

1 **NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL**
2 **Wednesday, June 21, 2017**
3 **Plymouth Library, Otto Fehlow Room, 132 South Street, Plymouth, MA**
4 **Meeting Minutes**

5
6 Meeting called to order at 6:00 p.m. by acting NDCAP Chair Angela M. O'Connor.
7

8 **NDCAP MEMBERS PRESENT:**

- 9 • Robert Jones¹, Executive Office of Health and Human Services
- 10 • David Johnston², Executive Office of Energy and Environmental Affairs
- 11 • Angela M. O'Connor, Department of Public Utilities
- 12 • John Chapman³, Executive Office of Housing and Economic Development
- 13 • Kurt Schwartz, Massachusetts Emergency Management Agency
- 14 • H. Joseph Coughlin, Member from Plymouth Nuclear Matters Committee
- 15 • Jack Priest, Department of Public Health, Radiological Control Program
- 16 • Pat Ciaramella, Representative of Old Colony Planning Council
- 17 • Heather Lightner, Representative of the Town of Plymouth
- 18 • David C. Nichols, Governor Baker Appointee
- 19 • Kevin O'Reilly, Speak of the House Appointee
- 20 • Pine duBois, Speaker of the House Appointee
- 21 • Richard Grassie, Minority Leader of the House Appointee
- 22 • Senator Dan Wolf, President of the Senate Appointee
- 23 • Sean Mullin, Minority Leader of the Senate Appointee
- 24 • David Noyes⁴, Representative of Pilgrim Nuclear Power Station
- 25 • John Ohrenberger, Representative of Pilgrim Nuclear Power Station
- 26 • Richard Sherman, Representative of UWUA Local 369

27 **NDCAP MEMBERS NOT PRESENT:**

- 28 • Jessica Casey, President of the Senate Appointee
- 29 • John G. Flores, Appointee of Governor Baker
- 30 • John T. Mahoney, Representative of the Town of Plymouth

31
32 **OPENING REMARKS:**

33 Chair O'Connor requested that each member of the Panel introduce themselves. The Panel introduced
34 themselves, providing their name and appointing authority.
35

36 **ELECTION OF PANEL CO-CHAIRS:**

37 Acting Chair O'Connor opened nominations for Chair. Acting Chair O'Connor nominated Sean Mullin
38 and Kurt Schwartz as Co-Chairs. The nomination was moved and seconded. Acting Chair O'Connor asked
39 for further nominations—there were none.
40

41 Mr. James Lampert, a member of the public, raised a "point-of-order" regarding possible ethical
42 concerns with respect to the participation of Entergy officials on the panel. Acting Chair O'Connor noted

¹ Designee of Secretary Sudders.

² Designee of Secretary Beaton's designee Michael Gorski (DEP) to attend the June 21st meeting.

³ Designee of Secretary Ash.

⁴ Designee of Michael Twomey to attend the June 21st meeting.

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1 that the statute (Chapter 188 of the Acts of 2016 § 14) which created NDCAP placed Entergy
2 representatives on the Panel and that the Panel would take Mr. Lampert's comments under advisement.
3 Acting Chair O'Connor called for a vote on the nomination.

4
5 Sean Mullin and Kurt Schwartz were elected by roll-call vote as follows:

6
7 Robert Jones: Y
8 David Johnston: Y
9 Angela M. O'Connor: Y
10 John Chapman: Y
11 Kurt Schwartz: Y
12 Joseph Coughlin: Y
13 Jack Priest: Y
14 Pat Ciaramella: Y
15 John T. Mahoney: *[not present]*
16 Heather Lightner: Y
17 John G. Flores: *[not present]*
18 David C. Nichols: Y
19 Kevin O'Reilly: Y
20 Pine duBois: Y
21 Richard Grassie: Y
22 Senator Daniel Wolf: Y
23 Jessica Casey: *[not present]*
24 Sean Mullin: Y
25 David Noyes: Y
26 John Ohrenberger: Y
27 Richard Sherman: Y
28

29 **COMMENTS BY MR. MULLIN AND MR. SCHWARTZ UPON BEING ELECTED CO-CHAIRS:**

30 Chair Mullin stated that he and Mr. Schwartz will alternate the chairing of NDCAP meetings and asked
31 Mr. Schwartz to make a few remarks.

32
33 Chair Schwartz stated that he was looking forward to working with the Panel to facilitate an open, fair,
34 and respectful discussion on matters that a majority of the Panel wishes to engage in as long as it relates
35 to decommissioning. Mr. Schwartz stated that he looks forward to input from the public and to working
36 closely with the public.

37
38 **DISCUSSION OF GOVERNANCE AND MEETING GROUND RULES:**

39 Chair Mullin called for a motion regarding the governance of the Panel, and whether Roberts Rules of
40 Order shall apply.

41
42 Mr. Nichols moved that the Panel adopt Robert's Rules of Order to govern its meetings and Senator
43 Wolf seconded the motion.

44
45 There was no discussion on the motion and Chair Mullin moved for a vote. The motion passed by a
46 unanimous vote of the Panel members present and Roberts Rules of Order were adopted as the
47 governing procedures for the Panel.

48

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1 Chair Mullin commented that the Panel’s meetings will be orderly and productive, in an atmosphere of
2 civility and respect for everyone’s opinion, and with conversations that are timely and germane. Chair
3 Mullin noted that the Panel’s meetings will be working sessions with public input on specific issues and
4 not open-ended public hearings. Chair Mullin further commented that meetings will run on time and he
5 thanked Commissioner O’Connor for getting the Panel up and running.
6

7 **REVIEW MAY 24th MINUTES AND OPEN MEETING LAW ISSUES:**

8 Chair Mullin called for a motion to adopt the May 24, 2017 meeting minutes as submitted. It was moved
9 and seconded to adopt the May 24th meeting minutes as submitted without correction. The motion
10 passed by a unanimous vote of the Panel members present.
11

12 Chair Mullin reminded the Panel that on group e-mails, where a quorum of Panel members are on the
13 distribution list, the expression of opinions about substantive matters that NDCAP is charged with
14 examining is not in compliance with the Open Meeting Law. Chair Mullin also stated that the Panel
15 would be developing a web portal in the coming months which will provide a conduit for disseminating
16 information to the Panel and to the public.
17

18 Chair Mullin then asked Matt Campbell from the DPU to talk about how the Open Meeting Law would
19 apply to any subcommittees formed by the Panel. Mr. Campbell stated that the DPU has taken a
20 preliminary look at this issue and determined that subcommittees formed by NDCAP would probably be
21 public bodies in their own right and therefore subject to the Open Meeting Law. Mr. Campbell stated
22 that a subcommittee meeting, where a quorum of that subcommittee is deliberating on NDCAP matters,
23 would probably need to be a properly noticed public meeting with recorded minutes. Mr. Campbell
24 further stated that the Attorney General is charged with the enforcement of the Open Meeting Law and
25 is empowered to issue advisory opinions on questions about the law. Mr. Campbell suggested that if the
26 Panel wants a definitive answer to the question that it could request an advisory opinion from the
27 Attorney General.
28

29 Chair Mullin asked if there was a motion to seek an advisory opinion from the Attorney General. Ms.
30 duBois moved that the Panel request an advisory opinion and the motion was seconded. Chair Schwartz
31 stated that he did not object to seeking an opinion but that based on his experience the answer is clear
32 that the Open Meeting Law applies to subcommittees. Mr. Schwartz suggested that the Panel move
33 forward and comply with the Open Meeting Law for subcommittees. Ms. duBois commented that the
34 work of subcommittees will be very detailed and each subcommittee will be reporting back to the main
35 NDCAP public body at a public meeting. Therefore, the Open Meeting Law’s administrative
36 requirements may slow down the process rather than facilitate it. Mr. Sherman noted that he served on
37 another Panel and the subcommittees reported back into the main body. Chair Mullin put the question
38 to a vote and the motion was not adopted by a vote of: 9 in the affirmative, 6 in the negative, and 3
39 abstentions.
40

41 **DISCUSSION OF FREQUENCY OF MEETINGS:**

42 Chair Mullin called for a motion on the frequency of NDCAP meetings. Ms. Lightner moved that the
43 Panel meet on the 3rd Wednesday of every month and the motion was seconded. Mr. Nichols asked to
44 amend the motion to omit the months of August and December, unless by call of the Chair, to account
45 for holiday schedules.
46

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1 Mr. Grassie commented that given the size of the Panel, the legislation calls for a minimum for 4
2 meetings, and since decommissioning doesn't start until 2019, meeting every month would be
3 excessive.

4
5 Ms. Lightner amended the motion to exclude August and December.

6
7 Mr. Coughlin commented that the Panel should maintain some flexibility to conduct more meetings or
8 fewer meetings based on need. Chair Mullin agreed that it makes sense for the Panel to be able to
9 amend the schedule at a future date by a vote of the Panel. Chair Mullin put the question to a vote and
10 the motion passed.

11
12 Chair Mullin raised the issue of the length and start time of the meetings for discussion. Mr. Ciaramella
13 commented that the start time (6:00 p.m.) and length (2 hours) are adequate. Mr. Schwartz asked
14 whether the Panel would entertain a 6:30 p.m. start time to allow for the commute and commented
15 that 90 minutes was an adequate amount of time given the work that will be going on at the
16 subcommittee level. Mr. O'Reilly agreed with a 6:30 p.m. to 8:00 p.m. timeframe. Mr. Nichols
17 commented that once a year the Panel may want to have a longer meeting but that 6:30 p.m. to 8:00
18 p.m. was generally reasonable. Ms. duBois commented that the end time of meetings should be flexible
19 but the meeting should be no longer than 2 hours.

20
21 Mr. Johnston asked for clarification of the motion before the Panel. Mr. Priest stated the motion as a
22 vote for monthly meeting, on the third Wednesday of every month (except August and December), from
23 6:30 p.m. to 8:00 p.m. (or at the discretion of the Chair). The motion was seconded, Chair Mullin put the
24 question to a vote, and the motion passed.

25
26 Chair Mullin raised the issue of remote participation by video/voice teleconferencing for discussion.
27 Senator Wolf commented that unless the technology is of a high-quality it is more of a hindrance than
28 an asset. Mr. Coughlin stated that until the Panel gets more experience under its belt that it is best not
29 to go the electronic communication route.

DISCUSSION OF SUPPORT SERVICES:

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31
32
33 Chair Mullin noted that the legislation specifies that EEA will provide administrative support but it is not
34 clear what those service are or how the Panel will get them. Char Mullin asked for discussion about
35 what support the Panel will need. Mr. Ciaramella commented that the Panel needs a website to share
36 information. Mr. Grassie stated that the Panel will need technical advice from an independent third
37 party. Mr. Coughlin stated that the Panel will need administrative support for posting agendas,
38 recording minutes, and managing subcommittees. Ms. duBois asked if there was an ability within EEA to
39 provide that administrative support. Chair Mullin stated that the Panel will need resources from the
40 State and the Chairs will follow-up on that. Mr. Nichols pointed out that the Panel also has to be
41 cognizant of the fact that the Panel will need to draft a report to the Governor and it will need a
42 resource to pool the Panel's thoughts into some coherent form. Chair Schwartz suggested that he and
43 Chair Mullin follow-up with EEA on these issues and report back to the Panel with an administrative
44 plan.

45
46 Mr. Johnston stated that while administrative support is fairly straightforward, contracting for third
47 party expertise is less straightforward and will require further exploration. Mr. Grassie commented that
48 with regard to NorthStar's offer to buy the license from Entergy, the Panel will need some form of

1 professional due diligence either on the economic side or the operation side. Mr. Coughlin stated that
2 the Panel should ask its State colleagues if they have in-house expertise to help the Panel and save
3 funds. Mr. Priest noted that there are Universities and other resources that could provide independent
4 expertise and he suggested that the Panel contact the Chair of the Vermont NDCAP to come in and
5 speak about lessons learned.

6
7 **DISCUSSION OF POSSIBLE SUBCOMMITTEES:**

8
9 ***Discussion by the Panel***

10 Chair Mullin handed out a draft list of possible subcommittees to the Panel and noted that the list was
11 by no means a complete or final list. Chair Mullin asked the Panel members to review the list, note the
12 possible subcommittees that they would like to work on, and provide that information to Chair Mullin or
13 Chair Schwartz.

14
15 Ms. duBois commented that she would like to see “Spent Fuel Storage” included as a subcommittee.
16 Mr. Grassie stated that he believed the topic of site waste management was covered on the “revised”
17 list.⁵

18
19 Mr. Johnston noted that he was not present at the last meeting so he did not know the genesis of the
20 list under review. He further stated that there was a lack of clarity as to the definition and scope of the
21 seven proposed subcommittees, particularly with respect to whether the Panel intends to look into the
22 ongoing operations of the plant or the decommissioning of plant which is the limited scope of its
23 statutory charge. Mr. Grassie concurred with Mr. Johnston and stated that where site “operations” was
24 being referred to it means decommissioning operations and not monitoring day-to-day plant operations.

25
26 Mr. Coughlin suggested two other topics: (1) environmental concerns, and (2) communication (which
27 may encompass community involvement). He further agreed that clarification of the terms used in the
28 lists of subcommittees would be helpful.

29
30 Chair Mullin stated that this was a two-step process where the Panel should: (1) categorize the
31 subcommittees, and then (2) define the scope of work. Mr. O’Reilly concurred and stated that the Panel
32 should decide: (a) if we want a certain subcommittee, and (b) if so, what is the scope of work. Mr.
33 Schwartz suggested that one approach would be to form subcommittees and to let those
34 subcommittees define their scope. Senator Wolf stated that the Panel does not need to empower all
35 seven subcommittees right away but instead it should phase them in with a couple of committees to
36 start with. He added that the Panel should have more time to review the proposed subcommittees.
37 Senator Wolf also suggested that the Panel members get back to the Chairs about what subcommittees
38 that they wish to be on. Mr. Grassie commented that he views the subcommittees as a work break-
39 down structure to guide/frame the Panel’s discussions. Chair Mullin stated that he agreed with Mr.
40 Schwartz and Senator Wolf that the Panel members should review the list and get back to the Chairs.

41
42 Mr. Noyes commented that several of the subcommittee subject areas are already covered by clearly
43 defined regulatory footprints and the Panel should consider the efficiencies to be gained from focusing

⁵ Note: there was some confusion among the public and the Panel members as to what lists were being referred to at the meeting. For the purpose of these minutes, and in this particular case, it is assumed that the “revised” list is the “Draft List of Possible Nuclear Decommissioning Citizens Advisory Panel (NDCAP) Subcommittees and Topics for Future Meetings” submitted by the Town of Duxbury Nuclear Advisory Committee & Pilgrim Watch.

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1 on the things it can influence versus those it cannot. Chair Mullin commented that not all the Panel
2 members view the delineations as that clearly defined. Mr. Coughlin commented that as the Panel
3 works through different topics it should take advantage of existing knowledge about what regulations
4 exist and apply in a certain area.

5
6 **Public Comment**

7
8 Ms. Lampert stated that subcommittees are exceedingly important because they are the most efficient
9 way to get a lot of work done. Ms. Lampert also stated that it is clear that the legislature understood
10 that there is a lot of work to be done before decommissioning begins such as establishing a radiation
11 clean-up standard, deciding on rubbleization, and whether the site is going to be for restricted or
12 unrestricted use. Some of these will require changes to current regulations and some require action by
13 the legislature.

14
15 Mr. Richard Rothstein recommended that the Panel should have a spokesperson to deal with the press
16 and the media. He also recommended that the Panel have a Regulatory/Legal Review subcommittee.

17
18 Mr. Jeff Berger stated that the Town of Plymouth should be reassured about having the high-quality
19 NDCAP panel, he requested that the Panel get microphone coverage for the next meeting, and he stated
20 that the Panel should have a security subcommittee.

21
22 Mr. Steve Lydon echoed Mr. Berger's comment about it being difficult to hear the meeting.

23
24 Ms. Diana Price reiterated the importance of having outside experts if possible. Senator Wolf noted that
25 outside experts could possibly serve on the Panel's subcommittees.

26
27 Ms. Sheila Lynch commented that some of the proposed subcommittees overlap (e.g., economic and
28 government relations overlap and emergency preparedness and safety overlap) and that climate
29 change/sea level rise is an important topic for the Panel to consider.

30
31 **DISCUSSION OF POSSIBLE TOPICS FOR DISCUSSION:**

32
33 ***Discussion by the Panel***

34
35 Chair Mullin stated that the draft list of possible topics provided to the Panel was a starting point for
36 discussion, and over the next couple weeks the Panel should get back to the Chairs with feedback to
37 refine that list. Chair Mullin then opened up the topic for discussion.

38
39 Mr. Nichols stated that the Panel should take up is the financial aspects of decommissioning—the costs
40 of decommissioning and the status/trajectory of funding. Chair Mullin noted that the legislation
41 (Chapter 188 of the Acts of 2016 § 14) calls for periodic financial reports on the decommissioning trust
42 fund.

43
44 Senator Wolf stated that the most important thing at this stage is for the Panel to get educated, and in
45 light of that, the Chairs should prioritize the list of topics—what are the most important topics for the
46 Panel to get educated on right away. Mr. O'Reilly concurred with Senator Wolf.

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1 Mr. Grassie commented that UMASS conducted a symposium where it brought in representatives from
2 Vermont Yankee to discuss decommissioning, dry cask storage, and economic impacts. The Panel should
3 try to duplicate that. Ms. Lightner stated that dry cask storage should be a priority for the Panel and
4 that the community should have a voice in placement of the second storage pad.

5
6 Mr. Coughlin stated that the Plymouth-Entergy workgroup has had occasional presentations from
7 outside as well—one of which was made by a State Representative from Vermont—and that it provided
8 useful insight about what occurred (good and bad) at Vermont Yankee. Mr. Ciaramella stated that it
9 would be worthwhile to have speakers from the VT NDCAP group come-in and speak to the MA NDCAP.

10
11 Senator Wolf stated that there are a couple of fast moving issues that the Panel needs to be on top of
12 fairly quickly including whether the decommissioning strategy is going to be DECON or SAFSTOR and the
13 issue Ms. Lightner mentioned regarding placement of the second storage pad.

14
15 Chair Mullin stated that he is very interested in Mr. Sherman's members (UWUA Local 369)—i.e., what's
16 going to happen to the plant's employees. Chair Mullin also suggested that a side-by-side presentation
17 of Entergy's decommissioning activities at all of its plants would be helpful.

18
19 Ms. duBois stated that it would be useful to have Entergy talk to the Panel about its plans, its
20 development of the PSDAR, and to engage the Panel in those processes.

21
22 Mr. Coughlin commented that the Panel's website will be an important communication tool to provide a
23 lot of the information that already exists to the public.

24
25 Mr. Priest stated that Dr. Bill Irwin is his counterpart on the Vermont NDCAP and unless there was any
26 objection he would like to forward the list to Dr. Irwin for his input. *[no objections were raised]*

27
28 Senator Wolf commented that an Education Subcommittee could be created to come up with a body of
29 background educational material for the Panel to review. Mr. Grassie commented that education falls
30 under every subcommittee and that education is the first step under each subcommittee. Ms. duBois
31 offered that there is already a great deal of educational material of the Cape Cod Bay Watch website
32 (<http://www.capecodbaywatch.org/>).

Public Comment

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34
35
36 Mr. Jeff Berger offered two possible topics: (1) public health as it relates to decommissioning, and (2)
37 how safe is SAFSTOR.

38
39 Mr. Lee Cook stated that it is very encouraging to watch the Panel develop and suggested that it would
40 be prudent to reach out to the Vermont NDCAP to get their insight and the benefit of their experience.

41
42 Mr. Richard Rothstein commented that if the Panel will be retaining and paying experts that could
43 potentially be contentious due to indemnity issues. Mr. Rothstein suggested the Panel needs a
44 Regulatory/Legal subcommittee.

45
46 Ms. Henrietta Cosentino stated that safety issues should be at the top of the Panel's list with 2
47 imperatives: (1) SAFSTOR is a euphemism for the most unsafe decommissioning approach and (2) dry

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1 cask storage will not be safe if the dry cask pad is located 150 feet from the shore. The question of
2 SAFSTOR v. DECON is absolutely germane to safety.

3
4 Mr. Steve Lion commented that because the panel has no staff, it is going to be challenging to
5 coordinate its work and accomplish its goals.

6
7 Ms. Djamil Graham stated that the Panel is for the citizens and the way the meetings are physically set-
8 up (seating arrangement, microphones, etc.) needs to be changed to accommodate more public
9 involvement in the conversation.

10
11 Mr. Lampert stated that he was a little disadvantaged with respect to the list of possible topics and
12 subcommittees because the audience did not have the list and he asked when the list would be publicly
13 available. Mr. Lampert suggested that in the future extra copies should be circulated to the audience.
14 Mr. Lampert stated that nuclear waste was perhaps the most important question before the panel. Mr.
15 Lampert stated that he could work on having Dr. Ernest Moniz come-in and speak to the Panel about
16 nuclear waste issues. Mr. Lampert stated that a topic the Panel should address is: What is the hard
17 closing date for Pilgrim station? Mr. Lampert thought he understood that Pilgrim will close no later than
18 May 31, 2019, however, according to Mr. Lampert on the NRC's decommissioning call an Entergy
19 representative stated that the decision on when to close the station will be held until a decision on
20 energy credits is made.

21
22 Ms. Lampert stated the topics before the Panel should be prioritized as follows: (1) nuclear waste
23 [including spent fuel storage], (2) changing the clean-up standard by regulation to what the state of
24 Massachusetts wants for the Pilgrim site, and (3) emergency planning. Ms. Lampert also suggested
25 several speakers/experts for the Panel:

26
27 Dave Lochbaum, Union of Concerned Scientists

28 Dr. Kris Singh, Holtec International

29 Dr. Ernest Moniz, former Secretary of Energy

30 Dr. Gordon Thompson, Executive Director of the Institute for Resource and Security Studies

31
32 **OTHER TOPICS:**

33
34 Chair Mullin opened the floor regarding any topics that were not covered in the discussion.

35
36 Ms. duBois stated that sea level rise is an important consideration in the context of the nuclear waste
37 storage issue and the Panel should have a forum on that topic.

38
39 Senator Wolf stated that it is critical in the near term to have a point-counterpoint discussion on DECON
40 vs. SAFSTOR with a detailed presentation on the costs/benefits of each approach. Chair Mullin stated
41 that a point-counterpoint educational session on the location of the second pad would also be
42 beneficial. Ms. duBois commented that the environmental issues are germane and should inform
43 Entergy's planning and decision making.

44
45 Mr. Couglin stated that one of things with regard to education and communication that was only lightly
46 touched upon but that the Panel needs to look into further is best practices for decommissioning around
47 the country. Pilgrim is not the first plant to close and the Panel can look at what has worked and what
48 has not as well as what communities have decided are the most important kinds of things to look at.

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1 How to go about that is an open question—UMASS has a reasonable amount of experience in looking
2 into best practices around the country and the Panel should consider speaking to UMASS about options
3 for educating the Panel. Ms. duBois stated that the NRC has a good website that provides a great deal
4 of information concerning decommissioning and the status of decommissioning across the country.

5
6 Mr. Priest noted that one of the future actions identified by the Panel was a tour of the Pilgrim site and
7 that would be very useful in the Panel’s education process.

8
9 Mr. Nichols requested that agendas be distributed to the Panel in advance so there is an opportunity to
10 provide input. Mr. Nichols also stated that Entergy should consider putting questions to the Panel on
11 which Entergy would like public input. Chair Mullin stated that the Chairs will endeavor to follow the
12 “14-day rule” under which agendas will be distributed in advance for input.

13
14 Mr. Grassie stated that the Panel should launch a website as soon as possible to disseminate agendas
15 and supplementary material.

16
17 Senator Wolf stated that it is important for the Panel to understand who has authority with respect to
18 certain issues that the Panel will be examining. MEMA has some authority relative to emergency
19 planning and EEA has some jurisdiction over environmental parameters. It is important to understand
20 where there are lines and where there are blurred lines—this would be a great topic for a future
21 meeting.

22
23 **WRAP UP AND ADJOURN:**

24
25 There was a motion to adjourn and it was seconded.

26
27 ***Meeting adjourned at approximately 7:50 p.m.***

28
29 **DOCUMENTS USED AT MEETING:**

- 30
- 31 • DRAFT LIST OF POSSIBLE SUBCOMMITTEES AND TOPICS FOR JUNE 21 2017 NDCAP MEETING
 - 32 • TOWN OF DUXBURY NUCLEAR ADVISORY COMMITTEE & PILGRIM WATCH COMMENTS
 - 33 REGARDING NDCAP JUNE 21, 2017 MEETING (Draft List of Possible Nuclear Decommissioning
Citizens Advisory Panel Subcommittees and Topics for Future Meetings)