker, Executive Office of Housing and Economic Development (virtual)
- Jack Priest, Department of Public Health, Radiation Control Program (in person)
- Robert Jones,³ Executive Office of Health and Human Services (virtual)
- Henrietta Cosentino, Plymouth Select Board Appointee (in person)
- David Noyes,⁴ Holtec Decommissioning International (in person)
- John Moylan, Holtec Site Vice President (virtual)
- Mary Waldron, Old Colony Planning Council (virtual)

NDCAP MEMBERS NOT PRESENT

- Amy Naples, Senate President Appointee
- Richard Quintal, Representative of the Town of Plymouth

GUESTS IN ATTENDANCE

- John Drobinski, ERM
- Matt Daly, ERM
- Jim Cantwell, representative of Senator Markey (U.S.)
- Michael Jackman, representative of Congressman Keating (U.S.)
- Gerard Martin, representative of Department of Environmental Protection
- Plus 17 public members attending virtually

After roll call, Mr. Mahoney announced that this meeting would be the last that he would serve as chair because he was recently selected to the Plymouth Select Board; he was elected as chair in his capacity as member of the Nuclear Matters Committee. Mr. Mahoney suggested that election of a new chair take place at the following meeting.

REVIEW OF MINUTES

¹ Designee of Secretary Theoharides (Executive Office of Energy and Environmental Affairs)

² Designee of Dawn Brantley (Massachusetts Emergency Management Agency)

³ Designee of Secretary Sudders (Executive Office of Health and Human Services)

⁴ Designee of Pat O'Brien (Holtec)

The draft minutes from the March 23, 2022 meeting were reviewed.

The following corrections were made:

- Ms. Pine duBois noted that the following individuals resigned and should not be listed under members not present: John G. Flores, Paul Smith, and Kevin O' Reilly. Ms. duBois also indicated that several individuals should be added as guests in attendance during the last meeting.
- Ms. duBois referred to page 2, the Holtec Update; the reference to craft union should be corrected to the "laborers' union." Ms. duBois also clarified a few other issues, and asked about a reference to a letter from NOAA.
- Ms. Mary Gatslick mentioned that a regulation cited by Ms. Mary Lampert in the previous meeting was incorrect, specifically Massachusetts General Laws c. 132 s. 13A. Ms. duBois asked whether Ms. Gatslick could e-mail her the concern, and Ms. Gatslick agreed.
- Ms. Gatslick mentioned that section 14 should be referenced in the previous minutes and not section 13 with regards to the ocean sanctuaries act. Ms. Gatslick will send an email with her corrections to Ms. Lampert as well.

Motion was made to defer approval of the minutes until the revised copy is circulated. The motion was seconded and approved unanimously.

DISCUSSION OF MEETING SCHEDULE

Mr. Mahoney introduced Jim Cantwell, a member of U.S. Senator Ed Markey's office, to provide an update regarding a U.S. Senate Committee meeting that took place at Plymouth Town Hall (the "Town Hall Meeting"). Mr. Cantwell began by reading a statement from U.S. Senator Ed Markey. Michael Jackman also made a statement on behalf of Congressman Keating.

Mr. Mahoney thanked both Mr. Cantwell and Mr. Jackman and requested that Mr. Cantwell e-mail the statement from U.S. Senator Ed Markey to him. Mr. Cantwell agreed.

Mr. Jack Priest asked Mr. Mahoney whether Mr. Cantwell and Mr. Jackman could be invited back in the future to provide an update on permanent depository at Yucca Mountain. Mr. Cantwell mentioned that this was a concern mentioned at the Town Hall Meeting and would come back to provide an update.

Ms. Lampert raised concerns about testing and raised the idea of taking a split sample so that a sample from the licensee could be compared with a sample taken by an independent body. Ms. Lampert also stated that an independent individual should be in the control room at the time of testing. Mr. Cantwell addressed Ms. Lampert's concerns and ideas regarding testing.

Ms. Lampert referred to the settlement agreement, specifically paragraph 24, which mentions that radioactive waste management payment is on the licensee.

Mr. Priest asked Mr. Cantwell that should there be a third party involved in the testing of the contents within the spent fuel pool, to please keep his office engaged. Mr. Cantwell agreed and hopes that the data would be helpful.

Mr. David Nichols asked whether there were any committees overseeing issues around the proposed decommissioning rule from the Nuclear Regulatory Commission (NRC). Mr. Cantwell mentioned that the purpose of the Town Hall Meeting was to gather concerns. Some questions from the Town Hall Meeting will be brought to the NRC. The comment period ends on August 30, 2022.

HOLTEC UPDATE

Mr. Mahoney introduced Mr. David Noyes to provide an update. The update was given in conjunction with a PowerPoint presentation.

Mr. Noyes began by explaining the first slide of the PowerPoint titled, Draft Waterfall Chart. Mr. Noyes described the activities onsite at Pilgrim, include activities associated with removal of material from the spent fuel pool. Spent fuel pool racks are currently being removed from the site and shipped offsite. Once this process is complete, the next phase will be getting into the reactor internal segmentation activities.

The removal of additional waste materials from the reactor cavity and spent fuel pool is ongoing. Mr. Noyes explained the filtering system that is used during these processes.

Mr. Noyes described the upcoming activities on the site which include demolition of the trash compaction facility, the executive administration building, and the butler building. Work is to commence in July. The buildings will be removed to grade level.

Mr. Noyes provided an update on site characterization and referred to another figure on slide 8 of the PowerPoint. Sampling of the land occurred and MassDEP was made aware of the findings. Mr. Noyes noted that thresholds listed in the Massachusetts Contingency Plan (“MCP”) were exceeded for specific sample results.

Mr. Noyes emphasized the concern regarding the PCBs that were found in the non-industrial parcel. 1 milligram per liter is the threshold. The sampling revealed 1.12 milligrams per liter.

Mr. Noyes began the regulatory affairs update by stating that the annual radioactive effluent release report for 2021 was submitted as well as the environmental operating report. The results of the reports showed that, in a worst-case scenario, a hypothetical exposure to an individual from Pilgrim could have received up to 0.30 millirem (of radiation) in that calendar year. This is an extremely low dosage for an individual outside the site boundary.

The permit approvals for the wastewater treatment plant leaching field modification have been received, and Holtec anticipates that the ISFSI visual barrier/plantings will be in place by the end of the summer. Waste is currently being shipped as expeditiously as possible as it is generated.

Ms. Henrietta Cosentino asked a question regarding the decontamination of the racks on site. Mr. Noyes explained that pressure washers are being used to decontaminate the racks. The water used to decontaminate the racks is then treated multiple times.

Ms. Lampert asked whether the filters are analyzed before they are shipped off-site. Mr. Noyes confirmed that they were analyzed. Ms. Lampert further asked whether a preview of those results can be shown, and asked whether there have been any accidents when shipping the filters offsite. Mr.

Noyes responded that no accidents have occurred. Ms. Lampert requested that the results of analysis be provided to MassDEP and DPH, with a copy to the NDCAP.

Mr. Noyes was asked whether Holtec would be working with the local fire department to remove the underground tanks. Mr. Noyes confirmed that they would be and that the local fire department would inspect the tanks to ensure no leakages occurred. The tanks will be cleaned prior to removal.

Ms. Cosentino asked where the Classes A, B, and C wastes were being transported to. Mr. Noyes said that this waste is being transported to Texas. Ms. Cosentino then asked where the water could be sent. Mr. Noyes advised that the location is still being evaluated including the means. Ms. Cosentino then asked when will a decision be made about location. Mr. Noyes gave an estimated time frame and said by the fourth quarter of this year.

Mr. Mahoney mentioned that by September and no later than Thanksgiving, there should be a breakdown of the pros and cons of the means of transporting the water. Mr. Noyes agreed.

Mr. Nichols asked whether any radiological materials were found in any of the site characterization activities. Mr. Nichols asked whether there were any non-radioactive contaminants that were not consistent with an industrial site. Mr. Noyes answered that he was not an expert on the subject and referred the question to Mr. John Drobinski.

Mr. Drobinski stated that there were trace levels of non-radioactive contaminants above reportable concentrations. The only surprising element was detection of trace levels of PFAS contamination, which were slightly about reportable concentrations because the area is considered a productive aquifer. However, there are no drinking water wells in the vicinity.

Mr. Nichols asked whether the non-radiological component for cleanup is regulated by the state. Mr. Noyes confirmed that it was part of the decommissioning plan under the MCP.

INTERAGENCY WORK GROUP ACTIVITIES UPDATE

Mr. Pickering provided an update on IWG activities.

Regarding the environmental site assessment (ESA) work plan, Massachusetts Department of Environmental Protection (DEP), Massachusetts Department of Public Health (DPH), and the Attorney General's Office (AGO) are reviewing Holtec's responses to the state at the end of January.

DEP, DPH, AGO, and Massachusetts Emergency Management Agency (MEMA) are continuing to review Holtec's radioactive waste management plan. The plan was submitted in response to the AGO's non-compliance letter sent in November of 2021.

Regarding the National Pollutant Discharge Elimination System (NPDES) permit, there has not been a formal request on behalf of Holtec to discharge water from the spent fuel cooling water tank into Cape Cod Bay. DEP, DPH, and the EPA would review and provide a determination if a request is made by Holtec. Any future NPDES permit would be reviewed by the Office of Coastal Zone Management (CZM). There are no statements by Holtec which would indicate that the company would make any discharges in 2022.

Mr. Pickering addressed the series of questions presented by Ms. Lampert regarding the applicability of state statutes during the March meeting. With the advice from the AGO, Mr. Pickering did not answer those questions since it could divulge sensitive legal or strategic decisions.

Mr. Pickering mentioned that sampling of the water in the spent fuel pool would be necessary in the future to reach a conclusion about the characteristics of the water.

In accordance with the MCP, Holtec has “tier classified” the site. Holtec has moved to the comprehensive site assessment phase under the MCP. Response actions must occur under the MCP until a permanent solution is reached with no conditions as stated in the settlement agreement with the Commonwealth.

Under the MCP, any releases of nonradioactive oil and hazardous materials must be documented and reported when structures are removed from the site. Further, there must be a response action.

Holtec and DEP continue to work together to address asbestos on site from the structures.

MEMA continues to work with local partners on public safety planning. A Pilgrim working group meeting with the licensee and the former emergency planning zone communities took place on April 19. The purpose of the meeting was to provide an update on decommissioning.

MEMA also notes that the NRC has proposed amendments to regulations related to decommissioning. Comments are open to the public and close on August 30, 2022. MEMA along with the AGO are reviewing the proposed amendments.

Mr. Priest asked Mr. Pickering whether he could discuss the permanent solution with “no conditions” component of the MCP. Mr. Pickering referred the question to Gerard Martin of DEP.

Mr. Martin explained that permanent solution with a condition is when you have an activity and a use limitation (“AUL”) on the property because some contamination is left behind. It is a deed restriction indicating that there might be contaminated soil.

Mr. Martin went further to explain that under the settlement agreement, Holtec must get to a permanent solution without any conditions which means a permanent clean-up as though the plant never existed. There is one clause in the settlement agreement mandating that at the end point, a permanent solution with conditions would require approval.

Ms. duBois asked Mr. Martin whether that included tritium in the ground water. Mr. Martin stated that tritium is not regulated under the MCP, which only applies to oil and hazardous metals.

Ms. Lampert read what was referenced as a direct statement from Governor Baker from early March and suggested that the IWG should inform the Governor where radioactive water would be discharged.

Mr. Pickering explained that the EEA has a Secretary, who is a member of the cabinet and reports to Governor Baker. Mr. Priest indicated that the same chain of command exist for the HHS Secretary. Ms. duBois mentioned that Beth Card was the new secretary of EEA and should be invited to an NDCAP meeting. Mr. Pickering said he would report back to EEA about a possible meeting with Secretary Card.

Ms. Cosentino read a letter written by Save Our Bay, which she believed should be provided to Governor Baker's office. The letter raises concerns about discharging radioactive water into Cape Cod Bay. Ms. Cosentino concluded by saying that NDCAP should endorse the letter.

STATE AND FEDERAL AGENCIES FUTURE MEETINGS

Ms. duBois mentioned that the EPA could not attend tonight's session. Ms. duBois proposed creating a list of agencies and contacts to invite to the NDCAP meetings to ensure proper communication.

The agencies mentioned by Ms. duBois include EPA, National Marine Fisheries Service, Massachusetts Department of Fisheries (DMF), CZM, DEP, DPH, MEMA and NRC.

Mr. Jim Lampert mentioned that the AGO should be involved.

Mr. Nichols mentioned Massachusetts Department of Transportation should be included (MassDOT) because of the radiation control program. It was clarified that DPH regulates the program along with MassDOT. A point was made that the regulations and program would apply in Massachusetts and other states.

Mr. Noyes suggested that a stakeholder list associated with the Holtec license extension would be a good start for agencies and contacts. Ms. duBois asked whether the list could be shared, and Mr. Noyes agreed. This would be for the 2012 license extension.

Ms. Cosentino reminded the panel that Holtec agreed to comply with regulations intended to protect public health, the environment, and the economic welfare of citizens in the Commonwealth.

Ms. duBois asked whether the U.S. Department of Transportation related requirements are covered by DPH. Mr. Priest stated that certain topics and subjects would remain under the jurisdiction of the state police and MassDOT.

Ms. duBois estimated that it would take about 100 trucks to move the radioactive water across the country. Mr. Priest mentioned the risks associated with trucking but reiterated that there has been no in-depth conversation of how to move the water. Ms. duBois asked Mr. Priest whether he would determine safety or someone else at MassDOT. Mr. Priest said DPH oversees and ensures that MassDOT is following federal regulations.

Mr. Jackman then referred to a representative of National Oceanic and Atmospheric Administration (NOAA), Peter DeCola.

Mr. DeCola began by describing Stellwagen Bank National Marine Sanctuary and emphasized that it was federally protected waters. Mr. DeCola met with members of the EPA and NRC to understand the issue. On March 14, a letter was sent out to regional administrators. Mr. DeCola mentioned that federal statutes mandate that affected sanctuaries must be consulted prior to any action being taken.

PUBLIC COMMENTS

Mr. Mark DeCristoforo stated that politicians need to do more, and that the general public deserves answer from them. Ms. duBois commented on the spent fuel waste being transported and noted that more attention should be paid to climate change.

Ms. Rosemary Shields mentioned that Yucca Mountain was off the table and asked why Mr. Priest mentioned it. Mr. Priest clarified an earlier comment regarding Yucca Mountain and said that it is on and off the table based on previous and current presidential administrations.

Ms. Olivia Michaud explained how discharge would affect the livelihoods of those who work in fishing boats in the area, the beaches, and local economy. Ms. Michaud indicated that the impact in the bay would be greater than emissions associated with truck traffic.

Ms. Diane Turco read a list of towns that have indicated they do not want discharge into Cape Cod Bay. Ms. Turco continued by asking the panel to ask the AGO to enforce laws of the Commonwealth that protect the bay. Ms. Turco indicated that storing water in leak-proof tanks should be considered.

Mr. Peter Dalton described the different elevations throughout Cape Cod Bay. Mr. Dalton asked Mr. Noyes whether the casks on site are plastic or concrete. Mr. Noyes said that the casks are steel and poured concrete into the steel. Mr. Dalton then asked if there is a rebar inside. Mr. Noyes said no, there was no reinforcement inside. Mr. Dalton asked more questions about the design of the cask which Mr. Noyes could not answer.

Ms. Leslie Danielson raised concerns politicians and their rhetoric. Ms. Danielson brought several documents and asked the committee to give them to Mr. Noyes.

Mr. Lampert concluded public comments. Mr. Lampert began discussing the NPDES permit and previous discharges from the spent fuel pool into the bay. Mr. Lampert emphasized that the previous NPDES permits did not allow or permit the power plant to discharge water. Mr. Priest answered that there had been previous discharges. Mr. Lampert continued to ask whether the prior NPDES permit allowed discharge of spent fuel pool water.

Discussion ensued about language from the old permit and the new permit. Mr. Pickering indicated that he could check with MassDEP about whether prior discharges of spent fuel pool water were authorized. Mr. Noyes stated that during his time at Pilgrim, there was no water from the spent fuel pool that was directly discharged.

Mr. Lampert asked whether the AGO will enforce the rules and regulations intended to protect the bay. Mr. Lampert believes that there needs to be an understanding of what prior practices were in place.

Mr. Lampert gave a summary of the Town Hall Meeting and made the panel aware that he has the transcript of the meeting.

ADJOURNMENT

A motion to adjourn was made by Mr. Mahoney and seconded. The motion passed unanimously.

Mr. Mahoney clarified that the next meeting will be the fourth Monday of July and then the fourth Monday of September. He further clarified that the next meeting will be on July 25, 2022.

The meeting was adjourned at about 9:10 pm.