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 Hayden¹, Department of Public Utilities
- 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
- Gerard Martin³, 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. Smith⁴, 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 Johnston⁵, 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 21st 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

¹ Designee of Angela O’Connor (DPU)
² Designee of Secretary Sudders (Executive Office of Health and Human Services)
³ Designee of Secretary Beaton (EEA)
⁴ Designee of Richard Sherman (Representative of UWUA Local 369)
⁵ Designee of Secretary Beaton (EEA)
list of Panel members not present for both the April 11 and April 26 meeting minutes. Co-Chair Mullin called for a motion to adopt the April 11, 2018 meeting minutes with that one change. It was moved and seconded to adopt the April 11th meeting minutes. The motion passed by a unanimous vote of the panel members present. Co-Chair Mullin called for a motion to adopt the April 26, 2018 meeting minutes with that same change. It was moved and seconded to adopt the April 26th meeting minutes. The motion passed by a unanimous vote of the panel members present.

OPENING REMARKS AND REVIEW OF OPEN MEETING LAW REQUIREMENTS:
Co-Chair Mullin noted that there has been interest among Panel members with regard to a budget amendment that was submitted in the House of Representatives, and he stated that it dovetails with other Panel agenda items. He noted that it is co-sponsored by Senators Cyr and Tarr, and asked whether any Panel members would like to discuss it. No Panel members requested discussion.

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

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

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

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

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

DISCUSSION AND PANEL VOTES ON PROPOSED FINDINGS AND RECOMMENDATIONS:

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

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

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

Recommendation 1: Co-Chair Mullin asked whether any Panel member would like to discuss this recommendation. Mr. Smith asked whether this recommendation is already in place. Mr. Chapman responded that these are recommendations that will be included in the report and that there is a process in place going forward. Co-Chair Mullin then read Recommendation 1. Co-Chair Mullin called for a motion to accept Recommendation 1. It was moved and seconded to accept it. The motion passed by a unanimous vote of the panel members present.

Recommendation 2: Co-Chair Mullin read Recommendation 2, and requested comment on it. Mr. Smith noted that he found the source of funding difficult to follow. Co-Chair Mullin responded that the legislation proposed in this recommendation and the intent of this recommendation is, in part, that the legislature must appropriate funds for this to be done properly. Co-Chair Mullin noted that these recommendations enjoy bipartisan support, rendering them more likely to be approved. Senator Wolf noted that there is some discretionary funding that will hopefully be used for this purpose. Co-Chair Mullin clarified that these funds would come from the general fund, and not the decommissioning trust fund.
Co-Chair Mullin called for a motion to accept Recommendation 2. It was moved and seconded to accept it. The motion passed by a unanimous vote of the panel members present.

**Recommendation 3:** Co-Chair Mullin read Recommendation 3, and requested comment on it. Mr. Coughlin requested clarification on the meaning of the term “oversight.” Co-Chair Mullin noted that EEA has oversight responsibilities. He also stated that further clarification would come as the interagency working group process plays out. Mr. Chapman stated that the process is being refined, and will evolve. Mr. O’Reilly asked whether there is room in the recommendations for economic impacts, or if it is addressed elsewhere. Co-Chair Mullin responded that it is not in these recommendations. Mr. Chapman stated that, as the Panel’s economic development representative, those interests are represented. Mr. Smith asked what is meant by “enact legislation,” as legislation was not needed to decommission Yankee Rowe, which was a successful decommissioning. Senator Wolf responded that it could involve areas such as emergency evacuation plans, or environmental aspects of decommissioning.

Mr. Coughlin noted that the PSDAR working group is concerned with the economic impacts of the closing of plant, as detailed in the UMass report, and that it would be useful for the Panel to hear from the report’s author. Ms. Casey noted that Recommendation 3 represents a legislative approach, with complements the executive aspects of Recommendations 1 and 2.

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

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

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

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

**PUBLIC QUESTION AND ANSWER:**

Jim Lampert asked what the Panel’s role will be when the interagency working is established, because the recommendations do not mention funding for the Panel. Co-Chair Mullin responded that the Panel is an advisory panel, and it will remain in that role throughout. He stated that the interagency working group will enable the Panel to focus on its advisory role. Mr. Lampert stated that the existence of the working group does not mean that the Panel does not require funds. Co-Chair Mullin responded that there is no mechanism for the Panel to administer funds, and that the interagency working group represents that mechanism. Senator Wolf noted that, if the Panel itself had received resources, it would not have been the resources this working group will have. Next, Mr. Lampert asked whether the Attorney General’s Office would have any involvement in the working group. Mr. Chapman responded that they will be given an opportunity to be involved. Next, Mr. Lampert asked how the public would
participate with the interagency working group. Mr. Mullin responded that the public does not have
access to all state government meetings, but that the Panel would continue meeting and providing
public comment.

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

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

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

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

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

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

Meeting adjourned at approximately 8:00 p.m.