

JOYCE & JOYCE
45 BOWDOIN STREET
BOSTON, MASSACHUSETTS 02114
TEL: (617) 742-2420
FAX: (617) 742-3350

To: Honorable Jason Lewis, Senate Chairman
Honorable Kate Hogan, House Chairwoman
The Joint Committee on Public Health

From: Thomas M. Joyce, Esquire

Subject: H1898, H2031 Acts increasing nuclear power plant protections to a twenty mile and fifty mile radius; H2030 An Act relative to radiological air monitoring; and H2020 An Act creating public education zones near nuclear facilities.

Date: July 28, 2015

INTRODUCTION:

My name is Thomas M. Joyce and I appear today as Legislative Counsel to the Entergy Corporation, which owns ten nuclear power plants including the Plymouth Nuclear Power Station (PNPS) in Plymouth, MA. Entergy employs thousands of skilled workers nationwide including nearly seven hundred in Plymouth. PNPS produces in excess of ten percent of the electricity consumed in the Commonwealth and is an outstanding corporate citizen participating in numerous local charities and paying more than \$10 million annually in property taxes alone to the town of Plymouth.

BACKGROUND:

PNPS received a twenty-year operating license extension from the Nuclear Regulatory Commission (NRC) within the past 3 years and is wholly regulated by the Federal Government.

POSITION:

Entergy Corporation opposes the above-mentioned bills before you today.

BASIS of OPPOSITION:

H1898 and H2031 are identical proposals, except one provides for a radius of 20 miles and the other provides for a 50 mile radius. This committee has thoughtfully examined the text of these bills in the past. In short, these bills are unnecessary and if enacted

would appear to violate the United States Constitution, by creating rules and standards which are clearly under the exclusive domain and jurisdiction of the U. S. Congress and the Federal Government.

Sections 1 and 2 mandates air monitoring be set throughout a twenty mile (or 50 mile radius) of a nuclear power plant, including all cities and towns in Barnstable, Dukes and Nantucket Counties and the area known as Cape Ann. The bills additionally require the Department of Public Health (Department) to stockpile thyroid- blocking agents (K-I) in a quantity sufficient to meet the needs of those communities.

It should be noted, that the Department maintains a radiation monitoring system, including 14 real-time monitors located outside the plant. In addition, the Department routinely collects samples beyond the Emergency Planning Zone (EPZ.) Also, the United States Environmental Protection Agency (EPA) currently maintains a nationwide air monitoring network for measuring radioactivity. These proposals will duplicate existing EPA capabilities that could be accessed by the Commonwealth, if the Massachusetts Emergency Management Agency (MEMA) were to determine the need exists.

As to the requirements set forth for stockpiling K-I, these standards are already met by the Department pursuant to regulations promulgated as set forth in 105 CMR 124 et seq. Additionally, increasing the EPZ to either 20 or 50 miles runs counter to well established federal regulations. In fact this issue has been studied extensively by the NRC and most recently data supporting the well established ten mile EPZ was once again affirmed by the NRC upon the investigation performed by the Sandia National Laboratory just 2 years ago.

H2030 is a re-filed proposal requiring an assessment on each existing and proposed nuclear power plant located in the Commonwealth as well as each electric company within the Commonwealth that owns a portion of, or purchases power from the Seabrook Station nuclear power plant in New Hampshire to defray the costs of the Departments' radiation control program. It appears this could result in a site specific requirement as PNPS is the only commercial nuclear power plant in the state, and to my knowledge no electric companies in the state own or buy power from the Seabrook Station. In addition to being punitive in nature it also appears to be unlawful as stated by the argument above.

H2020 is a proposal that creates education zones up to 35 miles from a nuclear plant. In addition, the proposed bill, on one hand requires the Department to study expanding the EPZ to 50 miles, while at the same time requiring it to establish specific guidelines for implementation.

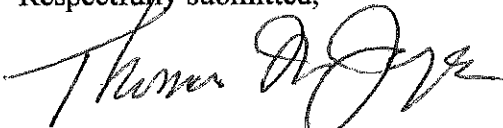
PNPS works diligently on the education front. It coordinates with the Massachusetts Emergency Management Agency (MEMA) and provides \$2.7 million annually to the agency for emergency preparedness. Plant staff regularly drill with members of federal, state and local emergency planning experts. The plant is also rigorously involved in educating the public about emergency plans and safety. It assists in providing every household within the EPZ has an emergency planning calendar. PNPS has also

established dedicated websites, including video for public education on emergency planning. For these reasons we feel H2020 is unnecessary.

CONCLUSION:

Entergy Corporation respectfully requests the committee report these bills ought not to pass.

Respectfully submitted,



Thomas M. Joyce, Esq.