

# HD 3705, An Act updating the decommissioning oversight of Pilgrim Nuclear Power Plant

MURATORE COMMENTS PRESENTED TO NDCAP on January 23, 2023 Meeting @GreatHall in Plymouth Town Hall

(From the state website on Current NDCAP legislation.)

Purpose:

The Panel shall serve in an advisory capacity only and shall not have authority to direct decommissioning of the PNPS. The duties of the panel shall be:

- (1) to commence public meetings beginning on or about June 1, 2017, at a frequency of quarterly until the shutdown of the Pilgrim Nuclear Power Station (PNPS) for the purpose of discussing issues related to decommissioning planning activities;
- (2) to hold a minimum of four public meetings each year for the purpose of discussing issues relating to the progress of decommissioning of the PNPS beginning on or about June 1, 2019, or when the PNPS permanently ceases power operations; provided that the panel may hold additional meetings;
- (3) to advise the governor, the general court, the agencies of the commonwealth, and the public on issues related to the decommissioning of the PNPS, with a written report being provided annually to the governor and to the energy committees of the General Court;
- (4) to serve as a conduit for public information and education on and to encourage community involvement in matters related to the decommissioning of the PNPS and to receive written reports and presentations on the decommissioning of the Station at its regular meetings;
- (5) to periodically receive reports on the Decommissioning Trust Fund and other funds associated with decommissioning of the PNPS, including fund balances, expenditures made, and reimbursements received;
- (6) to receive reports regarding the decommissioning plans for the PNPS, including any site assessments and post-shutdown decommissioning assessment reports; provide a forum for receiving public comment on these plans and reports; and to provide comment on these plans and reports as the panel may consider appropriate to state agencies and the owner of the PNPS and in the annual report described in clause (3).

**\*5 and 6 removed in new bill because they are covered in the MOU. A timeline was added in new legislation stating the panel shall meet quarterly as set forth in subsection (i) through the Nuclear Regulatory Commission's (NRC) partial site release of the property and annually until the spent fuel is removed from the site and the NRC license is terminated.\***

## Current MOU with AG and Holtec from AG press release:

- On 6/17/2020 Attorney General Maura Healey and the Baker-Polito Administration announced a comprehensive agreement that ensures critical environmental, public safety, and financial protections for Massachusetts residents during the dismantlement and cleanup of the Pilgrim Nuclear Power Station in Plymouth.
- The settlement agreement reached with Holtec Pilgrim, LLC, and Holtec Decommissioning International LLC (Holtec) resolves a petition the Commonwealth filed with the Nuclear Regulatory Commission (NRC) to challenge

an application to transfer Pilgrim's federal license from Entergy Nuclear Operations, Inc. and Entergy Nuclear Generation Company to Holtec.

- The agreement also resolves two lawsuits (September 2019 and January 2020) the Commonwealth filed to challenge the NRC's approval of the license transfer application, and several administrative challenges Holtec filed to challenge conditions in the January 2020 state water permit for the plant.
- It provides critical protections, includes compliance measures stricter than federal requirements, and secures the funds necessary to safely and properly clean up this site.
- Importantly, the agreement ensures that the cleanup of the site is overseen by state agencies and be held to the Commonwealth's strict radiological and non-radiological hazardous waste cleanup standards, and that the necessary funds will continue to be available to ensure that natural resources are restored and public health protected.

### **Financial Assurances**

- The agreement establishes a robust set of financial assurances and related reporting mechanisms to ensure that sufficient funds will be available to dismantle the nuclear power plant, clean up radiological and non-radiological contamination, restore the site, and manage spent nuclear fuel onsite until it is transported out of the state promptly and safely.
- Under the terms of the agreement, Holtec must maintain at least \$193 million in funds until it completes most of the cleanup and site restoration work and, after that point, \$38.4 million in funds until the spent nuclear fuel is removed from the plant.
- Holtec is also required to obtain \$30 million in pollution liability insurance and secure performance bonds for certain contracts. The agreement requires Holtec to provide monthly reports to the state in order to monitor the progress of the work at the plant and to foresee any financial issues.
- Funding provisions for Mass. Department for Public Health, Mass. Emergency Management Agency, and Mass. Department of Environmental Protection

### **Cleanup Requirements**

- The agreement requires Holtec to comply with the state's strict cleanup standards when it comes to radiological and non-radiological hazardous materials such as oil and polychlorinated biphenyl (PCBs). (Commitment to meeting Commonwealth's radiological standard of 10 millirem for all pathways, which is 40% of the Federal standard of 25 millirem)
- To advance the cleanup work, the agreement requires Holtec to submit to MassDEP and DPH an initial site assessment of the property to ascertain the types of contamination at the property and where such contamination may be located and establishes clear guidelines for the removal and decontamination of structures, including radiologically contaminated structures, at the site.
- MassDEP and DPH will oversee the cleanup work to ensure that public health and environment are protected. To aid in that effort, the agreement secures future funding for DPH so that it can continue monitoring air and food sources outside of the plant's boundaries for any offsite radiological contamination.
- The agreement will ensure that the property is cleaned up to a level that will allow for its future reuse to benefit of surrounding local communities, including the Town of Plymouth.

### **Public Safety**

- The agreement includes specific emergency preparedness requirements to protect the public in the event of a radiological emergency at the site.
- To further those requirements, MEMA will receive continued funding each year to perform its emergency preparedness functions until the risks decrease.

- (Without the agreement, most of the existing emergency preparedness requirements and related funding for MEMA would have been eliminated because the NRC decided earlier that year to exempt the plant from federal emergency planning requirements by removing the requirement to maintain a ten-mile emergency planning zone (EPZ) around the site perimeter.)
- To further enhance public safety, the agreement also requires Holtec to implement cybersecurity measures to limit threats that could compromise plant systems designed to safely secure plant assets such as the spent nuclear fuel that will remain stored onsite. These requirements are not currently required by the NRC.

**New legislation including list of committee members**

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The Nuclear Decommissioning Citizens Advisory panel created through state law in 2016 was created during a time of uncertainty around the closure, and eventual decommissioning. Since that date the panel has acted admirably as a panel of state officials, subject matter experts, plant officials, local and community leaders and appointed members of the public to navigate the closure, sale, announcement of NRC PROMPT decommissioning.

The circumstances today are far different than in 2016 which is why I am moving to update the panel in a manner to make it more effective and in line with the current conditions and expectations of the project, as well as preparing the community for what lies ahead for the site once cleaned up.

Back in 2016 Entergy owned the plant, had projected a 60-year timeline to decommission the facility and there was no agreement between the Commonwealth and any company around the decommissioning of the project. Today, Holtec is the owner, decommissioning in the fourth year of an eight-year plan, and an agreement between Holtec and the Commonwealth signed in 2020 that sets forth the terms and conditions to which the site will be cleaned up and oversight therein of the agreement.

**The state must take a more active role in running the panel to both provide awareness of the compliance of the agreement, ensure the correct technical knowledge is empaneled on the group, as well as prepare the community for the eventual redevelopment of the site for economic development following the closely agreed upon clean-up standards.**

This follows the model of the State of New York Decommissioning Oversight Board for the Indian Point project to ensure both the current, and future needs are addressed in the project while sticking to the agreed upon regulations in June 2020 agreement between Holtec and the Commonwealth.

**As a panel that is advisory, the need to address regulations and agreements is paramount to the success of the project to protect all citizens of the Commonwealth especially the residents of the Town of Plymouth.**

**Comparison of Members between old and new proposal:**

<p>OLD</p> <p>SECTION 14. (a) There shall be created a <b>nuclear decommissioning citizens advisory panel</b> which shall consist of the following members or their designees:</p>	<p>NEW</p> <p>SECTION 14. (a) “There shall be created a <b>Pilgrim Decommissioning State Oversight Panel (Name change)</b> which shall consist of state officials or their <b>staff designee</b>, scientific and technical experts, local officials, a retiree of Pilgrim Station with technical expertise in environmental areas and/or</p>
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- the secretary of health and human services, who shall serve ex officio; **same, except or staff designee on all in new**
- the secretary of energy and environmental affairs, who shall serve ex officio; **same**
- the commissioner public utilities, who shall serve ex officio; **same**
- the secretary of housing and economic development, who shall serve ex officio; **same**
- the director of the Massachusetts Emergency Management Agency; **same**
- 1 member from the Plymouth Nuclear Matters Committee as appointed by the Plymouth Board of Selectmen; **removed**
- 1 member from Massachusetts Department of Public Health Radiological Control Program appointed by the Bureau of Environmental Health; **same**
- 1 representative of the Old Colony Planning Council or designee, selected by the Council; **removed**
- 2 representatives of the Town of Plymouth as selected by the Plymouth Board of Selectmen; **same, except one Chairman of Board or staff designee and the other from enviro**
- 2 members appointed by the Governor; **removed, but Gov or staff appointee added to new legislation**
- 2 members appointed by the Speaker of the House; **Changed to 1 recommended by State Rep**
- 1 member appointed by the minority leader of the house of representatives; **removed**
- 2 members appointed by the President of the Senate; **Changed to 1 recommended by State Senator**
- 1 member as appointed by the minority leader or the senate; **removed**

physical security, a representative of a local environmental group, and two at-large appointees as follows:

- the Governor of the Commonwealth; **New or staff designee**
- the Attorney General of the Commonwealth; **New or staff designee**
- the Secretary of Energy and Environmental Affairs; **same**
- the Commissioner of Public Utilities; **sam**
- the Secretary of Health and Human Services; **same**
- the Director of the Massachusetts Emergency Management Agency; **same**
- the Secretary of Economic Development; **same**
- the Director of the Massachusetts Department of Public Health Radiological Control Program; **same**
- the Chairman of the Plymouth Selectboard or Town of Plymouth staff designee; **(the town still has two appointees by one is board chair or staff and the other is from enviro)**
- a retiree representative of Pilgrim Station with technical expertise in environmental areas and/or physical security, appointed by Chairperson of the panel upon majority approval by the panel; **only 1 from Pilgrim**
- a representative of the Plymouth Economic Development Foundation; **NEW replaces OCPC**
- a technical expert with knowledge of decommissioning and spent nuclear fuel management issues, appointed by the Chairman of the Panel upon majority approval by the panel; **NEW**
- a representative of the local environmental community, selected by the Plymouth Selectboard; **specifies enviro**

<ul style="list-style-type: none"> <li>• 2 representatives of the Pilgrim Nuclear Power Station, also known in this section as PNPS or Station, as selected by the owner of the station; <b>Changed to retiree of Pilgrim</b></li> <li>• and a representative of the Utility Workers Union of America, UWUA, Local 369 selected by the UWUA who a present or former employee at the PNPS shall be. <b>removed</b></li> </ul>	<ul style="list-style-type: none"> <li>• and two at-large appointees, one each recommended by the State Senator and State Representative who represent the former Pilgrim Nuclear Power Station location and appointed by the Senate President and Speaker of the House respectively. <b>Still appointed by SP and Speaker, but recommended by Rep and Senator of the district and only one, not two.</b></li> </ul>
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**Summary of new bill:**

This legislation updates the 2016 law that created a Nuclear Decommissioning Advisory Panel. Since its creation, Pilgrim Nuclear Power Plant has a new owner and in 2020 the Attorney General and the Governor of the Commonwealth announced a comprehensive agreement with the new owner that ensures critical environmental, public safety, and financial protections for Massachusetts residents during the dismantlement and cleanup of the Pilgrim Nuclear Power Plant. As a result, some language in the 2016 law needed updating.

The new Pilgrim Decommissioning State Oversight Panel will consist of state officials or their staff designee, scientific and technical experts, local officials, a retiree of Pilgrim Station with technical expertise in environmental areas and/or physical security, a representative of a local environmental group, and two at-large appointees. Many of the original 21 members will remain. The panel will be reduced from 21 members to 15. Among others, new members will include the Governor and the Attorney General of the Commonwealth or their staff designee, a member of the Plymouth Regional Economic Foundation, a technical expert with knowledge of decommissioning and spent nuclear fuel management, and a town appointed representative of the local environmental community.

The panel shall meet quarterly through the Nuclear Regulatory Commission's (NRC) partial site release of the property and annually until the spent fuel is removed from the site and the NRC license is terminated.