

1 **NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)**
2 **Monday, October 19, 2020**
3 **Virtual Meeting Due to Covid-19**
4 **Meeting Minutes**

5
6 Meeting called to order at 6:31 pm by NDCAP Chair John Mahoney.

7
8 **NDCAP MEMBERS PRESENT**

- 9 • John T. Mahoney, Representative of the Town of Plymouth (Chair)
10 • Pine duBois, Speaker of the House Appointee (Vice Chair)
11 • Sean Mullin, Minority Leader of the Senate Appointee
12 • Kevin O’Reilly, Speaker of the House Appointee
13 • Richard Grassie, Minority Leader of the House Appointee
14 • David C. Nichols, Governor Baker Appointee
15 • John G. Flores, Appointee of Governor Baker
16 • David Johnston¹, Department of Environmental Protection
17 • Robert Jones², Executive Office of Health and Human Services
18 • Samantha Phillips, Massachusetts Emergency Management Agency
19 • Jack Priest, Department of Public Health, Radiation Control Program
20 • Susan Whitaker, Executive Office of Housing and Economic Development
21 • Robert Hayden³, Department of Public Utilities
22 • Pat O’Brien, Representative of Pilgrim Nuclear Power Station
23 • John Moylan, Pilgrim Nuclear Power Station Site Vice President
24 • Richard Rothstein, Representative of the Town of Plymouth
25 • Mary Waldron, Old Colony Planning Council
26 • Paul D. Smith⁴, Representative of UWUA Local 369

27
28 **NDCAP MEMBERS NOT PRESENT**

- 29 • Amy Naples, President of the Senate Appointee
30

31 **REVIEW OF MINUTES**

32 The draft minutes from the September 21, 2020 NDCAP meeting were approved unanimously with
33 corrections. Pg. 2, line 30, describing a question about main stack demolition and radiation
34 contamination, was corrected. Pg. 3, line 20, describing the inspection of the vehicle barrier system, was
35 also edited for clarity. A few typographical errors were corrected.
36

37 Ms. duBois moved to approve the minutes as amended, which was seconded. The motion was passed
38 unanimously. Ms. Waldron abstained because she was absent at the last meeting.
39
40

¹ Designee of Secretary Theoharides (EEA)

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

³ Designee of Matthew Nelson (DPU)

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

1 **ISO-NE REGIONAL UPDATE**

2
3 Mr. Eric Johnson, Director of External Affairs for ISO New England, attended to give a presentation on
4 the ISO-NE regional grid. Mr. Johnson discussed the system fuel mix, the role of the ISO, and
5 transmission issues. A power point presentation was shown.
6

7 ISO-NE's authority is derived from the Federal Energy Regulatory Commission (FERC). Mr. Johnson
8 explained that ISO's responsibility is to be the reliability coordinator under the North American Electric
9 Reliability Corp., independent of all companies participating in energy markets; also, he explained that
10 ISO is neutral when it comes to technologies. ISO does not own any generation or transmission assets.
11

12 ISO's role can be organized into several areas:

13
14 *Grid operations:* This is like "air traffic control." It ensures that demand for power is perfectly balanced
15 with supply on the grid. Utilities need to coordinate with ISO to serve the load.
16

17 *Market administration:* ISO provides a market (wholesale) platform for buyers and sellers to come
18 together. ISO does not buy power except in emergency situations. Market participants include in and
19 out of state participants.
20

21 *Long term power system planning:* ISO looks at forecast for energy demand. Greater Boston is largest
22 load concentration in New England. ISO ensures that the transmission network is adequate to serve
23 demand.
24

25 *Oversight:* The entities that have input and oversight are FERC and the North American Reliability Corp.
26 (which sets standards that ISO must adhere to). An independent board of directors oversees ISO. Market
27 participants (owners of assets) are organized under NEPOOL (largely advisory, though can bring
28 proposals to FERC). Public officials / regulators also provide input to processes.
29

30 Mr. Johnson provided an overview of the New England transmission system. He explained that New
31 England tends to import 17-19% of energy needs annually (most from Hydro-Quebec). A unique feature
32 of the New England market is its reliance on demand response (users who are able to curtail demand).
33

34 Mr. Johnson provided a summary of the fuel mix for New England, including a snapshot in 2000 and last
35 full calendar year. The mix has been relatively stable as a percent of energy derived from nuclear
36 sources. Renewables are a small portion of generation, but are still in an early phase of development.
37 Most generation in wholesale markets historically has been gas fired capacity. The second largest
38 category is wind. More recently, solar has been increasing. Mr. Johnson talked about oil and coal
39 retirements, including 7,000 MW that have been retired since 2013. We still have older coal plants in
40 NH, and some oil resources for peak periods in summer and winter. There is significant price volatility
41 tied to the price of natural gas in the region.
42

43 Mr. Johnson explained that MA is one of 5 states with mandatory goals for GHG reductions in the entire
44 economy. It is also looking to decarbonize buildings and the transportation sector. Also looking to drive
45 renewable energy deployment.
46

47 Another resource Mr. Johnson touched on is energy efficiency, which is a priority for MA. MA beat out
48 CA several years ago, and has held this #1 ranking. Energy efficiency funding is about \$1 billion on an

1 annual basis, paid for by New England ratepayers. This figure is factored into planning and markets by
2 ISO so we do not generate more energy than we needed.

3

4 Questions

5 Mr. Mahoney asked whether ISO control center was open to the public. Mr. Johnson answered that it is
6 not a public facility but ISO can arrange a tour upon request.

7

8 Mr. Mahoney also asked about the 2019 mix, asking if the 30% nuclear mix still included Pilgrim. Mr.
9 Johnson explained that we know that actual energy output has dropped with retirement. The actual
10 numbers would show a significant drop from 2018-19, but because demand is not increasing much
11 nuclear is still a high performer in region with the remaining two sites operational (Seabrook and
12 Millstone).

13

14 Mr. Nichols asked whether the high voltage line from Pilgrim is still being used. Mr. Johnson stated that
15 lines continue to be operated by transmission owners and are still providing a pathway for energy to
16 move around the region, they are just not taking injections from retired plant.

17

18 Mr. Rothstein asked about new natural gas pipelines coming in to support peak periods. Mr. Johnson
19 answered that during peak demand the gas pipeline network is reserved for “firm” customers. The
20 infrastructure is owned by interstate pipeline companies, so they have first rights to use the system. In
21 peak periods, we rely on dual fuel or LNG.

22

23 Mr. Hayden encouraged members to visit the ISO-NE facility.

24

25 Mr. Johnson shared the slide deck with NDCAP members.

26

27 **PROJECT UPDATE FROM HOLTEC**

28 Mr. O’Brien provided a monthly update of project activities at Pilgrim. A power point presentation was
29 shown.

30

31 Mr. O’Brien showed the schedule for project activities. He explained that his team is working through
32 site characterization and will have a report due at the end of March 2021. They are also working through
33 the protected areas (PA) construction for the ISFSI pad, which is scheduled to be done in December.

34

35 Mr. O'Brien also explained that his team is about to start segmentation of the reactor vessel internals
36 greater than Class C. They are also working on waste management.

37

38 Mr. O’Brien presented pictures of the team’s preparation for segmentation

39

40 The main stack removal and (backup) met tower demolition work is continuing. Pilgrim is working with
41 DEP/DPH on workplan permitting and still have some permitting hurdles, though all town permits are in
42 hand.

43

44 Mr. Johnston of DEP stated that some asbestos was found in component materials of an emissions
45 stack. This is common with older stacks. He explained that this will delay events while Holtec engages an
46 asbestos survey professional to provide an application for nontraditional work plan.

47

1 Mr. O'Brien explained that the next fuel campaign will happen in spring 2021. High STORM canisters
2 have been brought on site. Concrete pours are underway.
3 The initial site assessment work plan was provided to the state under the settlement agreement. The
4 License Site Professional (ERM) prepared the document. The LSP will be available at the next NDCAP
5 meeting. The state will be commenting on the document within 30 days.
6

7 Mr. O'Brien explained that his team Also started negotiations with the town to work towards a PILOT
8 agreement. The current PILOT agreement runs through June 30, 2021.
9

10 Mr. Mullin asked what effect COVID-19 has had on facility.
11

12 Mr. O'Brien stated that company has been very proactive, requiring protective measures including
13 masks and social distancing. He explained that they have shifted away from in person meetings as much
14 as possible. Two people have tested positive since March; both were not hospitalized.
15

16 Mr. Mullin asked whether Holtec is willing to share with the panel and the public the monitoring period
17 for the casks. Mr. O'Brien responded that there is a warranty; however, we (Pilgrim) are manufacturer
18 and licensee for the fuel. Holtec is responsible for keeping casks compliant.
19

20 Mr. Mullin stated that the problem is that Holtec is both the "chicken" and the "fox." He offered as a
21 motion that, in the event Holtec does not provide a redacted version of the warranty, that the panel
22 formally request the AGO to assist in compelling Holtec and CDI to provide the information.
23

24 Mr. Mullin clarified his motion in detail before a vote: The motion is that the NDCAP formally request
25 the AGO that the warranty period be disclosed, and ultimately file suit to compel the company to do it,
26 in the event information is not provided in 30 days. Mr. O'Reilly seconded the motion.
27

28 Mr. O'Brien does not know how long the legal team will take to respond. He anticipates an answer in 30
29 days. Mr. Rothstein asked whether Holtec could change to double walled multi-purpose canisters once
30 NRC approves the design being used overseas. Mr. O'Brien did not know NRC's timeline. Holtec will be
31 using High-STORM because timeline is to have all fuel on pad by 2022.
32

33 A vote was taken on Mr. Mullin's motion – 9 votes in favor. 3 votes opposed. 6 abstained. The motion
34 failed to pass.
35

36 Mr. Mullin made another motion that the panel formally request to resubmit legislation from last year
37 that would reorganize the votes that constitute a majority and provide the panel with more ability to
38 act. Ms. Waldron seconded the motion.
39

40 Mr. Rothstein stated that he favors motion. However, he was not in favor of certain elements of the
41 legislation referenced by Mr. Mullin –i.e., changing composition of NDCAP to remove Holtec employees.
42

43 Mr. Mullin amended the motion to request the legislative delegation to remove the section of the bill
44 that Mr. Rothstein disagreed with. He agreed that we should allow and encourage members from Holtec
45 to participate in the panel, but that they should not have voting rights. Ms. Waldron seconded the
46 motion.
47

1 Mr. Mullin clarified that his motion is to allow all members to stay on the panel, but that Holtec
2 members will become non-voting members. Mr. Rothstein stated that this would also give the
3 legislature the opportunity to expand the panel.

4
5 Mr. Nichols supports the motion. However, he believes refiling the legislation will be difficult, and he
6 suggests that alternatively NDCAP may want to suggest to the legislature to pursue this issue through
7 other means (a budget amendment, etc.).

8
9 A vote was taken – 9 votes in favor. 3 opposed. 6 abstentions. Motion did not pass.

10
11 Mr. O’Reilly offered another motion: He moved that NDCAP ask the legislature to pursue legislation that
12 would change panel voting from 11 to a majority of those attending the meeting. Ms. duBois seconded
13 the motion.

14
15 Mr. Rothstein asked what would constitute a quorum to be able to vote. Mr. O’Reilly clarified that we
16 need 11 to have quorum. Once the panel has a quorum, a majority vote of those in attendance that
17 represent a quorum would pass a motion under revised rules being proposed in the vote. Ms. Waldron
18 seconded the motion.

19
20 Ms. Waldron commented that motions can never pass at NDCAP and expressed frustration that even
21 simple planning proposals cannot move. If the legislation does not pass, the panel should discuss with
22 the AGO how to break the logjam.

23
24 The vote was taken: 11 affirmative votes. 1 opposed. 6 abstentions. The motion passed.

25
26 **INTERAGENCY WORKING GROUP (“IWG”) UPDATE**

27
28 Mr. Johnston provided an update on the vehicle barrier and the Oct 14 site assessment. Mr. Paul Locke,
29 DEP Assistant Commissioner of the Bureau of Waste Site Cleanup, attended as a guest.

30
31 Mr. Johnston stated that many people at DEP are supporting the decommissioning work being done. Mr.
32 Locke’s program is focused on the cleanup and release of oil/hazardous materials. This is a well-
33 developed program which has been in place for several decades and addresses predominantly non-
34 radioactive material.

35
36 Mr. Locke stated that Holtec is at the beginning of the process. There is a team at DEP that will review
37 materials and provide information provided.

38
39 Mr. Johnston stated that Dave Howland and Gerard Martin will be joining at next month’s meeting. He
40 stated that Mr. Locke formerly led DEP’s Office of Research and Standards. Mr. Locke holds a Chemistry
41 degree and master’s degree in civil engineering.

42
43 As further updates, Mr. Johnston stated that Holtec has been providing information for various
44 proposals for the visual screening/vehicle barrier. Holtec is working with DEP to strike a balance
45 between robustness of planting with maintaining the functioning of the soil absorption system.

1 Holtec met the October 14 settlement agreement deadline for the initial site assessment work plan. IWG
2 will be working with Holtec to obtain some of the additional information referenced in the submittal.
3 The state will be providing written comments and Holtec will have 30 days to respond to the comments.
4

5 Ms. duBois asked why the historical site assessment (HSA; 2018) is not being made public.
6 Mr. O'Brien said it is considered "business sensitive." They are working to provide a public version. They
7 are looking for alternative options. There may be an opportunity for NDCAP members come to the site
8 to review it without providing a copy.
9

10 Ms. duBois noted that this would not satisfy all stakeholders and asked for an explanation of what is
11 proprietary in the document.
12

13 Mr. Priest asked whether the 2018 report was submitted to the NRC or the state. If the document were
14 provided, Mr. Priest pointed out, it is a document that would subject to federal public records law
15 (FOIA). Mr. O'Brien will confirm.
16

17 Mr. Nichols asked whether the IWG can provide the document. Mr. Johnston reviewed it during the
18 settlement negotiations, but it was provided in a way that made it not discoverable. Mr. Priest indicated
19 that NRC website also has operating information for Pilgrim.
20

21 Mr. Rothstein asked about the environmental review of 140 acres of the plant for radiological and
22 chemical substances and asked what steps would be taken for these areas. Mr. O'Brien stated that the
23 "Boston Edison dump area" is a potential dump site. That area is not included in the initial site
24 assessment, but will be reviewed in the future.
25

26 Ms. duBois asked DEP whether it is looking at new waste disposal regulations and their effect on
27 cleanup activities at the site.
28

29 Mr. Locke responded that Ms. duBois may be referring to DEP's Solid Waste Master Plan.
30

31 Mr. Johnston provided background on how DEP characterizes solid waste. He suggested what Ms.
32 duBois may be describing is the reuse of soil for fill material. He noted DEP does have regulations about
33 how material can come into a site and be used.
34

35 Mr. Locke explained further that DEP has programs in place that direct how and what can be moved.
36 One cannot create a new disposal site unless there are other special permits and processes. Any soil
37 coming onsite would have to meet cleanup requirements.
38

39 Ms. duBois commented that a problem that is unique to the Pilgrim site is climate change and sea level
40 rise. She commented that she is not seeing this as a consideration yet even in tritium monitoring. She
41 noted that there is a December 1 deadline for public comment for DEP regulations.
42

43 Mr. Locke stated that there are no proposed changes for how soil is managed. On the waste site cleanup
44 side, DEP has proposed more explicit requirements for any site being cleaned up (not just Pilgrim) to
45 consider climate change and impacts on residual materials left on site. The December 1 deadline
46 referenced by Ms. duBois is for the Solid Waste Master Plan.
47

1 Ms. duBois asked how much time would be needed to discuss the initial site assessment plan at the next
2 meeting. Mr. Johnston stated that the state likely will not be able to talk in a lot of detail about their
3 comments by the November meeting.

4
5
6

7 **ANNUAL REPORT**

8

9 Ms. duBois and Mr. Grassie prepared and sent an outline to the group asking for input. Ms. duBois asked
10 NDCAP members to send feedback on the outline.

11

12 Ms. duBois suggested that the state can contribute a couple of paragraphs describing background with a
13 link to the settlement.

14

15 **ANNOUNCEMENT -- Public Comments on Continuing Interim Storage Facility in West Texas**

16

17 In relation to the Draft EIS for West Texas storage facility: Ms. duBois indicated that she opened Google
18 Earth and zoomed into a West Texas storage site on Google Earth, noting that it is surrounded by oil
19 wells and not heavily populated. Given the determination of SMALL to MODERATE cumulative impacts
20 to the region, this pre-existing oil field dominance colors the relative condition and impacts on the
21 environmental landscape. She spoke about the potential for the site to be a place for Plymouth
22 materials, and that Plymouth and Massachusetts residents would share in the overall impact to the site
23 over the long-term

24

25 **PUBLIC COMMENT AND QUESTIONS**

26

27 James Lampert, an audience member, had several comments. Mr. Lampert's first comment was about
28 the initial site assessment plan. He noted the report released today is heavily based on what the HSA
29 says and is not sure if the HSA deals with all issues. If there are high level radio nuclides in Duxbury and
30 parts of Plymouth, there needs to be more sampling in a larger area than the plant itself.

31

32 Mr. Lampert's second comment sought to clarify the location of a specific survey area.

33

34 Mr. O'Brien confirmed that the area in question by Mr. Lampert will be included in surveys.

35

36 Mr. Lampert next asked whether DEP comments will be public. Mr. Johnston confirmed.

37

38 Mr. Lampert next rose several questions related to warranty.

39

40 Mary Lampert, another commentator, stated that this comment shows the importance of monitoring
41 and made several points relating to dry cask storage.

42

43 Diane Turco asked Mr. O'Brien whether the aging management plan was received from the NRC. Mr.
44 O'Brien has not received it.

45

46 Ms. Turco then asked about the concrete overpacks that cover canisters. She pointed out that if
47 something happens to the concrete, the warranty on the cannisters can be void. Mr. O'Brien said he
48 would look into the issue.

1
2 Ms. Turco wrapped up her comment by mentioning that she hopes the panel will take close look at how
3 waste is being stored and asked whether MEMA has plans to expand the emergency planning zone.

4
5 Ms. Phillips stated that as the EPZ was eliminated with the plant closure, we now use the
6 Commonwealth’s “all hazards emergency management plans.”

7
8 Ms. Turco stated that MEMA had previously rejected an “all hazards” plan as adequate. Ms. Phillips
9 asked for clarification and after reiterating the MEMA process in 2019, stated there is no formal EPZ.

10 Ms. Turco asked that one regarding "radiological emergencies" be established.

11 Ms. Lampert stated that MA has explained that the all hazards plan was insufficient and referenced
12 language in NRC Commissioner Barron’s dissent. She believes it is MEMA’s responsibility to adjust an all
13 hazards plan to make it more responsive in the event of radiological disaster.

14

15 **NEXT MEETING AGENDA**

16

17 The next NDCAP meeting is scheduled for November 16, 2020. There will be no meeting in December.

18

19 Chair Mahoney would like a draft annual report completed by the next meeting for approval.

20

21 The next meeting will be dedicated to going over the Holtec site assessment and the annual report. The
22 Chair and Co-chair will compile the agenda.

23

24 **WRAP UP AND ADJOURN**

25

26 Chair Mahoney called for a motion to adjourn. It was so moved and seconded, and approved
27 unanimously.

28

29 Meeting adjourned at approximately 8:50pm.

30

31 **MATERIALS PRESENTED AT MEETING**

32

33 Power Point presentation by Holtec/CDI dated 10-19-20

34 ISO-NE Plymouth presentation by Eric Johnson