

Healey sues federal nuclear regulators over Plymouth plant transfer

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Pilgrim Nuclear Power Station in

Plymouth.DAVID L. RYAN/GLOBE STAFF/GLOBE STAFF

Massachusetts Attorney General Maura Healey is suing the US Nuclear Regulatory Commission over the approved transfer of Pilgrim Nuclear Power Station's license to a company with no prior experience in decommissioning a nuclear power plant.

The commission [last month approved the sale](#) of the Plymouth plant, which shut down in May after 47 years of producing electricity, from Entergy Corporation to Holtec International.

Holtec is a New Jersey-based company that specializes in the storage and transportation of nuclear waste. The company has promised to decommission the site in eight years, well ahead of the 60 years allowed by federal rules. Entergy, a Louisiana-based company, had owned the plant since 1999.

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State and local officials previously criticized the proposed deal, saying Holtec did not show that its plan has enough safeguards to protect the public. The sale [was completed](#) shortly after the commission approved the transfer of the operating license.

Healey's office filed suit against federal nuclear regulators in the US Court of Appeals for the District of Columbia Circuit Wednesday. The Nuclear Regulatory Commission, according to the complaint, "acted arbitrarily and capriciously, abused its discretion" and violated the law in failing to provide Massachusetts with a "meaningful opportunity to participate in the process."

Environmental officials, in conjunction with the state attorney general's office, had petitioned the NRC to hold a

hearing on the state's concerns before deciding on the sale.

Healy's suit is asking the court to review the commission's actions, vacate the commission's orders, findings and decisions, and "remand matters to the NRC for further proceedings."

"The NRC has repeatedly rubber stamped Holtec's plans, despite serious concerns about the company's financial capacity, technical qualifications, and competency to safely decommission and clean up the Pilgrim site," said Healey in a statement. "We are asking the Court to exercise its authority to vacate the NRC's misguided and unsupported actions."

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Kathleen A. Theoharides, the state's energy and environmental affairs secretary, said the Baker administration "remains strongly committed to ensuring the Pilgrim Nuclear Power station is decommissioned in a manner that protects the safety of the public and environment," according to the statement.

The administration "is supporting and assisting the Attorney General's lawsuit regarding the Nuclear Regulatory Commission staff's approval of the license transfer prior to a ruling by the Commission on the concerns raised by both the administration as well as the Attorney General," Theoharides said.

David Abel of Globe staff contributed to this report.

IN November the Nuclear Regulatory Commission issued a ruling that Holtec International did not have to support the cost of staffing and maintaining the offsite radiological emergency warning system and this cost as well as the protection of the nuclear fuel from possible sabotage from the ocean would rest with the town or state of Mass as of April 1st 2020.