

United States Senate

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March 17, 2023

Kris Singh, Ph.D.
President and CEO
Holtec International
1 Holtec Boulevard.
Camden, NJ, 08104

Kelly Trice
President
Holtec Decommissioning International
1 Holtec Boulevard
Camden, NJ 08104

Dear Dr. Singh and Mr. Trice,

On May 6, 2022, at a hearing of the U.S. Senate Environment and Public Works Subcommittee on Clean Air, Climate, and Nuclear Safety held in Plymouth, Massachusetts, Holtec International (Holtec) committed to an independent scientific study on the risks associated with the potential discharge of radioactive wastewater stored at the Pilgrim Nuclear Power Station (Pilgrim).¹ Now, Holtec is failing to live up to that commitment, claiming that it is unable to fund that study—a rationale that the Nuclear Regulatory Commission (NRC) has belied with its confirmation that Holtec may use the decommissioning trust fund—which it controls—for additional effluent testing and analysis. Consequently, I now ask that Holtec keep its word and take the next steps in making the independent study a reality.

During your testimony at the Subcommittee hearing, you recognized the concerns and questions voiced by the community surrounding Pilgrim and opined that an independent study would be a great option to improve transparency. For example, school children, fishermen, business leaders, residents, and state and local elected officials have expressed deep concerns that a potentially large discharge of radioactive wastewater into Cape Cod Bay from Pilgrim could harm public health, marine species, and the region's economic engines, including tourism and fishing. But Holtec has still not publicly identified the radioactive pollutants contained in the wastewater or the specific risks discharge would pose to Cape Cod Bay and its inhabitants.

¹ *Issues Facing Communities with Decommissioning Nuclear Plants: Hearing before the Senate Subcommittee on Clean Air, Climate, and Nuclear Safety*, 117th Congress (May 6, 2022), https://www.epw.senate.gov/public/_cache/files/7/d/7df3f36e-4441-4fbb-b4b7-17c486e1b8b0/E79494CD3D5B107B30617B24FFF09EF6.field-spw-05062022.pdf.

The independent study depends on a scientifically robust process, including, but not limited to, representative sampling of pre- and post-treatment radioactive wastewater, valid and reliable testing of those samples that reaches sufficiently low levels of detection, and scientific analysis of the laboratory results. I recognize that, to help ensure reliable sampling and independent testing, Holtec has committed (1) to allow staff from the Massachusetts Departments of Public Health (DPH) and Environmental Protection (DEP) to be present for the sampling of water volumes and (2) to conduct split sampling testing through DPH's radiation control program and an independent laboratory appointed by DEP. And as Senator Warren, Congressman Keating and I requested, Holtec has also committed to pursue the required modification of its National Pollutant Discharge Elimination System (NPDES) permit as directed by the U.S. Environmental Protection Agency (EPA). This permit modification necessitates an EPA review of the non-radiological pollutants in the water volumes, consultation by the EPA with the National Oceanic and Atmospheric Administration (NOAA) Stellwagen Bank National Marine Sanctuary, and a public engagement and comment process.

To help ensure an independent analysis of the laboratory results that assesses the radiological make-up of the water volumes and associated radiological risks from a discharge, my office has identified scientists who could conduct the independent study—scientists with specialized expertise in marine radiochemistry, physical oceanography, health physics, and nuclear chemistry. Yet despite your commitment to an independent study, your staff communicated in November 2022 that Holtec could not and would not provide funding for the study, citing the constraints of decommissioning finance regulation.

That is just not so. The NRC has confirmed to my office that legitimate decommissioning activities paid for by the Holtec-controlled nuclear decommissioning trust fund generally include additional effluent testing and analysis, as long as expenditures would not reduce the value of the trust below an amount necessary to maintain the reactor in safe storage condition and ultimately release the site and terminate the license.² For decades, ratepayers paid into Pilgrim's decommissioning trust fund to support the decommissioning process, and now they are demanding independent answers about the risks from a potentially large discharge of radioactive wastewater into Cape Cod Bay. Holtec's refusal to fund this robust, independent study would violate its commitment to an independent review of any potential waste discharge into Cape Cod Bay.

I request that Holtec respond in writing by March 24, 2023 with confirmation of its commitment to finance an independent study—one that includes a formal scope of work, timeline for completion, and a plan that is both agreeable to a scientific panel and ensures full independence. Anything less than a *robust* and *independent* study will neither meet Holtec's public commitment


² 10 CFR § 50.82(a)(8)(i).

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nor satisfy the stakeholders who rely on Cape Cod Bay for their life and livelihoods. And I remind you that, at the Subcommittee hearing, Holtec committed to not discharge any radioactive wastewater stored at Pilgrim into Cape Cod Bay without the consent of stakeholders with whom Holtec regularly interacts, including but not limited to the EPA, the NRC, the state of Massachusetts, and the Massachusetts Attorney General's Office.³

I look forward to Holtec's prompt and public reaffirmation of its commitment to this critical independent study and the next steps it will take to make it happen.

Sincerely,


Edward J. Markey
United States Senator

³ *Issues Facing Communities with Decommissioning Nuclear Plants: Hearing before the Senate Subcommittee on Clean Air, Climate, and Nuclear Safety*, 117th Congress (May 6, 2022), (statement of Dr. Singh, Pres. and CEO of Holtec) at p. 92 and 93, https://www.epw.senate.gov/public/_cache/files/7/d/7df3f36e-4441-4fbb-b4b7-17c486e1b8b0/E79494CD3D5B107B30617B24FFF09EF6.field-spw-05062022.pdf.