



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

Memo

To: Nuclear Oversight Committee Members
From: State Senator Steven A. Baddour and State Representative Michael A. Costello
CC: Attorney General Martha Coakley
Date: 4/6/2011
Re: Independent Monitoring of Seabrook Nuclear Power Plant

We are writing today to reiterate the need for independent radiological monitoring of Seabrook Nuclear Power Plant in Seabrook, New Hampshire. As recent events have clearly demonstrated, relying on a nuclear power plant for information about the release of radiation is an untenable situation. In the aftermath of the earthquake in Japan, the public received conflicting and incorrect information about the amount of radiation in the air in the areas immediately surrounding the plant. We would not want a similar situation to happen in the Commonwealth.

In 1993, Governor Weld signed Executive Order 303 (**Attached**), which directed the Massachusetts Civil Defense Agency, the predecessor to the Massachusetts Emergency Management Agency (MEMA), to work with the six local communities within the plume exposure **emergency planning zone** (Amesbury, Merrimac, Salisbury, Newburyport, Newbury and West Newbury) for the purposes of monitoring the radiological emissions of Seabrook. Since that time, the C-10 Research and Education Foundation, a non-profit organization, has monitored the Seabrook Nuclear Power Plant, and made its monitoring data available to the public, as well as other state agencies, including MEMA.

Historically, C-10 has received state funding through the annual budget to pursue its mission of monitoring the Seabrook Power Plant. From Fiscal Year 1998 through FY 2003, C-10 was funded through line-item 4510-0617 in the Department of Public Health's budget. In FY 2004, the line-item was moved to MEMA's budget (8800-0300) and the funding continued at its historical level of \$90,356. In FY 2006, C-10 approached the legislative delegation of the First Essex District about upgrading its monitoring equipment. In FY 2006, FY 2007 and FY 2008, the line-item total was increased to \$165,356 with a \$75,000 earmark for C-10's monitoring equipment. During this time, C-10 received the entirety of the state appropriation for this line-item.

At the beginning of FY 2009, several problems arose with the C-10 funding. First, due to declining revenues in the Commonwealth, it became apparent that the Governor was going to have to make mid-year 9C cuts. Representative Costello, the Chair of the Public Safety & Homeland Security Committee, had discussions with EOPS Secretary Kevin Burke about preserving funding for C-10. Furthermore, Representative Costello and Senator Baddour wrote a letter to Governor Patrick, asking that the monitoring of Seabrook be preserved. The legislators were told that the monitoring was outside the scope of MEMA's core functions.

At the same time, MEMA was struggling to interpret Senate language inserted into the line-item to fund radiological monitoring for communities in Western Massachusetts affected by the Vermont Yankee Nuclear Power Plant. Although language in the line-item directed the Department of Public Utilities to assess the costs of the line-item on companies that purchased electricity from Seabrook, no assessment was ever made because no companies in Massachusetts purchase power from Seabrook. As a result, no radiological monitoring was funded in FY 2009.

In FY 10, the line-item's language was changed in to assess all companies that purchase from any nuclear power plant located outside of the Commonwealth. Again, the Governor made 9C cuts to the line-item. After considerable discussions by Representative Costello with EOPS, C-10 was given a one-year contract for \$75,000 "with no option to renew or extend the effective date of service" according to the contract negotiated by MEMA and C-10.

In FY 11, the language of the line-item was changed to "the amount allocated to a program or its successor listed in this item as appearing in section 2 of chapter 27 of the acts of 2009 may be allocated to the program or its successor again." Again, EOPS expressed reservations about providing C-10 with funding. Members of the C-10 Board of Directors appealed directly to the Governor on the organization's behalf during the 2010 campaign. The Governor instructed EOPS Undersecretary Kurt Schwartz to meet with C-10 at MEMA Headquarters in Framingham, a meeting that Representative Costello attended. At that time, it was decided that C-10 would be funded at a \$40,000 level on a reimbursement basis. C-10 must spend the money and submit the receipts to MEMA, which then disperses reimbursement checks. As of February 2011, approximately \$10,000 of expenses has been processed by MEMA.

The \$40,000 level of funding for C-10 is less than half of what the organization has traditionally received (FY 1998 through FY 2004) at a time when our concern about nuclear power plants should be at its highest.

Despite reservations that radiological monitoring is outside the scope of MEMA's core functions, we strongly believe that independent monitoring should be within the scope of some agency's core function and should be a primary concern for the Commonwealth. In the absence of C-10's monitoring, the state will be relying only on the power plant itself to warn us if radiation levels are dangerous. This is an unacceptable situation.

Thank you for time and for holding this oversight hearing. We hope that you will take these comments into consideration when making any recommendations for action by the Commonwealth.

Sincerely,



Steven A. Baddour
State Senator



Michael A. Costello
State Representative

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE, BOSTON 02133

BY HIS EXCELLENCY

WILLIAM F. WELD
GOVERNOR OF MASSACHUSETTS

EXECUTIVE ORDER NO. 303

PUBLIC SAFETY AND THE SEABROOK NUCLEAR POWER STATION

WHEREAS, the United States Nuclear Regulatory Commission has authorized the issuance of a full power license under which the Seabrook Nuclear Power station located in Seabrook, New Hampshire (hereinafter the "Seabrook Station") is permitted to operate, and that said authorization was granted over the objections of the Commonwealth's officials; and,

WHEREAS, the Seabrook station is now capable of operating and does operate at full power; and,

WHEREAS, a radiological accident at Seabrook Station that results in an off-site release would constitute a public safety hazard within the Commonwealth of Massachusetts which must be addressed as urgently and as capably as possible; and,

WHEREAS, the following six Massachusetts communities lie within the plume exposure emergency planning zone for Seabrook Station: Amesbury, Merrimac, Newbury, Newburyport, West Newbury, and Salisbury (hereinafter the "six Massachusetts communities"); and,

WHEREAS, the potential public safety hazard is created by a private company; the costs of emergency planning and response should be borne in substantial part by that company consistent with federal law.

NOW, THEREFORE, I, William F. Weld, pursuant to the authority vested in me as supreme executive magistrate, and by Chapter 639 of the Acts and Resolves of 1950 as amended, order the following:

The Director of the Massachusetts Civil Defense Agency and Office of Emergency Preparedness ("Massachusetts Civil Defense Agency") shall begin developing the best possible emergency plans for response to a radiological emergency originating at the Seabrook Nuclear Power Station.

The Director of the Massachusetts Civil Defense Agency shall work with the Secretary of the Executive Office of Public Safety, and other officials of the Commonwealth and its political subdivisions including the six Massachusetts communities, in this planning effort.

The Massachusetts Civil Defense Agency and the Massachusetts State Police shall begin working with and in cooperation with the operators of Seabrook Station to ensure adequate emergency planning and the establishment of effective warning and notification systems. The six Massachusetts communities are encouraged to also begin working in cooperation with the operators of Seabrook Station towards adequate

planning and the establishment by Seabrook Station of a warning and notification system in each of the six Massachusetts communities.

The Director of the Massachusetts Civil Defense Agency shall work with and remain in contact with the operators of Seabrook Station to ensure that an effective warning and notification system is established as expeditiously as possible, and that emergency planning efforts are coordinated and operational.

The Director of the Massachusetts Civil Defense Agency and the Massachusetts Commissioner of Public Health shall, and the six Massachusetts communities are encouraged to, work with Seabrook Station to determine the feasibility of establishing a system to monitor off-site radiological emissions that may emanate from Seabrook Station.

I further request that Seabrook Nuclear Power Station officials work with the Director of the Massachusetts Civil Defense Agency on all aspects of public safety programming and planning and support those programs in a manner that will ensure the public's faith in the process.

Given at the Executive Chamber in
Boston this 6th day of March, in
the year of our Lord one thousand
nine hundred and ninety-one.

WILLIAM F. WELD, Governor
Commonwealth of Massachusetts

MICHAEL JOSEPH CONNOLLY
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS