

Sheila Lynch-Benttinen
344 West St
Duxbury, MA 02332
sheilalben@gmail.com

April 4, 2022

Director James Landon
NOAA Endangered Species Act
Office of Law Enforcement
1315 East West Highway
Suite 3301
Silver Spring MD 20910

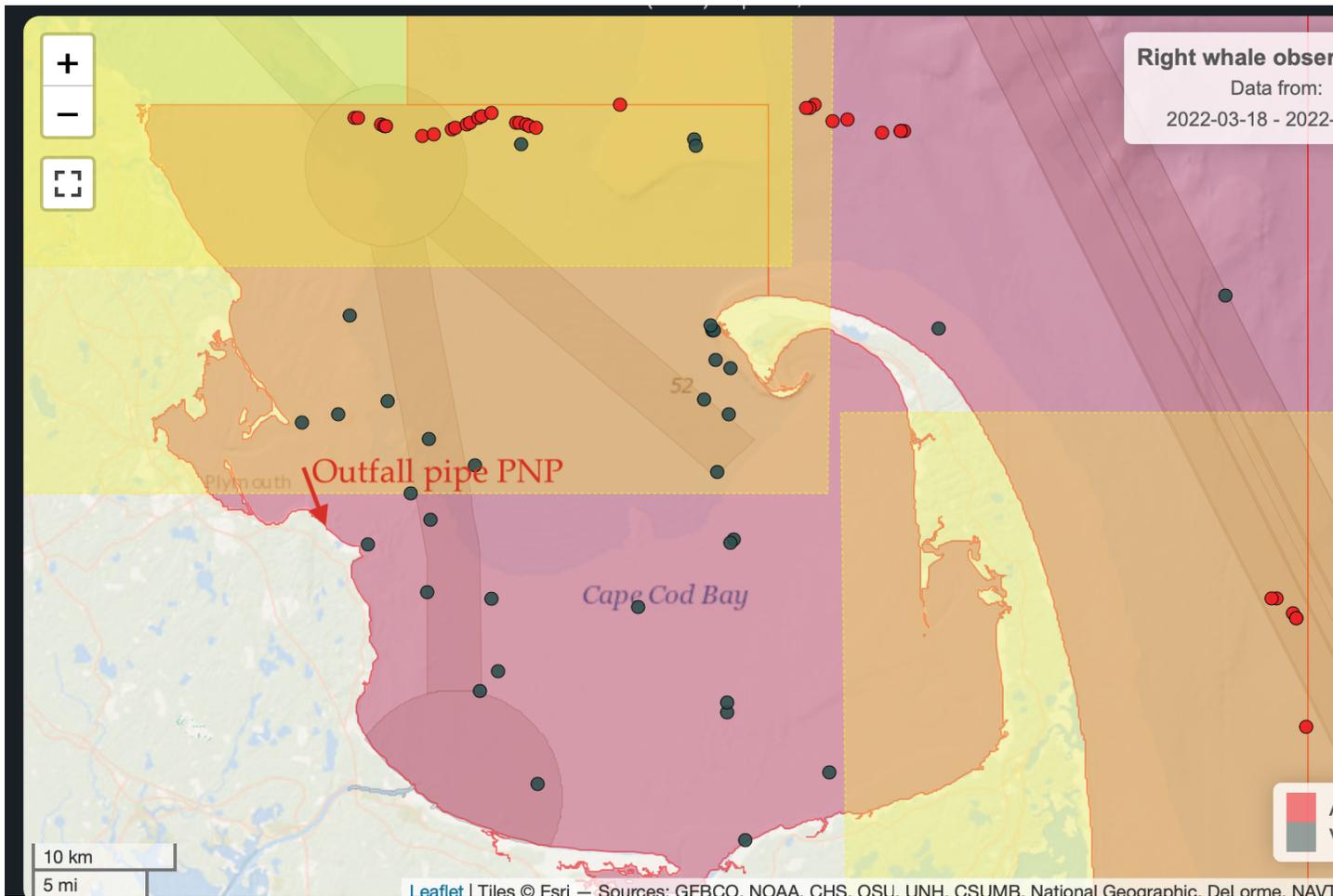
Chairman Christopher T. Hanson
U.S. Nuclear Regulatory Commission
Mail Stop O-16 B33
Washington, DC 20555-0001

Dear Director Landon and Chairman Hanson:

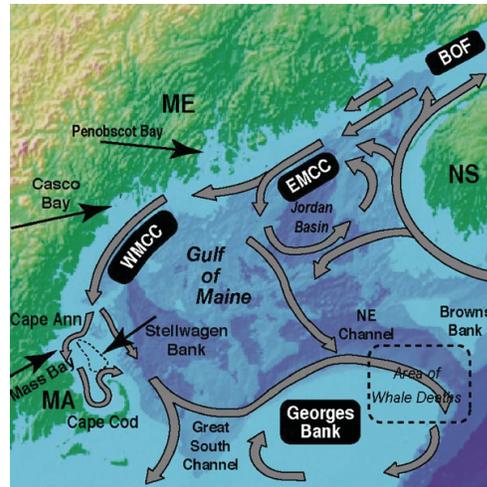
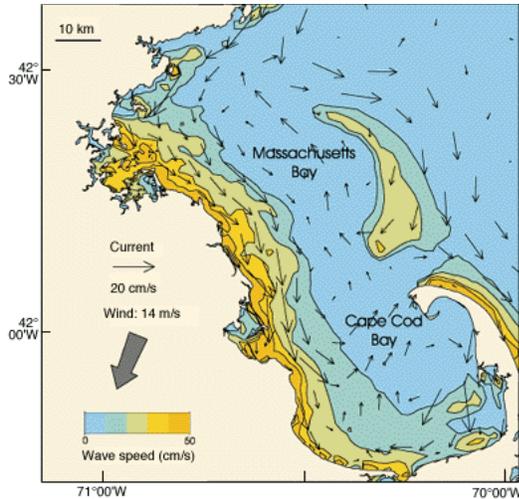
This letter is in regard to a potential violation of The Endangered Species Act (ESA) and the potential disposal of over one million gallons of radioactive water at Pilgrim Nuclear Power Plant in Plymouth, Massachusetts by Holtec, LLC. The ESA legally requires coordination between Federal Agencies to coordinate the protection of endangered species. (The Endangered Species Act of 1973 (ESA or "The Act"; 16 U.S.C. § 1531 et seq.)

The North Atlantic Right Whale's (*Eubalaena glacialis*) conservation status is critically endangered with less than 350 of the mammals left. They travel to the Caribbean in the winter to breed and to Cape Cod Bay in the spring to feed. The North Atlantic Right Whale is a baleen whale, which is to say a filter feeder. They travel to Cape Cod Bay because of the enclosed circulation system rich the food they eat; copepods. Copepods do not travel far and are in the Bay all seasons. Copepods have been proven to uptake radioactive particles. See: <https://www.int-res.com/articles/meps/68/m068p071.pdf>

The ESA also prohibits the destruction of critical habitat for an endangered species. The following map shows where North Atlantic Right Whales were feeding over the last month and the location of outfall pipe from Pilgrim Nuclear Power Plant:

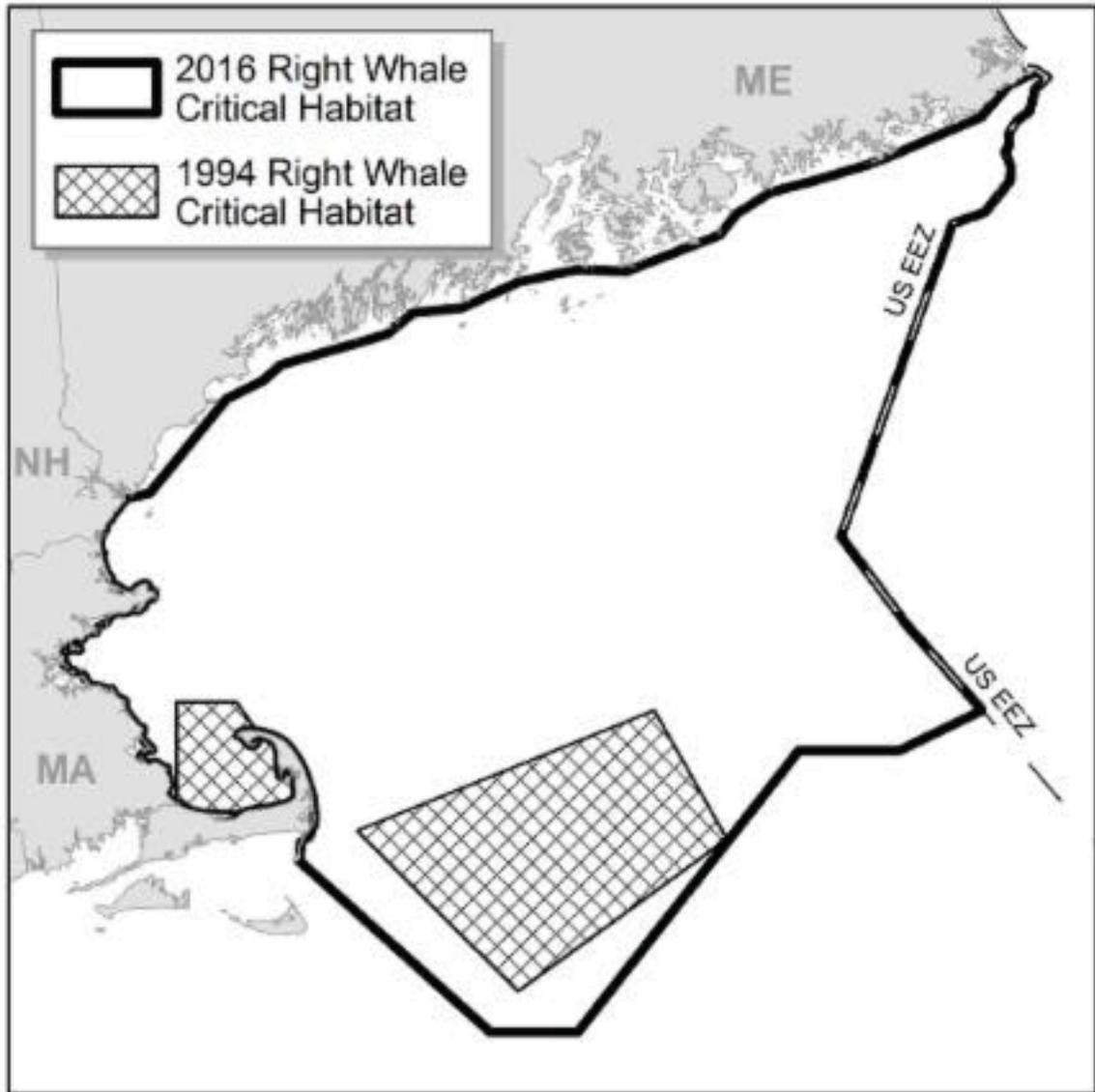


Pilgrim Nuclear Power Plant fronts Plymouth, Kingston, and Duxbury Harbors, Cape Cod Bay, Stellwagen Bank National Marine Sanctuary, The Gulf of Maine, then the Gulf Stream, a much smaller dilution profile than the larger Gulf Stream, and one historically rich with nutrients that feed fish, whales, and birds that our area is known for:



The circulation in our local embayment's are much more enclosed and very nutrient rich, which has led to eons of migrations of Federally Listed Endangered Right Whales, and other whales to feed in Cape Cod Bay, right off Pilgrim NPP, after wintering in the Caribbean. The nutrients they feed on, copepods, uptake radioactive elements, which are then ingested by the whales and stay in their fat. This is a much smaller dilution system than the Gulf Stream.

To enforce The Endangered Species Act there must be a Critical Habitat Designation. The Northern Right Whale which has Endangered Classification also has Critical Habitat Designation. As you can see from the following chart the proposed dumping of over one million gallons of radioactive water by Holtec off Plymouth will be in the federally enforced Right Whale Critical Habitat area. The copepods will uptake the potential radioactivity and the remaining 375 Northern Right Whales will then feed on millions of copepods in their baleen skimming of Cape Cod Bay. The radioactivity will then be damaging to the health of the remaining 375 Right Whales.



Over-boarding should not be considered as an option in our waters. It may be the most economic option for Holtec, but it will be the most expensive for all who value our Commonwealth waters, and the few remaining Right Whales. Over-boarding in our Bay is clearly a violation of the Endangered Species Act, which is a criminal offense. I encourage Director Landon of NOAA, who is the Chief Enforcement Officer of the Northern Right Whale Habitat in Cape Cod Bay, to work with Director Hanson of the NRC, as required by the ESA, to notify Holtec that they must consider the two other options for disposal of the radioactive water, trucking or evaporation, that have been successfully done at

other nuclear power plants. Let's not waste everyone's time on lawsuits regarding the Endangered Species Act and Northern Right Whales.

Sincerely,
Sheila Lynch-Benttinen

Sheila Lynch-Benttinen was past President of Save The Harbor/ Save The Bay in Boston, has testified to Congress on radioactive waste dumping, and was a founding member of the Stellwagen National Marine Sanctuary Advisory Board. She was chair of the Spectacle Island Advisory Committee for nineteen years which dealt with toxic spoils and ocean dumping. She is a past member of The Duxbury Nuclear Advisory Committee. She has a Bachelor of Science and a Masters' from Harvard. She is a resident of Duxbury and fishes with her family in local waters.

- cc Senator Edward Markey, Chairman, Subcommittee on Clean Air, Climate and Nuclear Safety
- Congressman Bill Keating (MA-09)
- NDCAP members
- Representative Josh Cutler
- Senator Patrick O'Brian
- Senior Attorney Peter Shelley- Conservation Law Foundation of New England
- Executive Director Richard Delaney- Center for Coastal Studies
- Diane Turco- Cape Downwinders
- Mary Lampert- Duxbury Nuclear Advisory Committee
- Duxbury Selectmen
- Plymouth Selectmen
- Kingston Selectmen
- Matt Ciocci- Save Duxbury Bay
- Island Creek Oysters
- Dr. Kris Singh, President & Chief Executive Officer, Holtec International
Chairman of the Board, Holtec International
Chairman of the Board, Holtec Asia

Chairman Resource

From: Sheila Lynch-Benttinen <slynchbengeo@gmail.com>
Sent: Monday, April 4, 2022 12:38 PM
To: Chairman Resource; CMRBARAN Resource; CMRWright Resource; Sheehan, Neil; OPA Resource
Subject: [External_Sender] Attached is a letter regarding NRC, the Endangered Species Act, and NOAA enforcement division
Attachments: Letter to landon and Hanson.pdf

Hello,

Attached is a letter regarding NRC, the Endangered Species Act, and NOAA enforcement division.

Sincerely,

Sheila Lynch-Benttinen
Duxbury, MA