

TOWN CLERK'S STAMP

TOWN CLERK
January 20, 2022
1:58 PM
DUXBURY, MA

MEETING NOTICE

Board/Committee: Duxbury Nuclear Advisory Committee
Meeting Location: Remote ZOOM Meeting
Day & Date of Meeting: Tuesday, January 25, 2022 Time: 7:30PM
Posted by: Mary Lampert

Pursuant to Governor Baker's Chapter 20 of the Acts of 2021 dated June 16, 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted during the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, the Town of Duxbury's Board and/or Committee meetings will be conducted via remote participation to the greatest extent possible with members. For this meeting, members of the public who wish to watch the meeting may do so by following the ZOOM meeting links below.

NO IN-PERSON ATTENDANCE OF MEMBERS OF THE PUBLIC WILL BE PERMITTED

Every effort will be made to ensure that the public can adequately access the proceedings to the best of our technical abilities.

Zoom Video Link:

<https://us02web.zoom.us/j/89931154457?pwd=T3RPe3dFV2VlVC9wUnFNrkthOHRtQT09>

Meeting Phone Link: +1 929 436 2866

Meeting ID: 899 3115 4457

Passcode: 293645

AGENDA

Members: Mary Lampert, Becky Chin, Jim Lampert, Nancy Landgren, Patrick Gagnon, Megan Driscoll Greenstein

Liaisons: Kevin Nord, DEMA, Cynthia Ladd Fiorini , BOS **Location:** ZOOM

1. Water Disposal: Holtec's plan to dump (1 M Gal. Radioactive Water in Cape Cod Bay- Background & Actions

Holtec, Pilgrim's owner, says it has two options to "dispose of" (1) million gallons of Pilgrim's radioactive water - dump it directly into Cape Cod Bay or send it out-of-state to an existing radioactive waste site. Vermont Yankee decided to send its (2) million gallons of radioactive water to a waste site in Idaho rather than dumping it into the Connecticut River.

There is no acceptable reason for Holtec not to do the same. Experience makes clear, Holtec will take the cheap route. The Nuclear Regulatory Commission (NRC) says that Holtec can dump whenever it wants to, and Holtec says it will do anything the NRC allows, but that does not make it safe.

Cape Cod Bay, Plymouth Bay, Duxbury Bay and Kingston Bay are all protected ocean sanctuaries. Cape Cod Bay is a critical habitat for right whales. Dumping this radioactive water into them is not safe. It would cause incalculable economic damage and would harm both the environment and public health.

Economic Damage: The economic harm from dumping cannot be overstated. It has caused outrage in the fishing and aquaculture industries. It is not and will not be a secret so best to raise a ruckus while there is still time.

These industries correctly fear that the dumping will contaminate the water, and millions of oysters, lobsters, mussels, clams, and fish. They also rightfully believe that public perception of radioactive contamination of our waters could destroy a hundreds-of-millions-of-dollars aquaculture and other fishing industry. Holtec's planned dumping will have similar serious impacts on many boat and marine industries, to say nothing of tourism and our beaches, on which the livelihoods of our towns depend.

Our economic viability depends on the waters in Cape Cod Bay and Plymouth, Duxbury, and Kingston Bays being clean - not polluted with long-lived and highly toxic radiation. Public health, the environment, and the right whales that regularly swim past Pilgrim, require uncontaminated water.

Dumping is not safe: The NRC says that Holtec's dumping is safe. This does not protect us. Not so, among other things, the NRC allowable release

- Ignores more recent scientific evidence showing much greater risk from radiation.
- Does not consider the economic or environmental effect of the release.
- Does not calculate harm to the wider population, only to an individual.
- Forgets that it is not possible to filter some very harmful radionuclides such as Tritium.
- NRC relies on what Pilgrim reports, and only reviews Pilgrim's discharge program and past releases annually. MDPH does not monitor the releases at all.

Authority - The NRC does NOT have exclusive authority over all nuclear reactor issues. The Commonwealth CAN prevent Holtec's planned dumping if it wants to. It is up to all of us to make the Commonwealth act.

Although NRC normally has exclusive authority "of the safety and 'nuclear' aspects of energy generation," NRC authority does not extend to a state or local law grounded in economic purposes, such as protecting our businesses that depend on clean water. If an "economic purpose [is]the rationale for enacting" a statute, "the statute lies outside the occupied field of safety regulation." *Pacific Gas & Electric Co. v. State Energy Resources*, 461 U.S. 190, 212, 216 (1983).

A basic legal principle, reaffirmed by, Judge (now Justice) Gorsuch in *Cook v. Rockwell International Corp.*, 790 F.3d 1088 (10th Cir. 2015), is that in striking a balance between promoting the nuclear energy industry and insuring relief to those who might be injured by it, Congress authorized the federal government alone to promulgate before-the-fact nuclear safety regulations, but it left with the states the authority to enact laws that protected their citizens from potential after-the fact consequences. After-the fact consequences include the consequences of intentionally dumping a million gallons of radioactive water into our bays.

Even more important here, Holtec has waived any right it might otherwise have to rely on preemption. In the Settlement Agreement between it and the Commonwealth Holtec agreed to “comply with all applicable environmental and human-health based standards and regulations of the Commonwealth.” Section III, 10 (1).

These “standards and regulations” with which Holtec agreed to comply include, for example:

- MGL 132A, Sec. 13 MGL that protects Cape Cod Bay, Plymouth Bay, Duxbury Bay, Plymouth Bay, Nantucket Sound, Vineyard Sound, Buzzards Bay, the Cape Cod Canal, Pleasant Bay, and portions of the Atlantic Ocean as Ocean Sanctuaries.
- MGL ch 270 that makes it a crime to deposit or discharge “waste or other material of any kind on a public highway or within 20 yards of a public highway, or on any other public land, or in or upon coastal or inland waters ... or on property of another.”
- MGL ch 131A, the Massachusetts Endangered Species Act, and its associated regulations (310 CMR 10.00).

What can each member do? Discuss BOH; News articles/letters

Example: Get folks to sign onto campaign-circulate Goggle doc

<https://docs.google.com/forms/d/e/1FAIpQLSeayjN-HPgcfEgG4FuF6wiZHhY6iURfbwZ9vk-Dxu0T1lnXwg/viewform>

2. ATM Articles 2022- (2) Articles

To see if the Town will amend the General Laws of the Town of Duxbury by adding new section 7.9.2-Radioactive Disposal

7.9.2-Radioactive Disposal

No person shall dispose of any solid or liquid radioactive material directly or indirectly on or in any waters of the town within the rise and fall of the tide and the marine limits of the jurisdiction of the town. Any person who violates this provision shall be responsible for any damage to the town or to any individual or business resulting from any radioactive material in any such town waters.

Explanation:

Pilgrim Nuclear Power Station needs to “dispose of” more than one (1) million gallons of contaminated water. Holtec, Pilgrim’s owner, says it has two options – (1) dump it directly into Cape Cod Bay or (2) send it out-of-state to an existing radioactive waste site. If dumped, the radioactively contaminated water will inevitably flow into Duxbury and Kingston Bays. Vermont Yankee decided to send its two (2) million gallons of radioactive water out of state rather than dump it into the Connecticut River. There is no acceptable reason for Holtec not to follow Vermont Yankee’s lead.

The purpose of this article is to prohibit any such dumping, and to make anyone who directly or indirectly causes radioactive material to flow into town waters responsible for any resulting damage.

Cape Cod Bay, Plymouth Bay, Duxbury Bay and Kingston Bay are protected ocean sanctuaries. Cape Cod Bay is a critical habitat for right whales. Dumping radioactive water into them is not safe. Holtec’s planned dumping would cause incalculable economic damage. It also would harm both the environment and public health.

or take any action in relation thereto.

Proposed by the Duxbury Nuclear Advisory Committee

***Recommendations: Board of Selectmen Voted ____ to Recommend
Finance Committee Voted ____ to Recommend***

ARTICLE ____ - TOWN OF DUXBURY SUPPORT OF OFFSITE STORAGE SPENT NUCLEAR FUEL

To see if the Town will vote to authorize the Town Clerk of Duxbury to forward the text of this Article to Governor Charles Baker, the Secretary of Energy and Environmental Affairs and the Secretary of Health & Human Services, and the Town of Duxbury’s Congressional and State delegations so that the intent of the Citizens of Duxbury is widely known:

The Town of Duxbury supports prompt efforts by Congress, the Department of Energy, and the Nuclear Regulatory Agency to develop one or more consent based and scientifically defensible geologic disposal facilities; one or more consent based and scientifically defensible consolidated storage facilities (Interim Sites); and efforts to prepare for the eventual large-scale transport of spent nuclear fuel and high-level waste to consent based and scientifically defensible consolidated storage and disposal facilities when such facilities become available.

Rationale: The Town of Duxbury believes that storing waste at decommissioned reactor sites, like Pilgrim and 70 or so other separate locations around the country, is a bad plan. It presents safety risks. Each cask contains ½ the Cesium-137 released at Chernobyl. Reactors, are located adjacent to bodies of water, needed to provide cooling to dissipate excess heat. Proximity to water is exactly the wrong place to store nuclear waste; salt water in particular exacerbates corrosion and leakage.

A cracked cask cannot be repaired. Pilgrim, and some other reactors, are close to densely populated areas making a timely evacuation impossible if something goes wrong. Reactor sites are tempting terrorist targets, especially those in symbolic locations like Plymouth - "America's Hometown." Nuclear reactor host communities like Plymouth never agreed to store spent fuel. The original plan was that the fuel would be reprocessed and never accumulate onsite.

The long-term goal, as recommended by the Blue-Ribbon Commission in 2012, and called for by this article, is to move spent fuel to a consent based and scientifically defensible permanent repository - a storage facility located deep underground and designed for long-term disposal so that it will be isolated from the environment for the tens of thousands of years that it will remain toxic. The potential interim goal is consent based consolidated storage following scientific siting criteria. There is no perfect answer to storing nuclear waste that will be lethal for over 250,000 years-longer than humans have been on this earth. But we should not let the perfect get in the way of the good.

; or take any other action in relation thereto.

Proposed by the Duxbury Nuclear Advisory Committee

Recommendations: *Board of Selectmen Voted _____ to Recommend*
Finance Committee Voted _____ to Recommend

3 Other

4 Minutes