

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

**Thursday, May 17, 2018**

**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 Co-Chair Sean Mullin.

**NDCAP MEMBERS PRESENT:**

- Jessica Casey, President of the Senate Appointee
- John Chapman, Executive Office of Housing and Economic Development
- Pat Ciaramella, Representative of Old Colony Planning Council
- H. Joseph Coughlin, Member from Plymouth Nuclear Matters Committee
- John Giarrusso, Massachusetts Emergency Management Agency
- Richard Grassie, Minority Leader of the House Appointee
- Robert Hayden<sup>1</sup>, Department of Public Utilities
- Robert Jones<sup>2</sup>, Executive Office of Health and Human Services
- Joseph Lynch, Representative of Pilgrim Nuclear Power Station
- John T. Mahoney, Representative of the Town of Plymouth
- Gerard Martin<sup>3</sup>, Department of Environmental Protection
- Sean Mullin, Minority Leader of the Senate Appointee (Co-Chair)
- David Noyes, Representative of Pilgrim Nuclear Power Station
- Kevin O’Reilly, Speaker of the House Appointee
- Jack Priest, Department of Public Health, Radiological Control Program
- Tony Provenzano, Representative of the Town of Plymouth
- Paul D. Smith<sup>4</sup>, Representative of UWUA Local 369
- Senator Dan Wolf, President of the Senate Appointee

**NDCAP MEMBERS NOT PRESENT:**

- Pine duBois, Speaker of the House Appointee
- John G. Flores, Appointee of Governor Baker
- David Johnston<sup>5</sup>, Department of Environmental Protection
- Heather Lightner, Representative of the Town of Plymouth
- David C. Nichols, Governor Baker Appointee
- John Ohrenberger, Representative of Pilgrim Nuclear Power Station
- Kurt Schwartz, Massachusetts Emergency Management Agency (Co-Chair)

**REVIEW AND APPROVAL OF FEBRUARY 21, APRIL 11, AND APRIL 26 MEETING MINUTES:**

Co-Chair Mullin called for a motion to adopt the February 21, 2018 meeting minutes as amended. It was moved and seconded to adopt the February 21<sup>st</sup> meeting minutes as amended. The motion passed by a unanimous vote of the panel members present. Ms. Casey noted that her name should be added to the

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<sup>1</sup> Designee of Angela O’Connor (DPU)

<sup>2</sup> Designee of Secretary Sudders (Executive Office of Health and Human Services)

<sup>3</sup> Designee of Secretary Beaton (EEA)

<sup>4</sup> Designee of Richard Sherman (Representative of UWUA Local 369)

<sup>5</sup> Designee of Secretary Beaton (EEA)

1 list of Panel members not present for both the April 11 and April 26 meeting minutes. Co-Chair Mullin  
2 called for a motion to adopt the April 11, 2018 meeting minutes with that one change. It was moved  
3 and seconded to adopt the April 11<sup>th</sup> meeting minutes. The motion passed by a unanimous vote of the  
4 panel members present. Co-Chair Mullin called for a motion to adopt the April 26, 2018 meeting  
5 minutes with that same change. It was moved and seconded to adopt the April 26<sup>th</sup> meeting minutes.  
6 The motion passed by a unanimous vote of the panel members present.

7  
8 **OPENING REMARKS AND REVIEW OF OPEN MEETING LAW REQUIREMENTS:**

9 Co-Chair Mullin noted that there has been interest among Panel members with regard to a budget  
10 amendment that was submitted in the House of Representatives, and he stated that it dovetails with  
11 other Panel agenda items. He noted that it is co-sponsored by Senators Cyr and Tarr, and asked  
12 whether any Panel members would like to discuss it. No Panel members requested discussion.

13  
14 With regard to the Open Meeting Law, Co-Chair Mullin referenced a letter that the Attorney General's  
15 Office had received that made requests to the Panel on a variety of topics, including the posting of  
16 meeting minutes. He noted that any correspondence among Panel members that falls into the category  
17 of deliberation violates the Open Meeting Law, and requested that Panel members therefore refrain  
18 from such communications.

19  
20 Co-Chair Mullin asked Mr. Coughlin to describe his experience with the preparation of the minutes for  
21 his working group meetings. Mr. Coughlin explained that, once the minutes are drafted, it can be  
22 difficult to get the agreement needed to post them because there is no opportunity to review meeting  
23 minutes until the working group's next meeting. He noted that a proposal whereby a working group  
24 chair alone could approve meeting minutes could provide a solution to this. He noted that another  
25 question that has come up is whether a working group chair can vote to constitute a quorum. He stated  
26 that, if the group chair is able to approve the minutes, it would occur after the group has had an  
27 opportunity to discuss them and resolve any issues. Also, he noted that any abstention would be  
28 indicated in the minutes. Co-Chair Mullin responded that this approach is acceptable if the other  
29 working group members have agreed.

30  
31 Co-Chair Mullin next distributed a list of working group membership, and asked whether there are any  
32 corrections to it. Mr. Coughlin noted that Mr. Nichols is the Chair of the Government Relations working  
33 group. Mr. Grassie recommended that the working groups provide brief updates to the Panel at the  
34 monthly Panel meetings to increase efficiency. Co-Chair Mullin stated that it would be appropriate, and  
35 that he would add five minutes to each meeting agenda to provide this time.

36  
37 Co-Chair Mullin asked the Panel who they would like to have as guest speakers for future Panel  
38 meetings. The group agreed that a representative from Holtec would be an appropriate choice. Co-  
39 Chair Mullin noted that a presentation from Entergy about Pilgrim employees would represent another  
40 option. Mr. Priest recommended that the NRC return to discuss its updated regulations. Based on the  
41 progress of the proposed rulemaking proceeding, the Co-Chair Mullin suggested that the November  
42 meeting would be sensible for that meeting. It was also suggested that a discussion of economic  
43 considerations with UMass representatives would be appropriate for the October meeting. Mr. Priest  
44 also noted that a representative from Senator Markey's office could come to discuss the spent nuclear  
45 waste legislation he recently proposed. Mr. Lynch noted that Mike Gorski from Mass DEP made an  
46 informative presentation in Vermont on the Yankee Rowe decommissioning as another possibility.

1 **REVIEW AND DISCUSS DRAFT NDCAP ANNUAL REPORT FORMAT, TEMPLATE AND SCHEDULE:**

2 Co-Chair Mullin explained that he had distributed a sample outline for the report. He stated that he  
3 would like for the working groups to him send the information they would like included in the report by  
4 June 5, so that the Panel can discuss it at the June 7 meeting. Next, Co-Chair Mullin stated that he  
5 would distribute an updated version by June 15 for discussion at the June 20 meeting. Mr. Grassie  
6 volunteered to assist in this effort. Co-Chair Mullin stated that he could input information from mission  
7 statements and recommendations into the draft if needed. Mr. Grassie then described the Vermont  
8 NDCAP initial annual report. Senator Wolf stated that the report should include a list of target dates to  
9 set expectations for the future.

10  
11 **DISCUSSION AND PANEL VOTES ON PROPOSED FINDINGS AND RECOMMENDATIONS:**

12 Co-Chair Mullin offered introductory comments. He noted that the four revised recommendations are a  
13 condensed version of the previous meeting's six recommendations. He stated that he had reworded the  
14 recommendations, but had not made significant substantive changes to them. He stated that the  
15 actions that would be taken tonight are the most significant actions taken with respect to Pilgrim since  
16 its 1972 construction. He noted that these recommendations represent a model for the entire nation  
17 and is unprecedented. He also noted that there has been tremendous leadership at all levels of  
18 government. He thanked Senator Wolf, Senator deMacedo, and Co-Chair Schwartz for their efforts.

19  
20 Mr. Chapman spoke on behalf of the Governor's administration. He noted that significant efforts were  
21 made to condense the recommendations. He stated that the role of the Panel members from executive  
22 agencies is to provide resources from those agencies, and this process has clarified that role. He  
23 thanked Co-Chair Mullin, the legislative delegation, and the Panel members on behalf of the  
24 administration.

25  
26 Co-Chair Mullin stated that the administration will convene an interagency working group led by  
27 Secretary Beaton, and that it would involve outside experts and that it will be formed in conjunction  
28 with Entergy, and that meetings would begin as soon as possible to develop an agreement. Senator  
29 Wolf noted that Co-Chair Mullin's leadership has been key throughout the process, thanked the  
30 administration, and explained that this is the beginning of the process, rather than the end.

31  
32 ***Recommendation 1:*** Co-Chair Mullin asked whether any Panel member would like to discuss this  
33 recommendation. Mr. Smith asked whether this recommendation is already in place. Mr. Chapman  
34 responded that these are recommendations that will be included in the report and that there is a  
35 process in place going forward. Co-Chair Mullin then read Recommendation 1.

36  
37 Co-Chair Mullin called for a motion to accept Recommendation 1. It was moved and seconded to accept  
38 it. The motion passed by a unanimous vote of the panel members present.

39  
40 ***Recommendation 2:*** Co-Chair Mullin read Recommendation 2, and requested comment on it. Mr.  
41 Smith noted that he found the source of funding difficult to follow. Co-Chair Mullin responded that the  
42 legislation proposed in this recommendation and the intent of this recommendation is, in part, that the  
43 legislature must appropriate funds for this to be done properly. Co-Chair Mullin noted that these  
44 recommendations enjoy bipartisan support, rendering them more likely to be approved. Senator Wolf  
45 noted that there is some discretionary funding that will hopefully be used for this purpose. Co-Chair  
46 Mullin clarified that these funds would come from the general fund, and not the decommissioning trust  
47 fund.

**DRAFT SUBJECT TO APPROVAL**

1 Co-Chair Mullin called for a motion to accept Recommendation 2. It was moved and seconded to accept  
2 it. The motion passed by a unanimous vote of the panel members present.

3  
4 **Recommendation 3:** Co-Chair Mullin read Recommendation 3, and requested comment on it. Mr.  
5 Coughlin requested clarification on the meaning of the term “oversight.” Co-Chair Mullin noted that  
6 EEA has oversight responsibilities. He also stated that further clarification would come as the  
7 interagency working group process plays out. Mr. Chapman stated that the process is being refined, and  
8 will evolve. Mr. O’Reilly asked whether there is room in the recommendations for economic impacts, or  
9 if it is addressed elsewhere. Co-Chair Mullin responded that it is not in these recommendations. Mr.  
10 Chapman stated that, as the Panel’s economic development representative, those interests are  
11 represented. Mr. Smith asked what is meant by “enact legislation,” as legislation was not needed to  
12 decommission Yankee Rowe, which was a successful decommissioning. Senator Wolf responded that it  
13 could involve areas such as emergency evacuation plans, or environmental aspects of decommissioning.  
14 Mr. Coughlin noted that the PSDAR working group is concerned with the economic impacts of the  
15 closing of plant, as detailed in the UMass report, and that it would be useful for the Panel to hear from  
16 the report’s author. Ms. Casey noted that Recommendation 3 represents a legislative approach, with  
17 complements the executive aspects of Recommendations 1 and 2.

18  
19 Mr. Lynch noted that it is important to distinguish the state’s role with regard to “oversight authority.”  
20 He also stated that Entergy is required by NRC regulations to maintain appropriate funds, and it would  
21 therefore be unnecessary for the state to take action. Mr. Chapman responded that the intent is not to  
22 create additional regulations, but rather to enable to the state agencies to play the role that they play.  
23 Senator Wolf noted that Pilgrim has unique features that set it apart from Yankee Rowe, and that there  
24 may be areas of the decommissioning where the state has authority. Mr. Lynch noted that Entergy has  
25 not yet developed a plan, and that it would be more appropriate to make this recommendation after the  
26 plan’s development.

27  
28 Co-Chair Mullin called for a motion to accept Recommendation 3. It was moved and seconded to accept  
29 it. The motion passed with the support of all Panel members except for Mr. Noyes, Mr. Lynch, and  
30 Mr. Smith, who each opposed it.

31  
32 **Recommendation 4:** Co-Chair Mullin read Recommendation 4, and requested comment on it. No Panel  
33 members commented.

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35 Co-Chair Mullin called for a motion to accept Recommendation 4. It was moved and seconded to accept  
36 it. The motion passed by a unanimous vote of the panel members present.

37  
38 **PUBLIC QUESTION AND ANSWER:**

39 Jim Lampert asked what the Panel’s role will be when the interagency working is established, because  
40 the recommendations do not mention funding for the Panel. Co-Chair Mullin responded that the Panel  
41 is an advisory panel, and it will remain in that role throughout. He stated that the interagency working  
42 group will enable the Panel to focus on its advisory role. Mr. Lampert stated that the existence of the  
43 working group does not mean that the Panel does not require funds. Co-Chair Mullin responded that  
44 there is no mechanism for the Panel to administer funds, and that the interagency working group  
45 represents that mechanism. Senator Wolf noted that, if the Panel itself had received resources, it would  
46 not have been the resources this working group will have. Next, Mr. Lampert asked whether the  
47 Attorney General’s Office would have any involvement in the working group. Mr. Chapman responded  
48 that they will be given an opportunity to be involved. Next, Mr. Lampert asked how the public would

**DRAFT SUBJECT TO APPROVAL**

1 participate with the interagency working group. Mr. Mullin responded that the public does not have  
2 access to all state government meetings, but that the Panel would continue meeting and providing  
3 public comment.

4  
5 Mary Lampert noted that she worked with the low level waste management board, and that they  
6 appointed a public participation coordinator to make sure the public received information, and that the  
7 same should be done for the interagency working group. Mr. Chapman responded that this would be  
8 considered, and it will be a public working group. He stated that EEA is the lead on the interagency  
9 group, and that all the state agencies will be involved. Co-Chair Mullin stated that the public's  
10 participation in the Panel meetings is well known and will not be changed. Senator Wolf noted that the  
11 interagency working group will have a liaison to the Panel, and that individual could appear at the Panel  
12 meetings to receive comments from the public. Mr. Chapman noted that input from the public is  
13 welcomed and valued and positively impacts the Panel's work.

14  
15 Richard Rothstein noted the DPH had an initiative to develop an enhanced real-time monitoring  
16 network, which was never expended due to lack of funds. He stated that, in the event of a radiological  
17 emergency, the staff at the emergency operation facility and the EOC the need to run their models to  
18 produce reliable dose predictions to make recommendations to the Governor with regard to emergency  
19 response. He noted that the plant will operate for another year, that there will be spent fuel stored in  
20 the pool for 3-5 years, and on-site cask storage. He stated that he would like to see additional funds  
21 provided to expand the real-time monitoring program if needed.

22  
23 **WRAP UP AND ADJOURN:**

24 Mr. Coughlin asked about the findings and recommendations of the working groups, and noted that  
25 they may relate to the four that were approved at this meeting. He noted that there was no mention of  
26 when the working group recommendations would be discussed, and he hopes that the approval of the  
27 four recommendations does not preclude the consideration of the working group recommendations.  
28 Co-Chair Mullin responded that his plan is that the working groups will draft recommendations by June  
29 5, and the Panel will discuss them on June 7. By June 15, Co-Chair Mullin plans to distribute the next  
30 round of edits, so that the Panel can discuss them again at the June 20 meeting. Mr. Grassie noted that  
31 certain recommendations could be duplicative. Mr. O'Reilly stated that his working group has discussed  
32 developing principles that mirror the delegation's letter. Co-Chair Mullin responded that the next two  
33 meetings will provide an opportunity to discuss those principles.

34  
35 Mr. Mahoney stated that he would be unable to attend the next Panel meeting, and that Selectman  
36 Provenzano would attend in his place. He also requested to be added to the financial and economic  
37 working group.

38  
39 Senator Wolf asked when the interagency working group will be set up. Mr. Chapman stated that it  
40 would be as soon as possible. Senator Wolf stated that the Panel's report would be going to the  
41 working group, and should establish a process for getting the report to the working group. Mr. Smith  
42 asked to whom the Panel reports. Co-Chair Mullin responded that its legislation requires the Panel to  
43 report to the Joint Committee on Telecommunications, Utilities, and Energy, but can distribute it more  
44 broadly for educational purposes.

45  
46 Co-Chair Mullin called for a motion to adjourn. It was so moved and seconded.

47  
48 ***Meeting adjourned at approximately 8:00 p.m.***