

Sheila Lynch-Benttinen  
344 West St  
Duxbury, MA 02332  
[sheilalben@gmail.com](mailto:sheilalben@gmail.com)

May 13, 2022

Jane E. Marshall Director  
Division of Decommissioning, Uranium Recovery  
And Waste Programs  
Office of Nuclear Materials Safety and Safeguards  
U.S. Nuclear Regulatory Commission 301-492-3138  
[Jane.Marshall@nrc.gov](mailto:Jane.Marshall@nrc.gov)

Dear Director Marshall:

Thank you for your April 30th response to my letter of April 4th regarding a potential violation of the Endangered Species Act by Holtec LLC in releasing about one million gallons of radioactive water being released into the Critical Habitat of the North Atlantic Right Whale's (*Eubalaena glacialis*) whose conservation status is critically endangered. Thank you for acknowledging that the ESA legally requires coordination between Federal Agencies for the protection of endangered species.

The point of this letter is to clarify what I understand now:

1. The previous plans of operators of Pilgrim, including Boston Edison and Entergy, did not require any special precautions for Right Whales
2. Holtec, LLC the current owner has gone through ESA review of current work.
3. Holtec has not submitted their final plan of how they plan to dispose of 1 million gallons of radioactive water.
4. If Holtec chooses the overboard option into the Critical Habitat versus trucking and or evaporation, their submitted plan will trigger a ESA Sec. 7(a)(2) review by National Marine Fisheries or Fish and Wildlife
5. Holtec has not submitted a characterization of the different radioactivity composition of planned discharge.
6. NRC alone can not make Critical Habitat review of the radioactive discharge effect on the North Atlantic Right Whale's (*Eubalaena glacialis*) survival.
7. ESA Critical Habitat review includes radioactive effect on Copepods, the North Atlantic Right Whale's diet.

Thank you for your time and attention to this matter.

Sincerely,  
Sheila Lynch-Benttinen  
Duxbury MA

cc Janet Coit, Director, National Marine Fisheries, NOAA

- Martha Williams, Director, Fish and Wildlife
- Director James Landon, NOAA Endangered Species Act, Office of Law Enforcement
- Chairman Christopher T. Hanson, U.S. Nuclear Regulatory Commission
- 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
- 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
- Attorney Jeff Feuer
- Attorney Lee Goldstein