

NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)

Wednesday, April 17, 2019

**Plymouth Community Intermediate School (“PCIS”), Little Theatre, 117 Long Pond Road,
Plymouth, MA
Meeting Minutes**

Meeting called to order at 6:30 p.m. by NDCAP Chair Sean Mullin.

NDCAP MEMBERS PRESENT:

- Pat Ciaramella, Representative of Old Colony Planning Council
- Pine duBois, Speaker of the House Appointee
- John G. Flores, Appointee of Governor Baker
- John Giarusso, Massachusetts Emergency Management Agency
- Richard Grassie, Minority Leader of the House Appointee
- David Johnston¹, Department of Environmental Protection
- Robert Jones², Executive Office of Health and Human Services
- Joseph Lynch, Representative of Pilgrim Nuclear Power Station
- John T. Mahoney, Representative of the Town of Plymouth
- Sean Mullin, Minority Leader of the Senate Appointee (Chair)
- Kevin O’Reilly, Speaker of the House Appointee (Vice-Chair)
- Jack Priest, Department of Public Health, Radiological Control Program
- Paul D. Smith³, Representative of UWUA Local 369
- Senator Dan Wolf, President of the Senate Appointee

NDCAP MEMBERS NOT PRESENT:

- John Chapman, Executive Office of Housing and Economic Development
- H. Joseph Coughlin, Member from Plymouth Nuclear Matters Committee
- Robert Hayden⁴, Department of Public Utilities
- David C. Nichols, Governor Baker Appointee
- John Ohrenberger, Representative of Pilgrim Nuclear Power Station
- Richard Rothstein, Representative of the Town of Plymouth

REVIEW OF MARCH MEETING MINUTES:

Chair Mullin asked whether any Panel members had any proposed revisions to the March 20 meeting minutes. Mr. Lynch, Mr. Smith, Mr. Priest, and Chair Mullin proposed edits that were agreed upon by the Panel. Chair Mullin called for a motion to accept the March 20 meeting minutes as amended, which passed by unanimous vote of the members present.

UPDATE ON INTERAGENCY WORKING GROUP (“IWG”):

Mr. Johnston stated that, on April 1 the Commonwealth, through the Attorney General’s Office, submitted a reply to the Company’s answer to the Commonwealth’s petition to intervene in the Pilgrim

¹ Designee of Secretary Beaton (EEA)

² Designee of Secretary Sudders (Executive Office of Health and Human Services)

³ Designee of Richard Sherman (Representative of UWUA Local 369)

⁴ Designee of Matthew Nelson (DPU)

1 license transfer proceeding. He stated that the IWG believes that a settlement agreement that protects
2 the interests of the Commonwealth and its residents without protracted litigation is in the best interests
3 of all parties and the IWG will continue to negotiate with both companies.
4

5 Senator Wolf stated that he would prefer for the Panel to receive more information on the IWG and its
6 activities, and asked how a more formal relationship could be developed between the Panel and the
7 IWG. Mr. Smith noted that the Panel does not know what the IWG's goals are. Mr. Johnston stated that
8 the IWG is following the Attorney General's recommendations regarding the legal process, which is
9 important to ensure that the state preserves its rights. Ms. duBois asked when the NRC is going to rule
10 on the pending intervention requests. Chair Mullin responded that the NRC does not have a schedule,
11 but noted that he could contact the NRC for an update.
12

13 Senator Wolf noted that it is worth investigating whether Holtec's rapid 8-year decommissioning is
14 preferable to an Entergy 60-year decommissioning with regard to safety concerns, and suggested that
15 the IWG should investigate that. Chair Mullin agreed that it would be better to receive more
16 information from the IWG, and explained that, at this time, the Panel is not the Attorney General's client
17 in the NRC proceedings, but that the IWG is. He noted that the Panel is a state organization, and that
18 this status also potentially makes the Panel a client of the Attorney General. He explained that
19 executive sessions may provide an opportunity for the Panel, as a state organization, to receive
20 information and discuss topics that cannot be discussed publicly at a Panel meeting. He asked whether
21 the Panel finds it appropriate to ask the Attorney General to make a finding regarding whether or not
22 the Panel is a state organization, and, if the finding is in the affirmative, whether that makes the Panel a
23 client of the Attorney General.
24

25 Ms. duBois stated that she would support this, and suggested asking the Attorney General's Office to
26 appear at a Panel meeting. Mr. Ciaramella stated that he also supports this. Mr. Flores stated that
27 increased coordination with the IWG would be important. Mr. Grassie asked if the IWG has seen the
28 recommendations the Panel made in its annual report. Chair Mullin stated that the Panel should do
29 something proactive to be more engaged with the IWG. He stated that recognition by the Attorney
30 General of the Panel as a state organization could cure these communication issues because it would
31 allow the IWG and the Attorney General to share with the Panel information that is currently privileged.
32 Mr. Lynch noted that Mr. Johnston is a member of the IWG, and that the IWG has retained a consultant
33 to assist them, and that the IWG is well represented at Panel meetings.
34

35 Chair Mullin asked whether anyone would make a motion to ask the Attorney General to make a finding
36 on whether or not the Panel is a state organization, and, if the finding is in the affirmative, whether the
37 Panel is therefore a client of the Attorney General and eligible to participate in IWG discussions. It was
38 so moved and seconded. The Panel took a vote, with 9 members supporting the motion, and it
39 therefore did not pass.
40

41 Ms. duBois noted that the role of the Panel is different from the role of the IWG, and explained that the
42 Panel should continue to make progress while this matter remains pending. Mr. Priest explained that he
43 could communicate the Panel's frustrations to the IWG. Chair Mullin stated that the information flow
44 has been one way, from the Panel to the IWG, without information coming back in return.
45

46 Senator Wolf stated that the Panel should know what each agency on the IWG's role is within the IWG,
47 and suggested that a 10-15 minute monthly report from the IWG would be helpful. He suggested a
48 motion that the Panel request that the IWG report to the Panel what each agency's charge is and what

1 each agency's progress is. Chair Mullin asked Mr. Johnston how many times the IWG has met. Mr.
2 Johnston responded that it has met as a complete group 3 or 4 times, that it more often meets in
3 smaller subgroups, and that most of the work has been in support of the Attorney General's NRC filings.
4 Senator Wolf noted that, while he supports a quick decommissioning, he is not convinced at this time
5 that the new Holtec entity can perform a rapid decommissioning responsibly enough and he would
6 prefer for there to be additional options available besides the two that are before the NRC.

7
8 **OUTLINE FOR ANNUAL REPORT:**

9 Chair Mullin explained that the current approach is to update the table of contents that had been
10 distributed previously. He noted that the burden in preparing the report is likely to be less than the
11 previous year's because it will be a summary of what occurred over the past year. Co-Chair O'Reilly
12 agreed that a summary of the Panel's activities is appropriate. Chair Mullin also noted that content
13 provided by the public and the working groups could be included as appendices. Senator Wolf
14 suggested providing updates on the previous year's report's recommendations. Co-Chair O'Reilly
15 agreed with this suggestion. Chair Mullin noted that the deadline for the report is in the summer. Mr.
16 Priest suggested deciding what the format of the report will be in the next Panel meeting. Mr.
17 Ciaramella suggested including in the report a scope of the Panel's work for the upcoming year.

18
19 Chair Mullin stated that, for the Panel's May meeting, Panel members are responsible for bringing back
20 what they would like the table of contents and the structure of the report to be. For the June meeting,
21 each working group chair is responsible for bringing back updates to the recommendations that were
22 made in last year's report. For the July meeting, the Panel will review a draft report, and Chair Mullin
23 stated that he would prepare the draft. He stated that the Panel would finalize the report at the
24 September meeting, and it would then be submitted. Mr. Priest noted that this timeline might provide
25 an opportunity to report on the license transfer if it is complete at that time. Senator Wolf agreed with
26 this approach. Chair Mullin stated that he would prepare an update to the version of the table of
27 contents that had been distributed previously.

28
29 **OLD BUSINESS:**

30 Chair Mullin stated that a process needs to be implemented for following up on previous meeting action
31 items. Mr. Priest suggested that the Panel designate a formal note taker and use an Excel template to
32 track the action items, their subjects, who they were assigned to, and an estimated return date. Mr.
33 Priest noted that he has a template that he could forward to chair Mullin and that he could introduce at
34 the May Panel meeting. Mr. Priest also volunteered to fill out and maintain the spreadsheet for the first
35 few months.

36
37 **NEW BUSINESS:**

38 Mr. Priest noted that he read that Entergy had selected Holtec to decommission Indian Point. Mr. Lynch
39 explained that he sent a news release on the topic to the Panel. Mr. Priest asked whether Holtec can
40 manage three concurrent projects. Co-Chair O'Reilly stated that it is irresponsible for Holtec
41 representatives not to appear at Panel meetings to answer the Panel's questions. Mr. Smith noted that
42 it is important to ensure that the decommissioning trust funds from the various sites owned by Holtec
43 be kept separate from one another. Chair Mullin stated that he had corresponded with Holtec
44 representatives prior to the meeting, and that Holtec could not attend due to business conflicts, but that
45 Holtec also had no updates to provide. He explained that transparency with regard to Holtec's plans
46 remains an ongoing concern.

1 Senator Wolf asked which entity would actually own Pilgrim if the sale is approved, because it is unclear.
2 Mike Twomey of Entergy approached the Panel and requested an opportunity to clarify this issue. He
3 explained that Holtec, with SNC Lavalin, has formed a joint venture named Comprehensive
4 Decommissioning International (“CDI”) that is going to do the work. Holtec will own the site, and CDI
5 will do the work. He also explained that CDI’s work would be also be supported by SNC Lavalin. As
6 owner, Holtec will be accountable to the NRC and will have to get its work done through CDI. He
7 explained that Holtec has expertise in spent nuclear fuel management, both in moving spent fuel from
8 the pool to the pad and in managing the spent fuel when it is in the dry casks. He explained that the
9 work in the middle will be performed by CDI. He explained that this is a similar arrangement to the
10 Vermont Yankee decommissioning. Chair Mullin asked whether CDI exists as a corporation today. Mr.
11 Twomey responded that he is not an expert on their corporate structure, but it is his understanding that
12 CDI has been formed. He explained that CDI only has work to do if the sale and license transfer are
13 successful. He explained that it is not unusual for companies to wait to form legal entities until that
14 entity has a purpose. He also explained that there is not a bidding process at the NRC, and that Entergy
15 selected Holtec as the purchaser and has an application for approval pending at the NRC. Regarding the
16 decommissioning trust fund, he explained that the fund is included in the sale along with the
17 assumption of the decommissioning liability, and that this sale is similar to the sale from Boston Edison
18 to Entergy in that way.

19
20 Senator Wolf suggested that the Panel should determine whether this corporate structure is positive,
21 negative, or neutral to citizens of Massachusetts. Mr. Twomey explained that the entity that currently
22 owns Pilgrim is Entergy Nuclear Generation Company and its assets consist of the plant, the land, and
23 the trust fund, and that this arrangement is not radically different from Holtec’s proposed arrangement.
24 He explained that Entergy has different entities that own each plant, and that this has been true as long
25 as Entergy has owned those plants. He also explained that Holtec is buying Entergy Nuclear Generation
26 Company itself, and not the assets.

27

28 **PUBLIC QUESTION AND ANSWER:**

29 Jim Lampert noted that there will be two Holtec subsidiaries that will be licensees if the license transfer
30 is successful. One is Holtec Pilgrim, an LLC, and it will have the same assets as Entergy Nuclear
31 Generation Company, and it will be licensed. The other company is Holtec Decommissioning
32 International, newly created, and also an LLC. He explained that information on the structure is
33 available in the license transfer application. He explained that interventions are necessary because he
34 does not believe the decommissioning trust fund is adequate and that taxpayers will end up paying the
35 bill. He also noted that no one has examined Pilgrim site’s actual contamination levels. Including Holtec.
36 He urged the Panel to read the NRC documents. He also explained that reporting requirements to the
37 state should be increased and suggested that Holtec be required to agree to a parent company
38 guarantee.

39
40 Andrew Marshall, of the Laborers Local 721 explained that he represents Pilgrim employees and stated
41 that he hopes to be part of the decommissioning effort.

42
43 Irene Kane expressed concern about transparency throughout the decommissioning process and the
44 levels of funding available to complete decommissioning, and noted that taxpayers would have to pay in
45 the event of a funding shortfall.

46
47 Henrietta Consentino also urged the Panel to read available NRC documents. She noted that the trust
48 fund is in the stock market and susceptible to market fluctuations. She also expressed frustration with a

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1 lack of transparency in the license transfer process, and stated her concern that Pilgrim may become a
2 nuclear waste repository.

3
4 Diane Turco noted her concern about the safety of the dry casks used by Holtec, and explained that they
5 do not satisfy certain safety standards. She also noted that parts of the Pilgrim site may not be released
6 for unrestricted use. She also noted that fast does not mean safe and responsible, and that a safe
7 decommissioning is more important than a fast decommissioning.

8
9 Mary Lampert stated that Pilgrim Watch, like the IWG, has provided the Panel with a list of its priorities.
10 She explained that she had also shared those priorities with elected officials and that she hopes that
11 Panel members will read all available documents. She explains that she shares many concerns with the
12 Panel, including a decreased millirem level. She also explained that there are differing approaches to
13 how deep underground materials are required to be buried. She explained that an early site assessment
14 is important, and Holtec has not done this and that the areas closest to the shore should be cleaned up
15 first. She recommended the state monitor flood analysis and hydrology assessments and explained that
16 a bill is pending to provide funding for DPH to perform monitoring. She suggested that the Panel weigh
17 in on this pending bill.

18
19 Cully Gustafson of Laborers Local 721 noted that he has worked for Holtec in the field, explained that
20 Holtec prioritizes safety and that the work they do is flawless.

21
22 **WRAP UP AND ADJOURN**

23 Senator Wolf stated that it is important for the Panel to engage the agencies represented on the IWG to
24 ensure they are obtaining the type of information raised by Pilgrim Watch.

25
26 Chair Mullin called for a motion to adjourn. It was so moved and seconded.

27
28 ***Meeting adjourned at approximately 8:30 p.m.***