NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)

Monday, October 19, 2020
Virtual Meeting Due to Covid-19
Meeting Minutes

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

NDCAP MEMBERS PRESENT

- John T. Mahoney, Representative of the Town of Plymouth (Chair)
- Pine duBois, Speaker of the House Appointee (Vice Chair)
- Sean Mullin, Minority Leader of the Senate Appointee
- Kevin O’Reilly, Speaker of the House Appointee
- Richard Grassie, Minority Leader of the House Appointee
- David C. Nichols, Governor Baker Appointee
- John G. Flores, Appointee of Governor Baker
- David Johnston, Department of Environmental Protection
- Robert Jones, Executive Office of Health and Human Services
- Samantha Phillips, Massachusetts Emergency Management Agency
- Jack Priest, Department of Public Health, Radiation Control Program
- Susan Whitaker, Executive Office of Housing and Economic Development
- Robert Hayden, Department of Public Utilities
- Pat O’Brien, Representative of Pilgrim Nuclear Power Station
- John Moylan, Pilgrim Nuclear Power Station Site Vice President
- Richard Rothstein, Representative of the Town of Plymouth
- Mary Waldron, Old Colony Planning Council
- Paul D. Smith, Representative of UWUA Local 369

NDCAP MEMBERS NOT PRESENT

- Amy Naples, President of the Senate Appointee

REVIEW OF MINUTES

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

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

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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)
**ISO-NE REGIONAL UPDATE**

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

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

ISO’s role can be organized into several areas:

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

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

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

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

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

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

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

Another resource Mr. Johnson touched on is energy efficiency, which is a priority for MA. MA beat out CA several years ago, and has held this #1 ranking. Energy efficiency funding is about $1 billion on an
annual basis, paid for by New England ratepayers. This figure is factored into planning and markets by ISO so we do not generate more energy than we needed.

Questions

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

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

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

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

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

Mr. Johnson shared the slide deck with NDCAP members.

PROJECT UPDATE FROM HOLTEC

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

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

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

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

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

Mr. Johnston of DEP stated that some asbestos was found in component materials of an emissions stack. This is common with older stacks. He explained that this will delay events while Holtec engages an asbestos survey professional to provide an application for nontraditional work plan.
Mr. O’Brien explained that the next fuel campaign will happen in spring 2021. High STORM canisters have been brought on site. Concrete pours are underway. The initial site assessment work plan was provided to the state under the settlement agreement. The License Site Professional (ERM) prepared the document. The LSP will be available at the next NDCAP meeting. The state will be commenting on the document within 30 days.

Mr. O’Brien explained that his team also started negotiations with the town to work towards a PILOT agreement. The current PILOT agreement runs through June 30, 2021.

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

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

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

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

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

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

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

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

Mr. Mullin amended the motion to request the legislative delegation to remove the section of the bill that Mr. Rothstein disagreed with. He agreed that we should allow and encourage members from Holtec to participate in the panel, but that they should not have voting rights. Ms. Waldron seconded the motion.
Mr. Mullin clarified that his motion is to allow all members to stay on the panel, but that Holtec members will become non-voting members. Mr. Rothstein stated that this would also give the legislature the opportunity to expand the panel.

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

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

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

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

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

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

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

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

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

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

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

As further updates, Mr. Johnston stated that Holtec has been providing information for various proposals for the visual screening/vehicle barrier. Holtec is working with DEP to strike a balance between robustness of planting with maintaining the functioning of the soil absorption system.
Holtec met the October 14 settlement agreement deadline for the initial site assessment work plan. IWG will be working with Holtec to obtain some of the additional information referenced in the submittal. The state will be providing written comments and Holtec will have 30 days to respond to the comments.

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

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

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

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

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

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

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

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

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

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

Mr. Locke stated that there are no proposed changes for how soil is managed. On the waste site cleanup side, DEP has proposed more explicit requirements for any site being cleaned up (not just Pilgrim) to consider climate change and impacts on residual materials left on site. The December 1 deadline referenced by Ms. duBois is for the Solid Waste Master Plan.
Ms. duBois asked how much time would be needed to discuss the initial site assessment plan at the next meeting. Mr. Johnston stated that the state likely will not be able to talk in a lot of detail about their comments by the November meeting.

ANNUAL REPORT

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

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

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

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

PUBLIC COMMENT AND QUESTIONS

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

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

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

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

Mr. Lampert next rose several questions related to warranty.

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

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

Ms. Turco then asked about the concrete overpacks that cover canisters. She pointed out that if something happens to the concrete, the warranty on the canisters can be void. Mr. O’Brien said he would look into the issue.
Ms. Turco wrapped up her comment by mentioning that she hopes the panel will take close look at how waste is being stored and asked whether MEMA has plans to expand the emergency planning zone.

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

Ms. Turco stated that MEMA had previously rejected an “all hazards” plan as adequate. Ms. Phillips asked for clarification and after reiterating the MEMA process in 2019, stated there is no formal EPZ. Ms. Turco asked that one regarding “radiological emergencies” be established.

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

**NEXT MEETING AGENDA**

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

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

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

**WRAP UP AND ADJOURN**

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

Meeting adjourned at approximately 8:50pm.

**MATERIALS PRESENTED AT MEETING**

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

ISO-NE Plymouth presentation by Eric Johnson