



The CAN-Did Press

THE NEWSLETTER OF THE CITIZENS AWARENESS NETWORK
ACT TODAY TO CHANGE TOMORROW...

Entergy: Your TIME IS UP!

The time is NOW for Entergy Nuclear Vermont Yankee, the GE Mark I reactor in Vernon, VT, only 11 miles from my house in Gill, MA to close. On March 22, 2012, my patience expired as well as ENVY's Certificate of Public Good and their original license from the NRC.

On that glorious, sunny, warm day, over 1,000 marched three and one-half miles from the Brattleboro Town Common to ENVY headquarters. We were impressive, stretched all along Putney Rd. Affinity group after affinity group with signs, flags, hats, and costumes made their way to the "Safe Zone" across from Entergy's corporate headquarters. My group, "Gill Safe Energy," collected for lunch and drink and at an announcement from the organizing committee, those not risking arrest moved to positions along the road.

Over 20 affinity groups were prepared to cross the police barrier. As each group started down the middle of the road, the crowd roared with a chant and applause! It was thrilling to see all the people lined up at least 8-10 deep waving signs and calling out. We chatted

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CAN 21st Anniversary and Annual Membership Meeting Elections, Year in Review, and the Road to Close VY

The last 12 months have been momentous. We have much to reflect upon and to celebrate. From our defense of democracy and the fight to close Vermont Yankee, to the historic protests against Entergy and solidarity actions across the country, grass-roots organizing has mobilized the will of the people and inspired commitment to see this fight through all the way up to the Vermont Governor, Attorney General, and Congress. And yet, the threat to our democracy is as real as we felt it was when CAN formed in 1991, when people in Western Massachusetts woke up and realized we had to do something about the danger in our midst.

Join us on CAN's 21st Birthday as we take stock of the last year and map out what's ahead. We will hold our Annual Membership Meeting on Saturday, June 16 from 9am-12, at First Congre-

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Fukushima Anniversary March. Brattleboro, Vermont. Photo by Cate Woolner

Who is Vermont Yankee really for?

Is Vermont Yankee really for Vermont, like its multi-million dollar media campaign would like us to believe? As of Thursday, March 22, VY ceased selling power to Vermont utilities. Why? Because CVPS and GMP could buy cheaper power elsewhere. Entergy demonstrates arrogance and contempt for Vermonters by renegeing on every contract and commitment it has made. When it doesn't get its way, it uses the courts to force Vermont to do its bidding.

Is VY for its workers? I don't think so. By cutting corners and systemic mismanagement, Entergy exposes its workers to safety problems. It was sheer luck that kept workers from being hurt when Entergy ignored maintenance on its cooling towers.

VY is for VY- its profits, its stockholders and its way. The week before Vermont Yankee's 40th anniversary, its power decreased sharply but on March 22—the day of the peaceful march, the reactor was running at 100 percent. Now the reactor is back to only 30 percent. Why the fluctuation?

The condenser is leaking, again. Entergy's experimental

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Citizen's Lobbyist Bob Stannard's Report

Vermont CAN Update



The 2012 legislative session has consisted of fits and starts. The tone of this year's General Assembly was set last summer when Judge Garvan Murtha ruled against the State of Vermont and in favor of Entergy.

This very poor decision has created a pall over the legislature causing some anxiety over taking further action. To the Administration's credit they are doing all that they can to fight back against this terrible decision that not only impacts Vermont, but all other states.

Two significant actions have taken place thus far. The House Ways & Means Committee voted to increase the discharge fees charged to VY to discharge hot water into the Connecticut River. The fee currently is \$105,000. The committee tried to raise it to over \$500,000, but then backed off and reduced it to roughly \$225,000. The reason was that they are trying desperately to not appear punitive for fear that Entergy will go running back to Murtha for relief; and may very well get it.

Three days after the fantastic rally in Brattleboro where attendees were treated to resounding speeches from Attorney General Bill Sorrell, U.S. Senator Bernie Sanders and Gov. Peter Shumlin, the Administration announced that it would be increasing the electrical generation tax imposed in 1972. The tax, which previously raised roughly \$6 million/yr was increased to \$12.5 million. This new rate is on par with neighboring states and is still 17 percent less than the state charges other alternatives such as wind.

Much work is being done to sort out just what VT can and cannot do in regards to taxation and regulation of this rogue plant. There is great desire to tax the spent fuel storage. In addition, there is support for not allowing any more dry cask storage units to be built on-site, but Murtha's most recent ruling has put the state's ability to regulate dry cask storage in doubt.

The House Ways & Means Committee did take one bold step. They levied a fee of \$5 million on Entergy to force them to continue to fund the Clean Energy Development Fund. Entergy had initially agreed before the PSB to meet this commitment as they are still operating. Then, they immediately reneged on this promise and said they wanted any monies to be held in escrow and only to be distributed in the event that the PSB issues a Certificate of Public Good. Of course, this means that the funds cannot be used, thus shortchanging the CEDF. As mentioned above, the Senate Finance Committee increased this fee.

Entergy has shown just how ruthless they can be. We have always known that when things cease going their way, they would show

the underbelly of the snake, and in this instance they have not let us down.

They have clearly demonstrated that their word, their bond is worthless. They are a disreputable company that can't be trusted. This may now be working in our favor as they have completely and thoroughly alienated the Public Service Board- an entity that they need if they are to receive a CPG to do business in Vermont. Inasmuch as they are no longer selling any power to Vermont, it appears as though the only "benefit" we'll receive from Entergy is high-level nuclear waste stored on site in perpetuity.

If the judge has not been on our side, Mother Nature has. The warm winter has caused the CT River to warm up sooner than in years past, which means that Entergy will have to use its (sometimes collapsing) cooling towers to cool the plant. This will add roughly a \$20 million expense to Entergy's bottom line should they be forced to use the cooling towers year-round. Over and above this new problem, their aged steam condenser is showing its age. You may recall that last year this condenser, which is one of the oldest in the nation, began leaking. Instead of replacing this unit, Entergy took another shortcut with the blessing of the NRC. They patched the leaking tubes with an epoxy coating, which did work to stop the leaks.

However, the epoxy was put on too thick and reduced the thermal efficiency of the condenser, which caused back-pressure on the turbine. You may recall on the day the plant was supposed to close, on its 40th anniversary and the day many of you demonstrated, the plant was operating at 100 percent power. The next day it was down to 30 percent! We suspect that Entergy did not want to be embarrassed on the 40th anniversary by having demonstrators on-site and the plant not performing. They were willing to risk damage to the turbine to save face.

As of this week the plant has been reduced to about 34 percent as they are still struggling to fix the leaks. They refuse to do the right thing and replace this unit, because of the uncertainty of their future- a dynamic that was solely created by Entergy itself.

What needs to happen right now is for you to reach out to the VT legislators and tell them that you are with them, that you support them. They need fortification. They need to know that if they go forward with initiatives directed at Entergy that YOU are with THEM. We know that you have not given up the fight and the Representatives and Senators need to know this too. The very impressive rally that took place in Brattleboro on Saturday, April 14th, went a long ways towards showing your support.

Judge Murtha could have brought all this to an end, but instead he has done nothing more than prolong the process. This plant will close and when it does it will be because you did not give up. It will close because of you. Thank you!

*Best regards,
Bob Stannard, the People's Lobbyist
VT Citizens Action Network (VCAN)*

Entergy: Your Days Are Numbered

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with our support crew, and in the heat of the moment John Ward (who was not risking arrest), decided to ask Denise Andrews, our MA State Rep to join him in crossing the police line!

Alden Booth, Sally Shaw, Sue Kramer, Maura Briggs-Carrington, John Ward, Denise Andrews and myself chanted “Shut it DOWN” at full voice while crossing peacefully onto Entergy property. There the police chief cheerfully tried several times to read us our rights before being drowned out by the next affinity group arriving.

We were led to a grassy area for processing which took at least three hours. The process was painfully slow, though the police were gracious in offering water and toilet breaks. We watched as each group of six were processed, cuffed, and transported to the Brattleboro police station.

We were finally cited with “unlawful trespass,” cuffed with plastic bands, and boarded the bus. Another wait for more pas-



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sengers, then about 7pm, we were taken to the station whereupon disembarking, an officer clipped each cuff and we were FREE to GO! But there were still those ahead of us being booked inside the station. They would not be released till 9pm. We celebrated our freedom with our support crew with pizza and beer. In all, 137 protesters were arrested that day!

I urge everyone to sign up for nonviolence training and prepare for the next CD action planned for this summer. Looking forward to seeing many, many more protesters!

- Claire Chang, CAN member

Who is Vermont Yankee really for?

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repair—putting epoxy on the deteriorating tubing, failed. It created more serious problems by altering the heat-exchange, creating back-pressure and putting the turbine, the workers, the community and the state at risk. And why the epoxy? Because Entergy is running the oldest condenser in the country in its shaky nuke and refuses to replace it until 2016.

Why? Because it thinks so highly of Vermont and its neighbors? No, Entergy doesn't want to lay out the cash. Who is VY for? VY 4 VY.

- Deb Katz, CAN



Fukushima Anniversary March. Photo by Cate Woolner

CAN's Annual Membership Meeting

June 16 from 9am-12pm

First Congregational Church
43 Silver St., Greenfield, MA

Breakfast, prepared by Chef Brian Knox, will be served from 9-10 am to the first 100 people who RSVP by June 6. Reply to nukebusters27@gmail.com or call Kim at 413-221-4037

CAN Contacts

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VT: P.O. Box 16, Hancock, VT 05748 • 802-767-4276

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www.nukebusters.org

Defending Democracy

At midnight on March 21, 2012 Entergy Vermont Yankee was supposed to end forty years of operation. In defiance of Entergy's money and in defiance of the will of the citizens of Vermont, the problem-riddled reactor continued operating under the protection of Judge Garvin Murtha and his vigilance for Entergy's economic well-being.

Concerned citizens of Vermont, Massachusetts, and New Hampshire resolved to defend democracy and began an ongoing course of direct action to close the plant. More than one thousand people assembled on the Common in Brattleboro on the morning of March 22nd intent on evicting Entergy from the region.

At noon marchers lined up and set off for Entergy Headquarters on Old Ferry Road, three and a half miles north of the Common. Though the day's activities were very serious, the mood was upbeat. A brass band led the way for protesters. Banners, placards, costumes, giant puppets, and chanting were the order of the day.

The procession stretched for a mile and a half. The unseasonable heat of the day was a surprise and water stops were frequent.

After two hours the walkers reached their destination and took a much needed rest at a "safe zone" directly across from the cordoned-off Entergy HQ.

After months of affinity group organizing and non-violence training, one hundred thirty seven activists assembled on the roadway in front of the complex and were called by blasts from a conch shell to cross onto Entergy property to serve notice that time was up for Entergy in Vermont.

As the affinity groups trespassed, the Brattleboro police warned they would be arrested if they did not leave. All one hundred thirty seven participants were taken into custody, processed, and later released.

They ranged in age from sixteen years to ninety four. Ninety four year old Francis Crowe, who has been arrested on Entergy property at least seventeen times, was asked by a reporter how many times she had been arrested. Her reply was "not enough!"

- Chris Williams, VT Organizer

VT Citizens Action Network (VCAN)

Send a message to an Entergy board member and perform three good deeds in one action:

- **Support VT economy** (buy a VT postcard)
- **Support US postal workers** (buy a stamp)
- **SHUT DOWN VT YANKEE – politely tell an Entergy board member what you think of Entergy and the Vermont Yankee nuclear power plant.**

Sample messages:

(feel free to lay on the guilt but please, be civil.)

- In Vermont democracy is important to us. What about you?
- We honor contracts in Vermont. Don't you?
- In Vermont, we value honesty. Please advise your employees not to lie under oath in Vermont anymore.
- In Vermont we need to regularly renew our licenses. And, we can't get the new licenses unless we pay our fees. Why is Entergy any different?

Entergy Board Members of the Month:

May 15 - June 15

Stuart L. Levenick

5956 N. Elm Lane

Peoria, IL 61614 - 3517

Group President and Ex. Office Member of Caterpillar Inc., (manufacturer of construction and mining equipment); Director of W. W. Grainger, Inc., (distributes facility maintenance products); Director of Heart of Illinois United Way, Peoria Illinois; Ex. Director of U.S. Chamber of Commerce, Washington, D.C.; Ex. Director and Vice Chair of Association of Equipment Manufacturers, Washington, D.C.

Extra credit: Let us know you have sent a postcard so we can meet our challenge of 1000 postcards a month

Email: debra@vtlink.net or flyingcyclocircus@hotmail.com

Organized by the Vermont Yankee Decommissioning Alliance

21st Anniversary

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gational Church in Greenfield, MA (43 Silver St.). There will be presentations by CAN's Executive Director, Deb Katz, reporting on our advances and setbacks in the last year, and what our plans and major projects are for the next twelve months. Members of the Board will report on some of our other campaigns, projects, and future plans for the organization. Breakfast, prepared by Chef Brian Knox, will be served from 9-10 am to the first 100 people who RSVP by June 6. Reply to nukebusters27@gmail.com or call Kim at 413-221-4037

We are eager to hear your ideas and have a lively discussion on what is, truly, a day of major importance for us all as members of CAN. Our organization started on June 16, 1991. Lightning struck the Yankee Rowe reactor, leaving the control room without electricity for nearly an hour. Out of the terror that ensued, Deerfield Valley residents educated and organized themselves, and held NRC and the utility accountable – and shut that reactor. In the process, they did something they least expected: form an organization that, twenty-one years later is still fighting, still organizing, but now building a movement to take on the fight of our times.

The annual meeting is also when we also renew our own commitment to democracy and elect the next group of people to lead CAN. You will have a chance to meet candidates for the Board of Directors – and to nominate yourself if you would like to serve. We will hold the election and announce the results at the end of the meeting. All CAN members in good standing are invited and entitled to participate. Chances are, if you received this edition of the *CAN-Did Press* in the mail, that includes you.

- Tim Judson, Central NY CAN (CNYCAN)

We Couldn't Do It Without Your Help!
Guacamole Foundation • Linthilac Foundation
Solidago Foundation • Lisa Clark • Paul Burton



Fukushima Anniversary walk from Vermont Yankee in Vernon to Brattleboro. Photo by Cate Woolner

The worm Turns and Turns...

Hidden in Judge Murtha's decision was a Trojan Horse that has made Entergy's quest for continued operation much harder. With all the focus on preemption and the judge seeming to grant Entergy all that it wanted again and again, it sure looked like smooth sailing for this rogue corporation. But not so fast....

During the trial, Judge Murtha asked Entergy what it wanted; Entergy stated on the record that it wanted to go back to the Public Service Board for a decision. The judge sent the decision on continued operation back to the Public Service Board. The judge's ruling kept intact the power of the Public Service Board to decide whether Entergy can continue to operate in Vermont past March 21, 2012.

After Judge Murtha's ruling and assuming an easy approval process, Entergy asked the PSB for an immediate decision on the old record that the company had claimed in court was too "tainted" to go forward. Of course it was tainted- by Entergy's repeated leaks, lies, and schemes to create a new more risky Limited Liability Corporation first called SPINCO and then Enexus. The PSB set a date for a status conference. Now it gets complicated for Entergy. The State of Vermont appealed Murtha's decision in terms of preemption and abridgement of state's rights. The PSB sent out a series of queries to Entergy and the intervening parties about the process going forward.

The PSB began with the statement that the injunction granted by Judge Murtha only covered the preemption issues ruled on. There was no injunction involving the terms of the Certificate of Public Good. Entergy would, by March 22, 2012, be in violation of state regulations requiring a CPG to continue to operate. The PSB asked, "What did Entergy intend to do about it?" In addition, Judge Murtha did not grant an injunction for dry cask storage of high level waste on site produced after March 21, 2012. It appears that Entergy might require both PSB and legislative approval to store any more waste. There were also questions raised about the tainted hearing process and whether a new hearing would be needed.

What was Entergy's response? It went back to court; first to the Second Circuit Court of Appeals to cross appeal the State of Vermont asking for an injunction against the PSB. Then it went back to Murtha's court invoking a trial rule requesting that the judge "fix" inadvertent errors and mistakes that Entergy alleges that Murtha made in his decision saying that Murtha got it wrong after all- the PSB should basically have no power over Entergy. Once again Judge Murtha adjusted his decision to meet Entergy's

needs, bowing to the power of the corporation.

And then Entergy went back to the PSB to delay the hearing that it had asked for. Entergy attorneys also asked if the hearing could not be delayed, that it be given extra time to file a response to the questions that the PSB posed—more time than the other parties. It needed this time so it could have a head start on responding to intervening parties concerns while the other parties would have to wait until after the status conference to raise objections to Entergy's filing. The Board rejected Entergy's stalling tactics. The hearing was held on March 9 at the State House in Montpelier. It did grant petitioner (Entergy) and intervening parties more time to respond, but Entergy does not get any more time than anyone else.

During the hearing members of the PSB questioned Entergy concerning its propensity to return to court when a ruling goes against it. Would Entergy go back to court if the PSB ruled against it? Would Entergy question what was in the hearts and minds of the board members as it had the legislators who wrote Act 160? After the PSB hearing, Entergy again requested an immediate ruling; after the PSB again rejected Entergy's requests and ordered that the Certificate of Public Good would need to be started over from scratch with a new docket. Entergy then said it would need 18 months to present its case, the same case they had asked for an immediate decision on at least twice this year. A new hearing process has begun.

So start the clock

If you are able, consider attending the Public Service Board Hearings on Vermont Yankee's Certificate of Public Good which expired, March 21, 2012. It is important for the public to be present with Entergy, legislators, other intervening parties and officials. Public hearings will be held in November.

You can also write to the PSB. Let the PSB know that Entergy is not a responsible corporate citizen and that the Board should not grant Entergy a Certificate of Public Good. Of course don't talk about safety, Entergy might sue you.

Public Service Board
115 State Street, Montpelier, Vermont

In Re: Petition of Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc., for amendment of their Certificates of Public Good and other approvals required under 10 V.S.A. §§ 6501-6504 and 30 V.S.A. §§ 231(a), 248 & 254, for authority to continue after March 21, 2012, operation of the Vermont Yankee Nuclear Power Station.

- Deb Katz, Executive Director, CAN

Outreach 2012:

Affinity Groups Form All Over New England

My work as a CAN supporter and volunteer over the past 5 years has primarily been canvassing and tabling at events. Now, those who've never been involved have the opportunity to act. As the campaign to shut down Vermont Yankee approaches a crescendo, scores of CAN members and supporters are organizing themselves. From Massachusetts to New Hampshire, from Vermont and beyond, ordinary people like you and me are now getting together in a form of organizing we call the "Affinity Group." The affinity group is a group of friends or acquaintances (and sometimes even complete strangers) who work together because of what they have in common. Your affinity group's goal is to support each other and the group during civic actions directed at shutting VY, whether those actions involve civil disobedience, car pooling to the next rally or creating a street theatre piece to perform and spread the word. You are there to support each other in whatever form of expression comes from you to express your desires and wishes to shut down VY.

My experience of building an affinity group has been one where I've come together with complete strangers from my hometown. How did this come about? I gave my name and e-mail address to the SAGE Alliance as a local contact person. The SAGE Alliance is the organizing body of the campaign to shut down Vermont Yankee. It is comprised of all of the organizations that have been fighting the good fight over the years. Here's how it works: individuals send e-mails to the SAGE Alliance asking how they can get involved; the SAGE outreach group then sends me their e-mail and I contact that person. We meet once every two weeks. Our group has slowly grown in this way. There were four people at our first meeting, and now we have become an enthusiastic and cohesive group of 12 that works well together. Seven of the 12 members of our group attended the March 22nd demonstration and two of us chose to be arrested. We were there to support each other every step of the way, from hosting meetings in our homes, helping each other make signs for the demonstration, carpooling, sharing food, risking arrest and supporting those who were arrested.

Being part of an affinity group is a form of participatory democracy that everyone can be active in. We carry on with our meetings and attend actions together knowing that there are many other New Englanders doing the same.

When we are at demonstrations and rallies, our great numbers and strong voice is heard by those that think they are the powers that be. They will know, that 'we the people' are the real power that exists. We are the masses, we are the power and we have the power. The age of civic retraction is over. People are coming together to work toward a goal that is greater than themselves and we will be victorious.

Engaging in this historical event that will secure our children and grandchildren's future is invigorating, real and rewarding. Organizing to support Vermont in taking control of its energy future is crucial to making New England a safer place to live and our victory will usher in a new age of energy production with clean and renewable sources. We can create a precedent for our nation that puts democracy and the will of the people on the pedestal once again and helps to clear the table of corporate greed and threats to our health and wellbeing.

It is so refreshing to create and be part of these groups of spirited and like-minded people, go through non-violence training and build trust in one another. Together we can embrace the unpredictable with the solidarity of our affinity groups and together we are taking back democracy. It sounds too simple to be true, but how else can you explain why 1,200 people walked 3 ½ miles along the streets of Brattleboro at 10 AM on a Thursday morning. This is just the beginning, the age of civic retraction is over!

Contact the SAGE Alliance today to register your name as a local contact and form an affinity group or find out if there is an existing group in your area. (www.sagealliance.net)

*See You at The Next Event,
Joan Sellers
Northampton, MA*



Our vision of Vermont Yankee in 2012
Together we can make it happen!

 **CITIZENS AWARENESS NETWORK**
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