NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)

Wednesday, June 20, 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:

- Pat Ciaramella, Representative of Old Colony Planning Council
- H. Joseph Coughlin, Member from Plymouth Nuclear Matters Committee
- Pine duBois, Speaker of the House Appointee
- John G. Flores, Appointee of Governor Baker
- Richard Grassie, Minority Leader of the House Appointee (Acting Co-Chair)
- Robert Hayden\(^1\), Department of Public Utilities
- Jacqueline Horigan, Executive Office of Housing and Economic Development
- Robert Jones\(^2\), Executive Office of Health and Human Services
- Heather Lightner, Representative of the Town of Plymouth
- Joseph Lynch, Representative of Pilgrim Nuclear Power Station
- John T. Mahoney, Representative of the Town of Plymouth
- Gerard Martin\(^3\), Department of Environmental Protection
- Sean Mullin, Minority Leader of the Senate Appointee (Co-Chair)
- David C. Nichols, Governor Baker Appointee
- John Ohrenberger, Representative of Pilgrim Nuclear Power Station
- Kevin O’Reilly, Speaker of the House Appointee (Acting Co-Chair)
- Jack Priest, Department of Public Health, Radiological Control Program
- Kurt Schwartz, Massachusetts Emergency Management Agency (Co-Chair)
- Paul D. Smith\(^4\), Representative of UWUA Local 369
- Senator Dan Wolf, President of the Senate Appointee

NDCAP MEMBERS NOT PRESENT:

- Jessica Casey, President of the Senate Appointee
- John Chapman, Executive Office of Housing and Economic Development

INTRODUCTION AND REVIEW OF MAY 17 AND JUNE 7 MEETING MINUTES:

Co-Chair Mullin thanked Mr. O’Reilly and Mr. Grassie for serving as co-chairs in his and Co-Chair Schwartz’s absences at the June 7 meeting. Co-Chair Mullin proposed that the Panel review the May 17, June 7, and the instant meeting’s minutes at the next Panel meeting. Co-Chair Mullin called for a motion to adopt this proposal for reviewing meeting minutes, which passed by a unanimous vote of the members present.

\(^1\) 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)
REVIEW AND DISCUSSION OF DRAFT NDCAP ANNUAL REPORT:

Co-Chair Mullin suggested that the Panel continue discussing the working group findings and recommendations, and noted that two working groups had submitted new findings and recommendations since the previous Panel meeting. He stated that his goal for this meeting is to get through a discussion of the two new groups’ findings and recommendations, and to have an updated draft report prepared by next Monday.

Mr. Smith introduced a motion that the Panel begin by reviewing the Site Cleanup and Restoration Working Group’s recommendations. After a discussion of what the annual report would include, Co-Chair Mullin clarified that the full panel would discuss each working group’s findings and recommendations, and these would be included in the report if agreed upon by the full panel. Next, the Panel discussed the possibility that different working groups might develop similar working groups, but which may also have subtle differences. Mr. Priest explained that he developed a matrix to group similar subjects together. Co-Chair Mullin asked Mr. Priest to distribute the matrix to the Panel for its consideration.

Co-Chair Schwartz stated that he has concerns with the report’s format and contents, and that his impression had been that the Panel would consider each recommendation. He stated that the report should not include any recommendations that were not adopted by the entire Panel. Co-Chair Mullin responded that his understanding is that no recommendations would be included in the report without being approved by the full Panel. He stated that there are examples of topics in working group recommendations that need to be discussed by the Panel, but that some less subtle recommendations do not require the Panel’s attention at this point in time. Mr. O’Reilly suggested continuing with discussions of working group recommendations to determine which recommendations should rise to the top. Mr. Coughlin noted that the process should be that the full Panel reviews all the working group recommendations, selects the most important of those to be Panel recommendations, and includes the Panel recommendations in the report.

Mr. Lynch noted that the Panel is not in a position to vote on all recommendations because the findings do not always support the recommendations, and that including all recommendations would be improper. Senator Wolf recommended that the report go to the interagency working group, which could then engage experts and provide feedback. He stated that there is a credibility issue with the Panel because of a lack of subject matter expertise. Ms. Lightner suggested that the Panel could vote on radiation limits and pad location. Mr. Smith stated that state authorities were involved in decommissioning Yankee Rowe, and that it was not necessary to use outside experts. He also withdrew his motion.

Finance and Economic Working Group recommendations – Mr. O’Reilly stated that the recommendations were developed from two sources: first, a UMASS Donahue Institute Study from 2015; and, second, a draft RKG Report.

The first recommendation was that MA should work with DOE to determine adequate compensation in the form of a host community agreement. Co-Chair Schwartz commented that he disagreed with certain wording in the recommendation pertaining to the danger associated with spent nuclear fuel. He noted that the term “findings” requires careful consideration of terminology. Co-Chair Schwartz also recommended removing language such as “the Commonwealth should,” because the Commonwealth may not have jurisdiction, and that this type of recommendation may go beyond the Panel’s decommissioning purpose. Co-Chair Mullin disagreed, stating that as a citizens’ advisory panel, making
these types of recommendations is the Panel’s mission. Mr. Mahoney noted that Plymouth is a de facto nuclear waste site that is uncompensated for its waste storage, and that it would be effective to communicate to state entities that they need to, in turn, communicate this need for compensation to federal regulators. Mr. Priest suggested considering each recommendation and deciding whether it is worthy of further discussion, and only then begin wordsmithing the recommendations.

Mr. Priest introduced a motion that the Panel go through all the recommendations, take up votes or down votes for moving it forward, and wordsmith later. Co-Chair Schwartz seconded the motion. It was determined that the Panel would take a voice vote person-by-person.

Pat Ciaramella: Y  
Joseph Coughlin: Y  
Pine duBois: Y  
John Flores: Y  
Richard Grassie: Y  
Robert Hayden: abstain  
Jackie Horigan: abstain  
Robert Jones: Y  
Heather Lightner: Y  
Joseph Lynch: abstain  
John Mahoney: N  
Gerard Martin: abstain  
Sean Mullin: Y  
David Nichols: Y  
John Ohrenberger: N  
Kevin O’Reilly: Y  
Jack Priest: Y  
Kurt Schwartz: Y  
Paul D. Smith: N  
Senator Dan Wolf: Y  

Next, Co-Chair Mullin requested a motion to take an up and down vote on recommendation 1. Mr. O’Reilly requested that the Panel vote on the revised language for the recommendation, which Mr. Priest read as follows: “As determined by the Site Cleanup and Restoration Working Group, spent nuclear fuel requires careful storage management. To date, the DOE has not determined interim on long-term storage options available for the waste at Pilgrim. In addition, the finance and economic working group also finds that little information exists of the economic impacts of indefinitely storage fuel in a community. The Panel recommends a method to determine adequate compensation in the form of a host community agreement for the long-term storage of the spent nuclear fuel.”

Co-Chair Mullin called for a motion to move this finding and concept forward, which was made and seconded. It passed by unanimous vote.

Workforce training – Mr. O’Reilly explained that this recommendation describes the needs of Pilgrim employees and secondary businesses that might be affected after the plant shuts down. He stated that the concept is to ask the state to look at workforce training programs and to work with local chambers of commerce. Mr. Lynch noted that Entergy has already begun this process and will continue through shutdown. Mr. Mahoney noted that experts have evaluated economic development in Plymouth. Mr.
Nichols noted that this also provides an opportunity to address future workforce needs. Mr. Priest suggested wording changes.

Co-Chair Mullin called for a motion to move this forward for further consideration. It was moved and seconded and passed unanimously.

Economic impacts – Mr. O’Reilly stated that the concept for the next recommendation is that direct and indirect economic impacts to the region should be studied, and guidance should be provided to help mitigate the anticipated financial losses, including the impact to property values in Plymouth and the region, as a consequence of the closure of the plant and the continued on-site storage of spent fuel.

Co-Chair Mullin called for a motion to move this forward for further consideration. It was moved and seconded and passed unanimously.

Economic development challenges – Mr. O’Reilly stated that the recommendation is to begin planning now to assist the region in creating new economic development opportunities. Mr. Lynch noted that Entergy and Vermont entered a settlement agreement that included payments mentioned in the finding, which is an inapplicable comparison. It was agreed to defer discussion on this finding and recommendation.

Co-Chair Mullin called for a motion to table discussion on this recommendation. It was moved and seconded and passed unanimously.

Land use – Mr. O’Reilly noted that the gist of the recommendation is that Plymouth as landowner at Pilgrim needs to find consensus regarding any future development activities and get assistance in securing developable acreage to ensure future development. He stated that Plymouth needs to plan for the possibility that the land at Pilgrim could become available. After brief discussion, minor rewording edits were suggested.

Co-Chair Mullin called for a motion to move this forward for further consideration. It was moved and seconded and passed with Mr. Lynch and Mr. Ohrenberger abstaining.

This completed the review of the Finance and Economic Working Group’s finding and recommendations.

Co-Chair Mullin next directed the Panel to the PSDAR and Decommissioning Working Group’s recommendations in the draft report.

**PSDAR and Decommissioning Working Group recommendations** – Mr. Coughlin introduced a discussion of the different proposals for millirem limits at Pilgrim. The working group’s recommendation is that the Commonwealth should adopt a limit of less than 10 millirem. After brief discussion, it was determined that this recommendation more appropriately belonged in the Site Cleanup and Restoration working group’s section of the report.

A motion was taken remove the language from the PSDAR and Decommissioning Working Group and to address residual radioactivity in the Site Cleanup and Restoration Working Group’s section. The motion was seconded and passed unanimously.
Co-Chair Schwartz noted that the next recommendation, having to do with the emergency preparedness zone (“EPZ”), could belong in the Safety and Security section. Ms. duBois noted that the PSDAR group included it so that it would be included by Entergy in the PSDAR itself. A motion was made to withdraw the EPZ from the PSDAR section and address it under Safety and Security. It was seconded and passed unanimously.

Decommissioning Option – of the three options, SAFSTOR, DECON, and ENTOMB, Mr. Coughlin noted that the group was recommending a rapid decommissioning through DECON rather than SAFSTOR. Mr. Lynch noted that Entergy has not publicly stated which approach it will take. He stated that the decision is largely driven by availability of funds. Mr. Smith suggested addressing this topic in the Site Cleanup Section, but Mr. Priest disagreed, stating it is appropriate in the PSDAR section.

Co-Chair Mullin called for a motion to move this forward for further consideration. It was moved and seconded and passed with Mr. Lynch abstaining.

Decommissioning oversight – Co-Chair Schwartz suggested that this recommendation is duplicative of one of the four recommendations previously approved by the Panel. It was moved to strike this, which was seconded and passed unanimously.

Pad location - Mr. Coughlin noted that the concept here is that the most current data for sea level rise be used to determine the location of the second pad. Mr. Nichols suggested adding language that the pad should be located as far away from the coast as possible, which Mr. Priest noted might be too technical for the Panel. It was moved to move this topic to Safety and Security. It was seconded and passed unanimously.

PSDAR submission and public meeting timing – Mr. Coughlin noted that these recommendations originated with NRC documents on which the Panel may want to provide comment in the future. Mr. Priest suggested that these recommendations may be more appropriate for the Panel to address during the next year. Co-Chair Mullin clarified that the two topics to postpone to the next year are: (1) PSDAR review and approval by the NRC; and (2) decommissioning financial protection plans and decommissioning trust fund. There was a motion to defer these two topics until next year which was seconded and passed unanimously. (PSDAR submission and public timing was initially included in this motion, but it was decided to amend the motion to keep PSDAR submission and public timing in this year’s report, as discussed below).

PSDAR submission and public timing- with regard to the timing of the submission of a PSDAR, Mr. Lynch noted that licensees typically submit PSDARs at the time of shutdown, and not six months prior, because the PSDAR includes historical information about the site up until license termination. Submission six months prior would omit the final six months of the site’s history and would be incomplete. He noted that a licensee could also file the PSDAR up to two years after shutdown. Mr. Coughlin noted that the working group would like for the PSDAR to be submitted as close to plant shutdown as possible. There was a motion to move this topic forward which was seconded and passed unanimously.

Co-Chair Mullin asked whether the Panel would object to his wordsmithing the working group recommendations for version 3 of the report. There were no objections.

PUBLIC QUESTION AND ANSWER:

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Mary Lampert disagreed with Senator Wolf’s contention that the Panel lacks experts, pointing to Mr. Priest’s Panel membership as an example of the Panel’s expertise. She also noted that the Panel’s guest experts have been one sided, including Entergy’s and NRC’s representatives. She stated that there are experts available who could speak to the Panel, including Gordon Thompson, an expert on the vulnerability of spent fuel. She also suggested having a representative of Holtec speak.

Janet Azarovitz noted that NOAA recently published a report on rising water levels that are concerning with regard to the dry cask storage facilities at Pilgrim. She noted that flooding and other environmental concerns need to be taken more seriously with regard to Pilgrim’s spent fuel storage. She stated that preparations need to be made to prevent storage facilities from flooding.

Jim Lampert stated that he has provided the Panel with expert information prepared by experts who have not been invited to speak to the Panel. He noted that expertise is available with regard to climate and sea rise, and that these subjects deserve the consideration of the Panel. Next, he noted that there are recommendations that touch on similar subjects but which are not identical. He suggested using a matrix to understand the relationship between the different working group’s recommendations.

**WRAP UP AND ADJOURN:**

Mr. Mahoney noted that the Plymouth Board of Selectmen previously heard from a representative from ISO-NE, and suggested it might be useful for the Panel to hear.

Senator Wolf stated that if the Panel’s goal is to become experts in nuclear decommissioning, that would be discouraging. He noted that his expertise is in process, and that he understood the Panel’s purpose to be recommending process on behalf of Massachusetts citizens to provide useful oversight over the NRC and Entergy. He stated that he wants to create a process that is credible and has adequate resources to engage the NRC and Entergy. He stated that he expected the interagency working group to fulfill this purpose. He noted that the Panel should seek procedural outcomes, and not substantive outcomes. Mr. Coughlin responded that the Panel does not need to be a Panel of experts that takes on the NRC and Entergy, but rather inform the public and to gather information and make recommendations to the legislature and the executive branch. Co-Chair Mullin noted that the Panel has made great progress, including the development of the interagency working group, but also noted that the Panel has a statutorily mandated advisory role to fulfill.

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

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