

NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)

Wednesday, April 11, 2018

Cape Cod Community College (CCCC), Tilden Arts Center, 2240 Iyannough Rd, Barnstable, MA

Meeting Minutes

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

NDCAP MEMBERS PRESENT:

- 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
- Pine duBois, Speaker of the House Appointee
- John G. Flores, Appointee of Governor Baker
- Richard Grassie, Minority Leader of the House Appointee
- Robert Hayden¹, Department of Public Utilities
- David Johnston², Department of Environmental Protection
- Robert Jones³, 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
- Sean Mullin, Minority Leader of the Senate Appointee (Co-Chair)
- John Ohrenberger, Representative of Pilgrim Nuclear Power Station
- Jack Priest, Department of Public Health, Radiological Control Program
- Kurt Schwartz, Massachusetts Emergency Management Agency (Co-Chair)
- Paul D. Smith⁴, Representative of UWUA Local 369
- Senator Dan Wolf, President of the Senate Appointee

NDCAP MEMBERS NOT PRESENT:

- Jessica Casey, President of the Senate Appointee
- David C. Nichols, Governor Baker Appointee
- Kevin O’Reilly, Speaker of the House Appointee

INTRODUCTORY REMARKS:

Co-Chair Mullin thanked Dr. Cox, President of CCCC, for making the arrangements that made the meeting possible. Dr. Cox noted that CCCC is invested in the educational needs for the community, and that CCCC has been engaged with Entergy to promote educational opportunities both at CCCC and at the aviation center at Plymouth Municipal Airport.

REVIEW AND APPROVAL OF FEBRUARY 21, 2018 MEETING MINUTES:

Co-Chair Mullin noted that some Panel members would like to discuss amending the February 21 meeting minutes, and suggested that the discussion on the February meeting minutes should be deferred until the next NDCAP meeting because of the presence of elected officials at this meeting. Co-

¹ Designee of Angela O’Connor (DPU)

² Designee of Secretary Beaton (EEA)

³ Designee of Secretary Sudders (Executive Office of Health and Human Services)

⁴ Designee of Richard Sherman (Representative of UWUA Local 369)

1 Chair Mullin called for a motion to defer discussion of the February 21 meeting minutes until the April
2 25 meeting. It was moved and seconded to table discussion of the February 21 meeting minutes until
3 the April 25 meeting. The motion passed by a unanimous vote of the Panel members present.
4

5 **ELECTED FEDERAL, STATE, AND LOCAL OFFICIALS:**

6 Prior to introducing the elected officials, Co-Chair Mullin noted that the NDCAP hosts public meetings,
7 not public hearings. He stated that Panel meetings are conducted with respect and civility that public
8 comment time is allocated based on the number of speakers, and that comments should be germane.
9 He stated that the Panel's purpose is to provide recommendations to the Governor, and that tonight's
10 meeting is to discuss decommissioning with elected officials.
11

12 Co-Chair Mullin stated that, at the April 26 meeting, the Panel would discuss findings it has made so far,
13 and would discuss the recommendations the Panel will be making, and might be taking votes. He stated
14 that, at that meeting, Entergy would make presentations on recent storms and its experience in
15 decommissioning in Vermont. Co-Chair Mullin next introduced the elected officials present at the
16 meeting: Senator Vinny deMacedo, Senator Julian Cyr, and Representative Matt Muratore.
17

18 Senator deMacedo thanked the Panel for hosting, and noted that the Panel's work represents a large
19 undertaking. He observed that the Panel's early action before decommissioning would yield positive
20 results. He stated that the delegation has been working together to understand what they should be
21 doing as elected officials. He stated that they had brought a letter that Rep. Muratore would be
22 reading, and they he is looking forward to hearing the Panel's additional recommendations.
23

24 Senator Cyr noted that it was a critical time for Pilgrim where divergent interests are coming together
25 for a swift, safe, closure of the plant. He stated that public accountability is critical because the state
26 has limited authority over the nuclear decommissioning process. He stated that Rep. Muratore would
27 be reading a letter that represents a collaborative effort to recommend actions for a safe
28 decommissioning moving forward. He noted that DPH sent a productive letter to Entergy.
29

30 Rep. Muratore noted that he has been closely involved with Pilgrim for over a dozen years, and that this
31 experience helped to inform the delegation in developing their recommendations. He stated that he
32 had a letter listing five recommendations, and that he would be sending the letter electronically to the
33 Panel. He named the members of the delegation that developed and signed the list of
34 recommendations:
35

- 36 • Representative Dylan Fernandes
- 37 • Representative Joan Meschino
- 38 • Representative David Vieira
- 39 • Representative William Crocker
- 40 • Representative Tim Whelan
- 41 • Representative Josh Cutler
- 42 • Representative Randy Hunt
- 43 • Representative Sarah Peake
- 44 • Representative Thomas Calter
- 45 • Senator Patrick O'Connor
- 46 • Senator Julian Cyr
- 47 • Representative Mathew Muratore (co-author)

- Senator Vinny deMacedo (co-author)

Rep. Muratore noted that the delegation has had discussions with members of the Governor's administration, and that the radiological cleanup standard of 10 millirem annual public dose limit has been a priority and is also one of the delegation's recommendations. He also noted that the other four recommendations specify the state's role in the decommissioning process, similar to Vermont. He stated that he and Senator deMacedo have had discussions with Vermont to better understand its decommissioning experience.

Rep. Muratore next read the delegation's letter, beginning with its second recommendation: that Massachusetts should establish a decommissioning oversight authority, radiological standards, emergency zone definitions, preparedness requirements and funding, site restoration and ongoing monitoring standards, environmental protection requirements, and comprehensive financial standards and requirements.

The delegation's third recommendation is that Massachusetts should have legislation that establishes billback payments from Entergy and its successors to reimburse the Commonwealth for expenses required to monitor post shutdown, closure, and decommissioning activities.

The fourth recommendation is that the Governor should issue an executive order creating an interagency working group to liaise between executive office agencies that currently interact with Pilgrim. The working group should act as a designated point of contact between Entergy, the Commonwealth, and the NRC. The delegation recommends that the interagency working group designate a member to act as this liaison. As part of its duties, the interagency working group should be authorized to negotiate on behalf of the Commonwealth with Entergy and the NRC to achieve any or all recommendations previously outlines.

The delegation's fifth and final recommendation is that, to protect the safety and interests of the Commonwealth and its residents, the interagency working group should receive funding for its operation, technical, and administrative support, and management of the decommissioning process at Pilgrim during FY 2019, and the delegation is prepared to file an amendment to the FY 2019 budget to appropriate money sufficient for operations to be expended by the Executive Office of Administration and Finance.

Rep. Muratore stated that he was looking forward to hearing the Panel's feedback on these recommendations, and also to working together to develop the best solutions for the Commonwealth and its residents.

Ms. duBois asked what the window for timing would be for these recommendations to be approved for the FY 2019 budget. Senator deMacedo explained that the House is preparing its budget starting today, and that the Senate follows in May. He also explained that this is a request, and that it would not necessarily be successful. He noted that they would seek approval of the interagency working group because it is important to have a single point of contact. He stated that an undertaking of this magnitude requires coordination with a vast array of state agencies, which makes a single point of contact critical.

Senator Cyr noted that no one single state agency has authority over Pilgrim, and the state has limited authority over what goes on at the plant, which led to the determination that this needs to be

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1 addressed by collaboration across state agencies. He noted that NDCAP was under consideration to fill
2 this role, and that he hopes that NDCAP will continue to be consulted by the working group.

3
4 Rep. Muratore explained that his office would submitted its proposal for the budget next week, and that
5 the House is taking up the budget in the last week of April, and that the Senate would take up its budget
6 at the end of May, and, if successful, that it would be on the Governor's desk by July 1.

7
8 Mr. Flores thanked the delegation for taking the lead, and noted that it is valuable to have so many
9 different groups working together. He stated that it is critical that there is cooperation and agreement
10 among the different agencies because decommissioning the plant is such a critical issue. From a
11 budgetary perspective, he asked whether a particular number had been determined. Rep. Muratore
12 responded that their expectation would be that the interagency working group would likely require
13 about \$500,000 per year.

14
15 Senator Wolf asked whether the \$500,000 figure would be a one-time amount or an annual amount. He
16 also asked whether the Governor's administration is supportive of the letter, and how it would assess
17 the legislation if it makes it through the House and Senate. Senator deMacedo indicated that the
18 administration's support at this time is unknown, but that its support for DPH's recommended 10
19 millirem emission limit is encouraging.

20
21 Senator Wolf next asked whether the billback provision would cover everything in the budget, or if it
22 would apply to other funds. Senator Cyr responded that the billback would apply to ongoing
23 environmental monitoring and emergency planning requirements at the site. Rep. Muratore noted that
24 it can be difficult to convince administrations of the importance of involvement with Pilgrim because of
25 the perception that it is federally regulated by the NRC. Nevertheless, he explained that
26 decommissioning provides a unique opportunity for the state to take an active role.

27
28 Co-Chair Schwartz pointed out that, since January, there has been an ongoing dialogue between him,
29 the governor's office, and members of the key executive secretariats, and that the Governor's
30 administration is engaged at the highest level, and that the delegation's recommendations have also
31 been made known to the Governor in these discussions. Senator deMacedo seconded that the
32 Governor's office is well aware of the recommendations and is engaged with the Pilgrim
33 decommissioning process.

34
35 Mr. Smith noted that Yankee Rowe was successfully decommissioned in Massachusetts previously, and
36 that he therefore wonders why this proposed legislation is necessary. Senator deMacedo noted that
37 Rowe was decommissioned prior to deregulation, while Pilgrim is a deregulated merchant plant.
38 Whereas the Rowe decommissioning was borne by the ratepayers, the Pilgrim decommissioning will be
39 funded differently. He also noted that Rowe's decommissioning happened decades ago, and that in this
40 circumstance, coordination among disparate agencies is the goal. Rep. Muratore stated that this is the
41 state's opportunity to have a seat at the table for Pilgrim's decommissioning. Senator Cyr noted that
42 the entire southeastern Mass delegation is united in its approach to the Pilgrim decommissioning.

43
44 Senator Wolf thanked the legislators for producing the letter, and asked how the Panel can be
45 supportive of its aims if it votes to support the recommendations. Senator Cyr responded that a letter
46 of support from the Panel to the Chairman of the House Ways and Means Committee would be
47 effective, and that there will be a similar process in the Senate, and that the greater radius of support,

1 the more effective it can be. He stated that getting the amendment into both House and Senate
2 budgets would place it in the strongest position heading into conference.

3
4 Co-Chair Mullin noted that the Panel will be voting on these recommendations at the April 26 NDCAP
5 meeting. He stated that this is the single greatest public safety threat to the state and to New England,
6 and that all parties want to get it right. He stated that the Panel would vote on the recommendations,
7 and that the Panel's job is to explain to the public how important the Pilgrim decommissioning is. Rep.
8 Muratore clarified that budget amendments would be due that Friday.

9
10 Next, Co-Chair Mullin introduced Mike Jackman, District Director for Congressman Bill Keating. Mr.
11 Jackman stated that he would be reading a letter from the Congressman on his behalf.

12
13 **Rep. Keating's Letter:** Rep. Keating noted that the decommissioning of Pilgrim is part of a nationwide
14 trend, as 17 nuclear plants have ceased operations between 2003 and 2013. He noted that safety and
15 security of plants, and the long-term fate of spent fuel, the loss of emission free energy generation, the
16 loss of jobs at the plant present challenges, and the need to restore the site to usefulness. He noted
17 that communities facing plant closures should collaborate to share best practices to promote safety. He
18 stated that communities should not be left alone to deal with these challenges. He noted that Pilgrim
19 must be secure from cyber intrusions of any kind. He noted that NRC cybersecurity standards were last
20 updated in 2009, and much has changed since then, and that the NRC should work with federal
21 intelligence agencies to develop more rigorous protocols. Even when Pilgrim enters decommissioning, it
22 will still house spent fuel, which is an area of concern. Therefore, Entergy and the NRC must work with
23 expert partners to ensure its physical and cybersecurity. Last month Rep. Keating voted for, and the
24 House passed, HR 5074, the Department of Homeland Security's Cyber Incident Response Teams Act.
25 This bill would improve cyber hunt and incident response teams, and would assist operators following a
26 cyber incident. The recent omnibus spending bill also includes roughly \$100m for cybersecurity to
27 protect the electric grid and infrastructure. Re. Keating also introduced the Nuclear Plant
28 Decommissioning Act, which would ensure that states and communities have roles in decommissioning
29 plans and post-shutdown license transfers. Any sale of Pilgrim after shutdown would be a concern that
30 requires local involvement.

31
32 Next, Adrienne Viarengo, Senator Elizabeth Warren's Southeastern Massachusetts Regional Director
33 read a prepared statement on Senator Warren's behalf, and noted that she would like to continue a
34 dialogue on the Pilgrim shutdown.

35
36 **Senator Warren's Statement:** Senator Warren is concerned with Entergy's poor safety record, and
37 stated that Entergy has used the 2019 shutdown as a reason to forego needed safety upgrades. Entergy
38 has signaled that safety is not a priority, and that the profitability is more important than public safety.
39 The NRC must insist that Pilgrim comply with safety regulations, and if it continues to operate without
40 regard for public safety standards, the NRC should shut the plant down.

41
42 Next, Rory Clark, Senator Ed Markey's Regional Director for the Fourth and Ninth Congressional Districts
43 read a prepared statement from Senator Markey.

44
45 **Senator Markey's Statement:** Just this winter, Pilgrim had significant issues, and now with the
46 Sagamore Bridge down to one lane for repairs, one can imagine how the traffic would be in the event of
47 an evacuation. Massachusetts has tried to work with Entergy and the NRC for the safe shutdown of
48 Pilgrim, but Pilgrim continues to suffer from numerous issues. Entergy must provide the full funding to

1 decommission Pilgrim, and the NRC must do its duty to monitor the process. The site will be saddled
2 with spent nuclear fuel for decades, and Entergy and the NRC therefore owe it to the region to
3 decommission the site properly. Senator Markey has introduced legislation for the safety and security
4 of spent nuclear fuel. All operators should be required to comply with an NRC-approved plan for the
5 removal of spent fuel from spent fuel pools, and to place that spent fuel in dry cask storage within seven
6 years. That is why Senator Markey introduced the Dry Cask Storage Act of 2017, and would also provide
7 funding for licensees to implement the plan. It is of utmost importance that local communities are
8 involved in decommissioning plans, which is why he was a co-sponsor of the Nuclear Plant
9 Decommissioning Act of 2018. This bill would also require the NRC to accept or reject each
10 decommissioning plan. The NRC must not grant waivers to Entergy during decommissioning or during
11 spent fuel storage, which is why Senator Markey co-sponsored the Safe and Secure Decommissioning
12 Act of 2018. Overcrowded spent fuel pools are disasters waiting to happen, and Pilgrim's contains four
13 times more than it was designed to hold. The NRC must ensure that this waste is moved to more secure
14 locations before disaster occurs.

15
16 Co-Chair Schwartz requested electronic copies of the statements to be posted on the NDCAP website.
17

18 Mr. Mahoney noted to Mr. Jackman that if Plymouth Harbor were to be dredged, it would present a
19 significant economic development opportunity. Ms. Clark noted that she had recently met with the
20 Assistant Town Manager, and is supportive of the dredging. Mr. Jackman noted that dredging was a
21 major topic of a recent meeting.
22

23 Mr. Priest asked about the status of the Nuclear Plant Decommissioning Act. Mr. Jackman responded
24 that he did not have the information, and would have to follow up.
25

26 **PUBLIC QUESTION AND ANSWER:**
27

28 Mary Lampert noted that there are two bills currently in the state legislature's Joint Committee of Public
29 Health, and recommends that the Panel act to get these bills moving. One is House Bill 1147, which
30 covers emergency planning, and would require Entergy to pay for emergency planning until the spent
31 fuel pool is empty. The second is House Bill 1133, which would require Entergy to increase the amount
32 of money it pays to DPH to do environmental monitoring. Currently, Entergy pays \$180,000 per year, a
33 figure that was set in 1972. This bill would increase those payments to \$500,000 per year.
34

35 Elaine Dickinson of the Cape Downwinders noted that there is no evacuation plan in the event of an
36 emergency at Pilgrim. Ms. Dickinson stated that there should be more urgency to move the spent fuel
37 pool, and that a fire in the spent fuel pool could have widespread implications. She agrees that this is
38 the top public safety issue in the state. In addition, she recommended that the EPZ be expanded to
39 include Cape Cod.
40

41 Jim Lampert asked for clarification on the timing for voting for the delegation's recommendations, and
42 recommended that any Panel recommendations should be posted on the NDCAP website. He also
43 noted that he had submitted recommendations to the Panel months ago, and observed that there is
44 overlap between what he had recommended and the delegation's recommendations. He stated that
45 the cleanup standard is of critical importance. Additionally, he recommended that all fuel in the spent
46 fuel pool be moved into dry cask storage as soon as possible, and that its pros are clear and should be
47 unanimously supported. With regard to cybersecurity, he noted that this is a significant problem, and
48 that the NRC should be more stringent in enforcing standards at Pilgrim. He stated that he would

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1 submit to the Panel updated recommendations. Co-Chair Mullin stated that on April 26, all
2 recommendations will be voted on, and thanked Mr. Lampert for his contributions.

3
4 Rob Wilson stated that his concern is spent fuel disposal. He suggested that if fuel is placed into dry
5 casks, the casks could be used to generate heat or energy, and thereby be put to use rather than sit idle.

6
7 Janet Azarovitz noted that DPH has asked Entergy to establish standards for release of 10 millirems per
8 year for all pathways, and residual radioactivity be reduced to levels as low as reasonably achievable,
9 which is below NRC's standards. Mr. Priest of the DPH also asked that this be part of the Pilgrim PSDAR.
10 She noted that this spurred public input, and asks that the legislation before the Joint Committee on
11 Public Health be supported by the Panel and by the legislators in attendance. She stated that the Pilgrim
12 Legislative Advisory Coalition is supportive of pending legislation.

13
14 Margaret Rice Moyer of the Pilgrim Legislative Advisory Coalition stated that there is complacency
15 around the relationship between Entergy and the regulatory state agencies. She stated that Entergy has
16 been a bad actor, and that the NRC has not penalized Entergy. Mr. Lynch responded that Entergy meets
17 with the agencies routinely as part of its obligation to operate Pilgrim safely. He noted that the Entergy
18 team is senior, and that they take the comments seriously. Mr. Smith stated that the Panel has
19 developed a strong working relationship during the Panel's existence.

20
21 Richard Rothstein stated that he had two concerns about the delegation's recommendations. The first is
22 that there is no indication that the Panel would receive the resources it needs to carry out its statutory
23 obligations. Second, he stated that, in the absence of a regulatory requirement, the state lacks authority
24 to require a billback from Entergy. He also stated that increased communications between Plymouth
25 and Entergy would be to everyone's benefit.

26
27 Ron Bergstrom noted that this is a big issue, and that it would be most effective to have a single entity in
28 charge of the decommissioning, rather than to have a variety of stakeholders involved.

29
30 Susan Carpenter of the Cape Downwinders expressed concern about the vulnerability of Pilgrim to
31 cyberattacks, and would like to see more action in this area.

32
33 Dr. Jim Garb of the Pilgrim Legislative Advisory Coalition stated that the NRC has no oversight over
34 decommissioning after shutdown. Second, he noted that Yankee Rowe was a different entity and its
35 decommissioning does not compare. Third he expressed concern that legislators outside southern
36 Massachusetts might not be well informed about Pilgrim, and they should be better informed prior to
37 voting on bills concerned with it.

38
39 **WRAP UP AND ADJOURN:**

40
41 Co-Chair Mullin stated that the Panel will have an in-depth discussion about the first set of findings and
42 recommendations at the April 26 Panel meeting. He asked Co-Chair Schwartz whether Panel members
43 can distribute lists of recommendations to one another without deliberating without violating the Open
44 Meetings Law. Co-Chair Schwartz responded that the Open Meetings Law can be violated by an email
45 exchange, but that an email exchange of this type may be legal as long as the emails are publicly posted.
46 Co-Chair Mullin recommended that Panel members bring their recommendations with them to the next
47 Panel meeting to be shared publicly. Mr. Priest noted that the delegation's proposal for the billback
48 provision differs from what the Panel has discussed and requires further discussion. Senator Wolf

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1 stated that the five recommendations are similar to those discussed as a Panel, and he noted that the
2 relationship between the Panel and the interagency working group needs to be defined to avoid
3 duplicative work and inefficiencies. Co-Chair Mullin responded that these types of discussions will begin
4 at the April 26 meeting, so that the Panel can define its recommendations. Co-Chair Schwartz stated
5 that he would post all recommendations as soon as he receives them, but that he must receive them at
6 least 72 hours prior to the Panel meeting. Co-Chair Mullin stated that all recommendations should be
7 sent to the Panel at least 72 hours before an NDCAP meeting, and they will be posted publicly.

8
9 Mr. Coughlin noted that the Open Records Law presents challenges for producing work outside of
10 meetings themselves, and that the only way to get work done is through in-person public meetings. He
11 noted that Pilgrim will cease operations in just one year, and the Panel's first report will be critical
12 because its recommendations will provide policymakers one year to act before Pilgrim's shutdown. Mr.
13 Grassie indicated that it could be problematic if individuals make recommendations on subjects covered
14 by working groups of which they are not members.

15
16 Mr. Mahoney suggested that, of the delegation's five recommendations, some should certainly be
17 accepted, but others require further discussion. He noted that he would like to provide the Panel with
18 the Plymouth board's perspective on the recommendations at the April 24th Panel meeting.

19
20 Co-Chair Schwartz noted that Panel members might be overemphasizing importance of report, and that
21 reporting on what the Panel has accomplished in a year is appropriate. He stated that progress must be
22 made in defining the relationship between interagency working group and the Panel, and that rushing
23 recommendations could have unintended consequences. Senator Wolf agreed, noting that it is
24 appropriate for the report to be more about process than substance. Mr. Johnston agreed that the
25 report need not be overemphasized, but noted that the Panel we should provide feedback on the
26 delegation's recommendations.

27
28 Co-Chair Mullin adjourned the meeting.

29
30 ***Meeting adjourned at approximately 8:30 p.m.***