

1 **NUCLEAR DECOMMISSIONING CITIZENS ADVISORY PANEL (“NDCAP”)**
2 **Monday, September 21, 2020**
3 **Virtual Meeting Due to Covid-19**
4 **Meeting Minutes**

5
6 Meeting called to order at 6:30 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 • Senator Dan Wolf, President of the Senate Appointee
12 • Sean Mullin, Minority Leader of the Senate Appointee
13 • Kevin O’Reilly, Speaker of the House Appointee
14 • Richard Grassie, Minority Leader of the House Appointee
15 • David C. Nichols, Governor Baker Appointee
16 • John G. Flores, Appointee of Governor Baker
17 • David Johnston¹, Department of Environmental Protection
18 • Robert Jones², Executive Office of Health and Human Services
19 • Samantha Phillips, Massachusetts Emergency Management Agency
20 • Jack Priest, Department of Public Health, Radiation Control Program
21 • Susan Whitaker, Executive Office of Housing and Economic Development
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 • Paul D. Smith³, Representative of UWUA Local 369

26
27 **NDCAP MEMBERS NOT PRESENT**

- 28 • Amy Naples, President of the Senate Appointee
29 • Robert Hayden⁴, Department of Public Utilities
30 • Mary Waldron, Old Colony Planning Council

31
32 **REVIEW OF MINUTES**

33 The draft minutes from the July 20, 2020 NDCAP meeting were approved unanimously with a few
34 changes, namely: a correction to the name of the Radiation Control Program of the Department of
35 Public Health, a correction on line 40 (to “9 of 11”), and the addition of a comma on line 23. A few
36 additional technical edits were made.

37
38 **REPLY FROM EEA SECRETARY THEOHARIDES**

39 Ms. duBois read from a letter from Secretary Kathleen Theoharides responding to requests made by the
40 NDCAP Chair and Vice Chair. The letter states that the Executive Office of Energy and Environmental
41 Affairs (EEA) will continue to support the NDCAP website and take minutes for NDCAP meetings. The

¹ Designee of Secretary Theoharides (EEA)

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

³ Designee of Richard Sherman (Representative of UWUA Local 369)

⁴ Designee of Matthew Nelson (DPU)

1 letter states that there is no funding available, but that the interagency working group (IWG) will
2 continue to work with NDCAP and respond to requests for information as appropriate.
3 Mr. Mullin commented that the NDCAP legislation is clear that, if the panel determines it needs
4 expertise and training, then it should receive it.

5
6 Mr. Johnston stated that IWG will continue to provide support and that Four Points was available during
7 the negotiation of the settlement agreement with Holtec. If there are particular questions from the
8 panel, the IWG will do its best to answer them.

9
10 **PROJECT UPDATE FROM HOLTEC**

11 Mr. O'Brien provided a 20-minute overview of project activities at the Pilgrim. A power point
12 presentation was shown.

13
14 Mr. O'Brien stated that he had provided a tour for the NDCAP Chair and Vice Chair, and offered to
15 arrange tours for other members of NDCAP.

16
17 Mr. O'Brien indicated that Holtec/CDI is working through site characterization and has finished the fuel
18 campaign. All 11 casks have been loaded, with 28 total in the lower pad. The next fuel campaign will
19 begin in spring 2021, when fuel will be moved from the current pad to the upper pad.

20
21 Mr. Priest asked for more details about work to insert tools into the reactor vessel cavity to prepare
22 Class C waste for eventual disposition. Mr. O'Brien indicated that this work would start in the next
23 couple of weeks, and that GE will be conducting the work. Mr. Priest commented that this is the most
24 radioactive waste short of the spent fuel.

25
26 Mr. O'Brien indicated that the K-1 and S-1 buildings have been removed safely and on time. The purpose
27 was to make space available for storage of Class B and C waste. Upcoming demolition projects will
28 include removal of a 160-foot meteorological tower.

29
30 Mr. Priest asked for more detail about the main stack demolition and radiation contamination
31 monitoring. Mr. O'Brien stated that this Met Tower demolition project was put out to bid. Holtec is
32 conducting proactive meetings with the state to ensure compliance.

33
34 Other members asked about whether monitoring data will be made available. Mr. O'Brien commented
35 that the settlement agreement allows for demolition of towers while decommissioning is ongoing. He
36 agreed it would be appropriate to characterize the waste and appropriately dispose of it.

37
38 Mr. Johnston indicated that DEP/DPH have been meeting with CDI to share ideas about the pre-
39 characterization process and monitoring. Demo of the monitoring tower is one of the first substantial
40 demolition projects that will happen, so the state intends to work with Holtec to determine how the
41 tower will come down and how waste will be characterized and monitored once it comes down.

42
43 Mr. Priest commented that, from a radiological perspective, he is confident that the plan for removal
44 and control of materials is not a high-risk activity. It is more of a good opportunity to find out how
45 Holtec will communicate and share plans with the state before it gets into more significant work.

1 Further discussion followed regarding the storage and handling of waste. Mr. O'Brien stated that there
2 are approved containers to be used. There are movable blocks that have caps on the top to shield the
3 containers from radiation.

4
5 Mr. Mullin asked how slabs would factor into pre-characterization. If the slabs are in place, he asked
6 how Holtec intends to conduct soil sampling.

7
8 Mr. Johnston indicated that pre-characterization concerns structures and foundations. Characterization
9 will be ongoing as structures come out. The current phase is to get out in front of the demolition activity
10 so that the state can use this relatively low-risk demolition activity to "test drive" the pre-
11 characterization of demolition activities, including monitoring and screening for waste deposition.

12
13 Further discussion followed regarding the haul road and other structures. Mr. O'Brien stated that the
14 new pad site is done and that the security building is in process, as well as the ground around the
15 security building. Mr. O'Brien committed to completion of a visual wall. Holtec stopped work upon
16 receiving comments from the Town. Holtec is also considering options to remove portions of the
17 wastewater treatment facility (leaching pits) to provide more room to allow planting further away from
18 the wall.

19
20 Mr. Johnston added that he went to observe the vehicle barrier wall relative to wastewater piping and
21 infiltration galleys. The system is significantly oversized for the current flow, so there is much more
22 infiltration capacity than they will need for what they have in foreseeable future.

23
24 Mr. O'Reilly requested a visual tour of this site, and Mr. O'Brien agreed to schedule it.

25
26 Ms. duBois and Mr. Mahoney suggested that a tour of the new pads would be helpful for other NDCAP
27 members.

28
29 **INTERAGENCY WORKING GROUP ("IWG") UPDATE**

30
31 The demolition update and vehicle barrier issues are covered above.

32
33 Mr. Johnston indicated that the state met with CDI in August under the settlement agreement.
34 Subsequent to the meeting, Mr. Priest and Mr. Johnston have continued to coordinate including
35 meeting on site and going over plans and additional site visit to discuss the vehicle barrier.

36
37 The next deliverable is the site assessment plan due on Oct 14.

38
39 MEMA will reconvene the Pilgrim working groups on public safety, meeting quarterly beginning on
40 October 21. This will revolve around emergency management planning.

41
42 Mr. Johnston indicated that there was a question that came up at the last meeting involving DPU. DPU
43 was able to confirm that there were no conditions on the sale of the Pilgrim plant to Holtec from its
44 predecessor, Entergy, which would outlast the transaction. There is currently no regulatory authority at
45 DPU because Holtec is not an energy generating company.

1 Mr. Smith said he had asked these questions of the DPU Commissioner. Mr. Smith reviewed the legal
2 analysis provided by DPU and agreed that the DPU order does not appear to place any stipulations on
3 Holtec at this time.

4
5 Mr. Rothstein asked whether the Four Points contract had terminated. If the panel had technical
6 questions but could not hire an expert, he asked what kind of resources are available.

7
8 Mr. Johnston said that the state does not have consultants on contract right now. However, Four Points
9 has been willing to answer questions by phone, so if the IWG cannot answer the question, then Four
10 Points would be the first place to look. The IWG will do its best to support this effort.

11
12 Ms. duBois asked about the switch yard on the site, which was transferred or sold to Eversource. She
13 asked how this structure fits into the state's oversight since it will not be taken down.

14
15 Mr. Johnston indicated that the switch yard still plays a role for the electric grid. The parties
16 acknowledged in the settlement agreement that Holtec CDI had leased equipment out to a third party.
17 However, this does not suggest that assessment and cleanup will not occur; it just means that a different
18 timeline to complete remediation may be needed. Holtec CDI by virtue of being current owner
19 maintains responsibility of doing the work.

20
21 Mr. Mullin asked if it is possible to invite Eversource colleagues into a meeting to explain how the switch
22 yard still plays a role for the electric grid. Mr. O'Brien said he would ask Eversource.

23
24 Mr. Mahoney stated that a NE-ISO presentation would be planned for October.

25
26 Mr. Smith asked about removal of stack piping from the roof, and whether, with the piping gone, there
27 will be a standby gas treatment system and potential access issues because of the size of piping that is
28 open but was not previously. Mr. O'Brien said he would get an answer.

29
30 **NDCAP LEGISLATIVE MANDATE REVIEW**

31
32 Mr. Mahoney stated that statutory language was provided to NDCAP members.

33
34 Ms. duBois commented that this was spurred by discussion of whether work groups should continue.
35 Paragraphs (h) and (i) provide as follows:

36
37 (h) The chair shall: (1) manage the provision of administrative support to the panel, including
38 scheduling meetings and securing meeting locations, providing public notice of meetings,
39 producing minutes of meetings, and assisting in the compilation and production of the panel's
40 annual report; (2) keep the panel informed of the status of matters within the jurisdiction of the
41 panel; (3) notify members of the panel in a timely manner upon receipt of information relating
42 to matters within the jurisdiction of the panel; (4) upon request, provide to all members of the
43 panel all relevant information within the control of the department of public utilities relating to
44 subjects within the scope of the duties of the panel; (5) provide workshops or training for panel
45 members as may be appropriate; and (6) hire experts, contract for services, and provide for
46 materials and other reasonable and necessary expenses of the panel as the commissioner may
47 consider appropriate on request of the panel from time to time.

1 (i) The Panel shall serve in an advisory capacity only and shall not have authority to direct
2 decommissioning of the PNPS. The duties of the panel shall be: (1) to commence public
3 meetings beginning on or about June 1, 2017, at a frequency of quarterly until the shutdown of
4 the Pilgrim Nuclear Power Station (PNPS) for the purpose of discussing issues related to
5 decommissioning planning activities; (2) to hold a minimum of four public meetings each year
6 for the purpose of discussing issues relating to the progress of decommissioning of the PNPS
7 beginning on or about June 1, 2019, or when the PNPS permanently ceases power operations;
8 provided that the panel may hold additional meetings; (3) to advise the governor, the general
9 court, the agencies of the commonwealth, and the public on issues related to the
10 decommissioning of the PNPS, with a written report being provided annually to the governor
11 and to the energy committees of the General Court; (4) to serve as a conduit for public
12 information and education on and to encourage community involvement in matters related to
13 the decommissioning of the PNPS and to receive written reports and presentations on the
14 decommissioning of the Station at its regular meetings; (5) to periodically receive reports on the
15 Decommissioning Trust Fund and other funds associated with decommissioning of the PNPS,
16 including fund balances, expenditures made, and reimbursements received; (6) to receive
17 reports regarding the decommissioning plans for the PNPS, including any site assessments and
18 post-shutdown decommissioning assessment reports; provide a forum for receiving public
19 comment on these plans and reports; and to provide comment on these plans and reports as
20 the panel may consider appropriate to state agencies and the owner of the PNPS and in the
21 annual report described in clause (3).

22
23 Mr. Wolf commented that, if the IWG had existed at the time the legislation was drafted, the language
24 would have looked different. It is important that there is synergy between the panel and IWG but not
25 duplicative work. The panel should ensure that questions are answered in an objective way to benefit
26 the citizens of the Commonwealth. Too many questions are being answered now by the entity that has
27 financial interest in decommissioning. Mr. Wolf expressed hope that more presentations of technical
28 aspects would be provided, but he is not convinced that working groups are the best mechanism.

29
30 Mr. Wolf continued that it is difficult to take votes because certain members have to recuse themselves
31 or have interests that are not aligned with those of citizens. The panel could try to amend the
32 legislation. However, it was a huge success for the panel to have IWG to be involved.

33
34 Mr. Rothstein commented that the advantage of zoom meetings is that the panel can have slightly
35 longer meetings, though there may be more people if meetings are in person. He suggested that public
36 comment could be taken after each presentation.

37
38 Mr. Priest suggested that it may be helpful to reach out to Vermont and ask how they integrated their
39 public comment into committees. Those meetings did stop for public comment after each presentation,
40 but later changed to keep questions to the end because the format became distracting.

41
42 Mr. Mahoney said he would like to open town hall to public meetings. He said he would reach out to the
43 chair of the Vermont NDCAP.

44
45 Mr. O'Reilly commented that he has had conversations with Vermont over the years, and that he agrees
46 with Mr. Priest about process.

47
48 Mr. Mullin commented that one frustration has been that the media does not regard this as a story.

1 Mr. Nichols commented that the priority should be to get information out to the public. One idea would
2 be to improve the mechanism to receive input, such as by creating a repository for comments and
3 letters. Social media is another way to get information out to the public. The panel should find other
4 opportunities to push information out in a way that is broader than the people who are attending or
5 watch PACTV.

6
7 Ms. duBois stated that it is difficult to squeeze in everything the panel wants to discuss into each
8 meeting. She is not averse to having a public forum that allows public to provide input. However, she
9 feels that work groups were more relaxed and informal.

10
11 Ms. duBois commented that the key issue is that the panel is not digesting what the public needs to
12 know to determine whether there are issues that needs to be addressed. There needs to be a repository
13 so the panel can pull it in and keep it organized.

14
15 **ANNUAL REPORT**

16
17 Mr. Mahoney indicated that he would work with Ms. duBois, and sought assistance from NDCAP
18 members.

19
20 Ms. duBois asked whether the IWG could provide a summary of the settlement agreement so the panel
21 does not have to put the entire agreement into the annual report.

22
23 Mr. Johnston stated that he could speak with the Attorney General's Office. However, there is nothing in
24 the settlement that is not public. He would be concerned that the IWG members would mischaracterize
25 or misstate an aspect of the settlement.

26
27 Mr. Priest commented that the panel should not spend time "parroting" provisions that are already out
28 in the public. The key question is whether the settlement addressed all issues, and where there are
29 issues to be addressed in the future.

30
31 Mr. Mullin stated that Mr. Priest has played an instrumental role in the past in providing draft language.
32 The creation of the IWG and the involvement of the IWG and AGO are the biggest development last
33 year, and the execution of the settlement is the next biggest. He suggested that the report be
34 streamlined to focus on what was accomplished, and where the panel is going in the future.

35
36 Further discussion ensued about potential logistics of compiling drafts and limited resources of NDCAP
37 members. Mr. Priest recommended that each NDCAP member send his or her top 3 to 5 recommended
38 issues for the Annual Report by the end of the week. Ms. duBois also requested that members provide
39 their comments and thoughts regarding Annual Report preparation by the end of the week. Mr. Wolf
40 recommended that the Annual Report serve as a "gap analysis" between the work being done by the
41 IWG and what is left to be done, and should be based on an initial draft provided by the IWG that
42 summarizes work for the previous year. Mr. Priest disagreed the IWG should provide an initial draft,
43 believing the NDCAP, not the government agencies that comprise the IWG, should draft the report.

44
45 Mr. Mahoney indicated that he wrote down the points discussed and will take the topic under
46 advisement to formulate a plan with Ms. duBois.

1 **TOPICS FOR NEXT MEETING**

2
3 Mr. Mahoney suggested a hybrid meeting, which would lead with the ISO-NE presentation. Mr. O'Brien
4 can attend to provide continuing updates and any additional input from Eversource about the switch
5 yard.

6
7 At this point, Mr. Wolf announced that he will be resigning from the NDCAP effective October 1.
8

9 **PUBLIC COMMENT AND QUESTIONS**

10
11 A question was asked whether the casks will be made weapon proof, and whether Holtec would be
12 prohibited from transporting waste to the southwest because of the risks of travel.

13
14 Mr. O'Brien responded that casks are made of NRC approved designs. Testing involved shots fired at the
15 casks. Holtec responded to a procurement (RFP) to do consolidated interim storage. A competitor is
16 considering a site in Texas. Should one of these options come to fruition, Holtec would move the fuel.
17

18 Another commenter (Diane Turco) noted that the Governor of New Mexico has rejected the proposal
19 for interim storage, and gathered over 30,000 signatures from citizens indicating that they do not want
20 waste stored there. There is no consent to site waste in New Mexico, meaning that it will stay in MA for
21 a long time.

22
23 The commenter asked how Holtec is monitoring for leaks. Mr. O'Brien commented that there are daily
24 checks by operations of canister integrity. The settlement agreement with the state also requires
25 monitoring to be in place.

26
27 Mr. Priest confirmed that there are daily temperature checks provided to MEMA, which would be
28 indicative of problems with the casks. DPH has no concerns about how Holtec is performing monitoring
29 for dry casks currently.

30
31 Mr. Mahoney stated that having an expert on casks would be a good topic for an upcoming meeting. Mr.
32 O'Brien indicated that the relevant individual has been available to address this topic before.
33

34 A commenter (James Lampert) asked about the role of this panel. He noted that the panel already has a
35 "repository" in the form of the NDCAP website. The commenter requested that the website contain
36 significant materials that are provided by the public.

37
38 Another commenter (Mary Lampert) noted that the role of the panel is clear; it is to talk about the
39 decommissioning process. The initial site assessment plan is due on October 14. After that, the state will
40 make recommendations and then Holtec has 30 days to put the plan into place. This is the most
41 important topic for the next meeting.

42
43 Mr. Lampert commented that the question is how this panel would get information that it needs to be
44 able to inform the Governor and the public that there has been a full and complete site assessment and
45 that what has been done by the licensee complies with the requirements of the June 16 agreement. The
46 Lamperts sent a 11-page memorandum about what the settlement requires and what has to be done for
47 site assessment. He believes the panel is unable to understand the settlement based on the short
48 reports received at NDCAP meetings.

1 Ms. duBois commented that there is a site assessment under way with a report due in January. She
2 understands that Holtec is working hard to release non-proprietary information to the panel.
3

4 Mr. Johnston commented that he agrees that NDCAP meetings should be used to discuss the site
5 assessment process. October 14 is the deadline for the site assessment plan, and the state will provide
6 comments on that plan. January is not a deadline established by settlement, but is an internal goal by
7 CDI and Holtec to get most of the site assessment done. The goal is to do a thorough assessment; if the
8 state finds issues, it will make sure they are addressed.
9

10 Mr. O'Brien stated that he will make the Holtec LSP available to discuss the site assessment plan. This
11 can be scheduled at the appropriate time.
12

13 Mr. Lampert reiterated that the fundamental question is how this panel would get the information it
14 needs at the level of detail that is essential for it to do its job. The meetings are short, and only 20-30
15 minutes are allocated to DPH/DEP. Written answers to questions may be a vehicle to convey more
16 information. Mr. Lampert indicated that it would be helpful if questions that are raised could be posted
17 with answers on the repository.
18

19 Ms. Lampert asked whether the initial site assessment plan and comments provided by DEP/DPH will be
20 made publicly available. Mr. Johnston indicated that generally if information is submitted to state
21 agencies, it is publicly available. He indicated that he understands the desire for written information, but
22 if the process is successful, there is less need to write down responses. The goal is to be transparent. He
23 will bring the question of public accessibility back to the IWG for discussion.
24

25 **WRAP UP AND ADJOURN**

26
27 The next NDCAP meeting is scheduled for October 19, 2020.
28

29 Chair Mahoney called for a motion to adjourn. It was so moved and seconded, and approved
30 unanimously.
31

32 Meeting adjourned at approximately 8:48 pm.
33

34 **MATERIALS PRESENTED AT MEETING**

35
36 Power Point presentation by Holtec/CDI