



The Commonwealth of Massachusetts
General Court

May 5, 2022

Senator Edward J. Markey, Chair
Subcommittee on Clean Air, Climate, and Nuclear Safety
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senator Office Building
Washington, DC, 20510

Senator Jim Inhofe, Ranking Member
Subcommittee on Clean Air, Climate, and Nuclear Safety
U.S. Senate Committee on Environment and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senators Markey and Inhofe,

As the State Senators and Representatives elected to serve the Plymouth, Cape Cod and Islands region,¹ we submit this joint letter to voice our concerns about the environmental and economic consequences of decommissioning practices at the Pilgrim Nuclear Power Station (PNPS) located in Plymouth, Massachusetts and currently operated by Holtec International (Holtec).²

There have been significant and sustained issues with the decommissioning process. In order to address those issues, we are requesting your assistance in: (1) providing sufficient funds to ensure proper oversight and monitoring of decommissioned facilities; (2) reinstating PNPS in the emergency planning and preparedness requirements; (3) providing appropriate guidance and oversight in the removal of the dry casks in a safe manner; (4) providing help in stopping Holtec

¹Barnstable, Bourne, Brewster, Chatham, Cohasset, Dennis, Duxbury, Eastham, Falmouth, Harwich, Hingham, Hull, Kingston, Marshfield, Mashpee, Norwell, Orleans, Pembroke, Plymouth, Plympton. Provincetown, Sandwich, Towns in Martha's Vineyard and Nantucket, Truro, Wellfleet, Weymouth and Yarmouth.

² The Nuclear Regulatory Commission (NRC) approved the transfer of the plant's license from its previous owner, Entergy to Holtec International in 2019, despite concerns from local stakeholders and the Massachusetts Attorney General's Office. On June 17, 2020, Attorney General Maura Healey and Governor Charlie Baker's administration announced a [settlement agreement](#) with Holtec that resolved a [petition](#) and two lawsuits ([September 2019](#) and [January 2020](#)) that the state filed to challenge the Pilgrim license transfer to Holtec and the company's cleanup and restoration plan for the site.

from discharging one million gallons of radioactive water into Cape Cod Bay; and (5) establishing improved practices to incorporate public input in decisions that may impact the local environment and economy. Additional funding and oversight are vital for public assurances of the safety of decommissioning practices, particularly where previous incidents and lack of transparency have undermined public trust.

We are grateful for the opportunity to provide input and hope that our concerns and those of our constituents will be actively incorporated into decommissioning practices to protect the long-term health, safety, and economic success of the communities we serve.

1. Sufficient Funds Must be Provided to Ensure Proper Oversight and Monitoring of Decommissioned Facilities.

The Nuclear Decommissioning Trust Funds (DTF's) are federal funds created through ratepayers contributing money into an account that accrues interest over time. Once a nuclear plant ceases to generate power, the funds are used to pay decommissioning obligations for a nuclear generating unit. According to the Nuclear Regulatory Commission (NRC), these funds should be used only for "legitimate" decommissioning activities, such as removing spent fuel and other radioactive materials, dismantling the reactor and other infrastructure, and restoring the site of the facility to a condition in which it can be used again.³

Holtec's decommissioning proposal did not account for the likelihood of price overruns and delays, unanticipated costs, or likely long-term on-site storage and maintenance costs. It also neglected to account for ongoing environmental monitoring and safety provisions through the duration of decommissioning. As such, taxpayers in the Commonwealth will bear the brunt of additional costs for on-site storage, maintenance, and ongoing oversight. The Massachusetts Department of Public Health, for instance, reported a potential shortfall between \$160,000 and \$450,000 annually until Holtec completes the decommissioning process.⁴ This results in difficult decisions made to reallocate funding to decommissioning oversight while complying with the Commonwealth's obligation to maintain a balanced budget.

2. PNPS Must Comply with Emergency Planning and Preparedness Requirements

Beyond divestment in long-term safety measures, there are insufficient assurances that Holtec will adequately prevent any radiological disaster, and there is little oversight to motivate Holtec to do so. In November 2019, the NRC agreed to exempt PNPS from emergency planning and preparedness requirements 10 months after the plant's shutdown date. The NRC claimed that the risk of a radiological disaster would be sufficiently low given how much the spent fuel will have cooled by then. On January 2, 2020, the NRC extended the exemption to Holtec. This exemption eliminated requirements for offsite radiological emergency planning, including emergency planning zones (EPZs), and all state and local funding for effectuating those plans ten

³ Holtec's March 31, 2020 filing with the NRC stated that the net value of the DTF was \$979 million as of December 31, 2019. Holtec reported that future total decommissioning costs would be \$1.031 billion (a total of \$1.132 billion including the \$101 million spent in 2019), using the DECON method, which is the relatively faster method of decommissioning. The Pilgrim DTF contained \$881 million as of December 31, 2020.

⁴ Susannah Sudborough, DPH: More Money Needed to Keep Up Monitoring of Closed Plymouth Nuclear Plant, BOSTON.COM (March 7, 2022).

months after the reactor shutdown date⁵. On April 1, 2020, Holtec informed the Commonwealth and neighboring communities that offsite emergency response facilities (i.e. fire stations), with the exception of those in Plymouth, would no longer be part of response plans. The 113 Prompt Alert Notification System sirens were subsequently disabled, and Holtec will now tell only the Town of Plymouth and the NRC if the facility has been compromised. Ultimately, the lack of adequate funding combined with insufficient oversight leaves our communities concerned about the potential for a costly and catastrophic incident.

3. Additional Guidance and Oversight Should be Provided to Ensure Safe Storage and Removal of Dry Casks

Potential risk of dangerous contamination increases exponentially when considering the current vulnerabilities in dry cask storage. Holtec, which has never decommissioned a nuclear power plant, anticipates that it will complete the full decommissioning⁶ of the PNPS site by 2063. On December 13, 2021, the last canister containing PNPS's spent nuclear fuel was placed into dry cask storage. This defueling process—which took only 30 months—set a new industry record for the quickest transfer of a plant's used nuclear fuel to on-site storage. In total, 62 HI-STORM 100 systems are now stored at PNPS's Independent Spent Fuel Storage Installation (ISFSI). These dry casks can potentially remain there until 2062. There are serious concerns that the containers are of inferior quality with only 1/2" thin-walled canisters that are subject to corrosion and cracking that are warranted for only 25 years. The location where they are housed is visible from the road with no protective barriers and are openly vulnerable to an airborne attack. Concerningly, there have been no proposals for workable solutions to remove this material from the site.

4. Holtec Should Not be Allowed to Discharge One Million Gallons of Radioactive Waste into Cape Cod Bay

The alarm regarding appropriate funding, oversight, and guidance is not merely hypothetical. Last year, at a Nuclear Decommissioning Citizens Advisory Panel (NDCAP) meeting, Holtec proposed a plan to discharge approximately one million gallons of irradiated water from Pilgrim's spent fuel cooling pool into Cape Cod Bay—a volume nearly three times greater than Pilgrim has released over any prior year. The proposal presented a significant threat to the Commonwealth's coasts, particularly in Cape Cod Bay, where any impact risks directly

⁵ The plume exposure pathway EPZ extends about 10 miles in radius around the reactor site. Protective action plans within this area are designed to avoid or reduce dose from potential exposures such as inhaling radioactive particles. These actions include sheltering, evacuation, and the use of potassium iodide pills where appropriate. The ingestion exposure pathway EPZ extends about 50 miles in radius around the reactor site. Protective action plans for this area are designed to avoid or reduce dose from eating or drinking radioactive materials. These actions include a ban of contaminated food and water.

⁶Complete decommissioning of Pilgrim means safely removing the site from service, removing all radiological waste stored on site, reducing residual radioactivity to a level that permits release of the property for unrestricted use, and termination of the license for Pilgrim and its Independent Spent Fuel Storage Facility, where spent fuel is currently being stored.

undermining the commercial success of the shellfish, lobster, and day boat fishing industries and increases the vulnerability of ecosystems in the face of climate change.

The alarming announcement sparked immediate action by forming a working group comprised of all local stakeholders, elected officials representing the Plymouth, Cape Cod and Islands region, as well as the federal delegation and representatives from the Massachusetts Attorney General's office, the Massachusetts Department of Public Health and the Massachusetts Department of Environmental Protection. Collectively, we have been meeting to discuss legislative and budgetary actions to prevent the discharge of any radioactive material into our waters and to ensure that there continues to be safe processes in place for the decommissioning of the plant.

However, these meetings have exposed several limitations to preventive efforts. As noted in the February 17 letter from the Environmental Protection Agency, Region-1 (EPA) to Holtec, Holtec is currently prohibited from discharging water from the site unless it receives an updated National Discharge Elimination System (NPDES) Permit. The updated permit would require EPA oversight of pollutants in the water. However, as defined by the Clean Water Act, the term "pollutants" does not include radioactive material, including radioactive waste. Therefore, unless there are additional pollutants to require a denial of an NPDES Permit, EPA is powerless to intervene even if the levels of radioactive waste are toxic. Oversight of radioactive material, including radioactive waste belongs to the NRC. According to NRC regulations, nuclear power plants can discharge radioactive water so long as it is below the NRC limit of 100 millirem to the public annual. The EPA, however, has set the limit to 25 millirem per year. Neither of these limits speak directly to the impact of cumulative discharge and their impact of marine life in Cape Cod Bay.

As State Senators and Representatives for the South Shore and Cape Cod and Islands, we are working together to prevent Holtec's discharge of radioactive waste into Cape Cod Bay, but our options are not as widespread as the NRC. The safety of all waterways is of concern here, and it is important that we do not act to further pollute our oceans.

5. Public Input Must be Prioritized and Incorporated

Making matters worse, Holtec announced their decision to discharge radioactive waste into Cape Cod Bay without prior disclosure of what pollutants or radioactive elements are in the water or any measure of public education on the safety risks of this decision. This demonstrates a callous disregard for the health and livelihoods of our communities and significantly undermines public trust in their decision-making. Any potential risk to the Bay is a risk to public health, environmental safety, the tourism industry, and the commercial fishing industry, yet there is little systemic assurance of public input in decisions that could have a significant impact on surrounding communities. This must change.

We have an obligation to listen when our communities tell us they don't want something to happen. In calls, emails, testimony, and rallies our constituents are telling us loudly and clearly that they are fearful of what will happen now and for generations to come if we allow Holtec to discharge large volumes of radioactive waste into Cape Cod Bay without greater oversight and

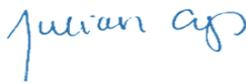
better safeguards. We are hopeful that we can work together to respond to the many voices asking for an intervention to protect the Commonwealth.

Thank you again for the opportunity to provide input. We look forward to collaborating with you further on this matter.

Sincerely,



Susan L. Moran
State Senator
Plymouth & Barnstable



Julian Cyr
State Senator
Cape & the Islands



Patrick O'Connor
State Senator
Plymouth & Norfolk



Mathew Muratore
State Representative
1st Plymouth



Sarah K. Peake
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Dylan Fernandes State
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