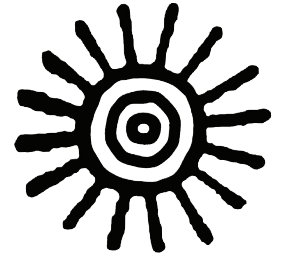


The CAN-Did Press



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

The Continuing Fight to Close Entergy's Dangerous, Expensive Nukes

For the last two years, CAN has been pushing the NRC to close Vermont Yankee and two other Entergy reactors by enforcing financial regulations. In the process, Entergy announced the closure of VY, but serious financial problems have continued, with Entergy raiding the decommissioning fund and breaking the agreement with the State of Vermont. Meanwhile, the company is continuing to operate the FitzPatrick and Pilgrim reactors while losing millions of dollars per year.

This is increasingly dangerous. Entergy is cutting maintenance and laying off workers in order to reduce its losses on these aging reactors. Pilgrim has had so many safety problems, equipment failures, and security lapses, it has one of the worst safety ratings in the country—second only to Entergy's reactors in Arkansas, where a worker was killed and several others injured during a major maintenance accident. FitzPatrick has one of the worst performance

records in the industry, due to Entergy's cost-cutting.

Despite all of this evidence, after delaying a decision for over a year, NRC issued a draft of its decision on our petition in March. It is one of the worst and most baseless decisions we have ever seen NRC make, based entirely on biased information Entergy provided and ignoring the volumes of reports, evidence, and safety problems we submitted. At the same time, the NRC just announced it is considering changing its regulations to eliminate financial requirements almost entirely. Sound familiar? This is exactly what NRC did with decommissioning regulations after we won our lawsuit over the Yankee Rowe decommissioning.

The fight isn't over though. The Attorneys General of three states—Massachusetts, New York, and Vermont—are supporting our petition, as are Senators Ed Markey (Mass.) and Bernie

continued on page 3

CAN joins Energy Independent Vermont

Vermont needs a carbon pollution tax sooner rather than later. Citizens Awareness Network, along with Vermont Citizens Action Network and the Vermont Yankee Decommissioning Alliance, has joined Energy Independent Vermont, (www.energyindependentvt.org). EIV is a large coalition of community, environmental, and low-income interests who have come together to advocate for the passage of a carbon pollution tax that will make polluters pay and reward taxpayers who work to reduce fossil fuel consumption over the coming decades.

The concept has been in place in British Columbia since 2008. In BC fossil fuel use is down and other taxes have been cut dramatically. A carbon pollution tax is a win-win proposition. We can't afford to wait for Congress to act. Vermont has the opportunity to lead the way and show the rest of the country what a serious climate mitigation strategy looks like.

During the 2015 legislative session, a bill, H.412, was introduced and preliminary testimony was taken in committee. It is expected that H.412 will receive full consideration during the 2016 legislative session. CAN will be reaching out to our members and asking you to contact your legislators to support the bill and to help promote support for the Carbon Pollution Tax in your community.

- Chris Williams, VT cevan@sover.net

When You Have a Problem and You Don't Have a Solution then You Don't Have a Problem

In April, the NRC issued a draft decision rejecting CAN's petition to investigate Entergy's financial vulnerability and how it affects both safe operation and decommissioning of the Vermont Yankee, Fitzpatrick and Pilgrim reactors. The groups who submitted the petition—CAN, AGREE, Pilgrim Watch, VCAN, Beyond Nuclear—are appealing this decision to the NRC Commission. By the time NRC rejected the March 2013 petition, Attorney Generals from Vermont, New York and Massachusetts wrote the NRC in support of our petition and submitted their own series of questions concerning Entergy's financial qualifications. Three senators including Sen. Markey and Sanders called for Congressional hearings on the NRC's attempt to stifle any investigation of merchant plant owner's financial instability.

If the Commission is unwilling to investigate Entergy, we will resubmit the petition with the addition of other merchant plant owners and the communities that are affected by their financial shortfalls until the NRC does its job.

CAN submitted a rebuttal to NRC's draft decision concerning Vermont Yankee. (See below).

continued on page 3

CAN is Working to Hold Entergy Accountable



Over the past several months, CAN has continued to meet with the Vermont Attorney General and the Commissioner of Public Service to raise issues of concern, update them on our 2.206 petition, and educate them about decommissioning. One of the results of those meetings was that the Vermont Attorney General and Department of Public Service sent a letter to the Nuclear Regulatory Commission

in support of CAN's 2.206 petition. Meanwhile, CAN also successfully solicited a similar letter from the Massachusetts Attorney General. This work, although behind the scenes, is important because Vermont Yankee is one of the very first merchant plants to decommission, which means if the funds in the decommissioning trust fund are not sufficient, there is no way to go back to the "ratepayers" to cover the cost. The cost should be covered by the company, and of course Entergy is working hard to make sure that precedent is not set. CAN is working hard to make sure the company is held accountable on all fronts, and we are encouraged by the Vermont state officials who have shown they are willing to both negotiate with Entergy and fight with the company when necessary.

We have also met with and continue to keep in touch with a staff person from Senator Bernie Sanders' office to discuss all of the issues mentioned above, and to keep the Senator apprised of the issues and our progress. He, along with Senator Ed Markey, have expressed interest in ensuring that the NRC appropriately oversees the decommissioning process at Vermont Yankee.

You may have seen a news article about the NRC "rejecting" our 2.206 petition. Actually, the NRC has issued a draft decision that says they are "declining to investigate." This draft decision is just one step in what has already been a very long process. CAN has a chance to respond to the NRC's draft, and of course we will.

Entergy has repeatedly refused to provide financial information to the NRC to show that they have the resources needed for Vermont Yankee, FitzPatrick and Pilgrim. CAN has been watchdogging this issue with our 2.206 petition for years, and watchdogs do not sleep! Stay tuned for more information soon on this issue.

This past month, we also had a meeting with the Department of Environmental Conservation to begin to educate these officials about some of the issues related to decommissioning Vermont Yankee. In particular, CAN has serious concerns about the school-children who attend the two schools within spitting distance of Vermont Yankee during key times during decommissioning. CAN also continues to raise issues related to the Emergency Planning Zone—which must be kept in place until all of the spent fuel is moved out of the fuel pool and into dry cask storage. We also talked with DEC about issues that they particularly will monitor—such as non-radiological contamination. CAN believes the site must be analyzed before the second ISFSI pad is constructed, and any contamination must be cleaned up before the pad is built and several tons of waste are stored on top of it.

The Vermont Yankee Nuclear Decommissioning Citizens Advisory Panel (NDCAP) continues to meet and these meetings are proving to be a conduit for much information sharing with the state of Vermont and the local community. Each meeting has time for the public to speak and ask questions. The VCAN website now has a page dedicated to the CAP meetings, and we are posting the videos from Brattleboro Community TV of all of the meetings there, as well as other information. You can check out this page online: <http://www.vtcitizen.org/cap.shtml>

Decommissioning is a long term commitment, and CAN will be there, making sure the community's needs are addressed all along the way. I hope you will be there with CAN, fighting for the clean energy future we all deserve!

Sincerely,
Amy Shollenberger, the new "People's Lobbyist"
802-793-1114 • www.action-circles.com

East Meets West: Making Massachusetts Nuclear Free

CAN is organizing a forum in August to unite forces in Massachusetts to shutter the Pilgrim reactor and replace its power with sustainable energy solutions. It's time for Massachusetts and the tri-state community to kick Entergy out of New England.

Representatives from Cape Downwinders, Pilgrim Watch and others will participate in the forum to be held on Saturday August 8 at the GCTV Studio, 393 Main St, Greenfield, MA at 11:00 AM. Join Us!

Thanks!

We couldn't have done it without you:

**Block Foundation • Lintilhac Foundation
Van Itallie Foundation • Charlene Divoky
Paul Burton • Lisa Clark • Gerry Hersh**

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CAN Report

continued from page 1

The NRC's Director's decision elevates form over substance. In terms of the shuttering and decommissioning of Vermont Yankee, the Agency's generic approach to determine Entergy's financial qualifications to operate and decommission Vermont Yankee is incomprehensible. Decommissioning Funds for reactor cleanup are notoriously underfunded; the Agency permits nuclear corporations to seriously under-fund these funds with the rationale that over time and with the ability for shuttered reactors to remain in SAFSTOR for up to 60 years, the funds required for cleanup would accumulate eventually. In addition, under utility owned nuclear facilities, utilities could request rate increases from state public service entities to cover any shortfalls in the fund. This was certainly the case at Yankee Rowe and Connecticut Yankee. These captured ratepayers covered the substantial shortfalls for inadequate and incompetent financial planning.

With energy deregulation and the sale of aging fleets of nuclear reactors to other nuclear corporations, a consolidation of the industry occurred and a new entity created- a merchant plant. With no captive ratebase to return to, merchant operators sell their power on the open market. As long as they're making a profit, there is no problem. However, when operational costs escalate, competition increases, and rates fall, profits diminish; financial instability can ensue. This is the case with Entergy as analyzed by UBS in relation to Vermont Yankee, Fitzpatrick and Pilgrim.

The Agency has the power to review Entergy's financial circumstances; in rejecting this petition, it chooses not to. Entergy pressured the Agency to reject any such review. In fact, Entergy stated that the NRC has no ability to regulate the corporation in regards to its finances. Petitioners do not agree. We also disagree and are confounded by the Agency's acceptance of the parent company's generic financial submissions as scant justification for rejection of the petition and its supplements.

In terms of ENVY, (Entergy's LLC overseeing the operation and cleanup of Vermont Yankee), the Agency's rejection is noteworthy in its irresponsibility. Vermont Yankee's decommissioning fund is underfunded having about half of the necessary monies to accomplish an adequate cleanup of the site. This is using Entergy's own estimation of \$1.2 billion. In reality the eventual costs can rise substantially above these estimates. This has been the case at other decommissioning facilities. Nuclear corporations themselves claim decommissioning is an iterative process.

The Decommissioning fund was established for the cleanup of radiological contamination at reactor site. Its express purpose is to permit the site to be released for unrestricted use (if possible) after cleanup is completed. Entergy (ENVY) has advanced a series of propositions for the use of the decommissioning fund that have nothing to do with radiological cleanup. However, these appropriations have everything to do with Entergy's financial vulnerability and its lack of adequate operational funds. For example, Entergy wants to use decommissioning funds to pay \$600,000 in local taxes. It intends to use decommissioning funds to pay for guarding its dry cask storage installation through the 2050's. In

fact, the corporation wants to use the fund to pay for the transfer of fuel to dry storage. It has also been noted that Entergy may want to utilize the fund to cover worker retirement costs. How do any of these activities serve radiological cleanup?

What do these appropriations represent? In addition to Entergy's financial limitations and its inappropriate use of the decommissioning fund, it is an indication of the parent corporation's refusal to cover any shortfalls. This is relevant since Entergy submitted SEC filings to justify its financial stability and its ability to safely operate and cleanup its fleet of nuclear reactors. When Entergy (the parent corporation) bought Vermont Yankee in 2002, it created ENVY LLC; it signed a Memorandum of Understanding with the State of Vermont in which it committed to cover any financial shortfalls. So where is the parent corporation now? Why isn't Entergy covering the \$600,000 in local taxes for its floundering LLC? Why isn't Entergy covering the costs for the establishment of the ISFSI (high level radioactive waste pad) and the guarding of the high level waste, since ENVY maintains that it will recover 90% of the installation costs from the DOE?

If the parent corporation is financially viable, why isn't it accountable for ENVY and its other LLCs? In fact ENVY and its parent corporation maintain that when the Decommissioning fund reaches \$0 at Vermont Yankee, their responsibility for any further cleanup of the site ends! It seems that Entergy and its minions want to have it both ways- maintain their financial viability while it attempts to abdicate any responsibility for its agreements. Doesn't this merit an investigation and hearing into Entergy's capacity to operate and decommission these reactors safely and responsibly?

Deb Katz, Exec Director, CAN • deb@nukebusters.org

The Fight to Close Entergy's Dangerous, Expensive Nukes

continued from page 1

Sanders (Vermont). This case has implications for safety across the country, so we are not giving up! The NRC Commissioners have the authority to do their own review, and we are now pushing them to step in directly, with the states' support.

What Entergy is really afraid of is having to decommission a bunch of nukes at once, and is pushing for energy regulators to approve subsidies for nuclear plants. Entergy is the biggest owner of nuclear plants in New York and New England, and if they shut down, it will prove to everyone that we don't need nuclear power. So just as it has been with Vermont Yankee, closing Entergy's other nukes is an important step to make green energy a reality in New England and the Northeast.

*- Tim Judson, President, CAN
tim@nukebusters.org*

What we need to know: Behind the Local Face of Berkshire Gas - A Multinational Giant Traffics in Fracked Gas

On June 2, 2015 the Federal Energy Regulatory Commission (FERC) approved a merger which is key to our region: the takeover of Berkshire Gas by the Spanish conglomerate, Iberdrola. We ask: Should our energy future be determined by Iberdrola, a multinational energy company based in Bilbao, Spain?

Our local electric utility is now virtually part of an energy behemoth with “needs and interests” at odds with those of western MA residents. One “need” is for “new gas supplies.” The buy-out still has to be approved by the MA DPU (Dept. of Public Utilities) and CT’s PURA (Public Utilities Regulatory Authority).

Iberdrola has operations in 30 countries and owns natural gas re-gasification facilities in Spain, the UK and the Netherlands. It owns four underground natural gas storage facilities on the US Gulf Coast plus a huge storage hub in Alberta, Canada, tied into the Trans-Canada Pipeline. Iberdrola owns gas & electric utilities in the Northeast, including Central Maine Power, Maine Natural

Gas, New York State Electric and Gas Corp, Rochester Gas and Electric, New Hampshire Gas Corp.—and now Berkshire Gas.

Iberdrola “needs” gas for its millions of customers worldwide. And it has just contracted to buy \$5.6 billion of LNG from the Corpus Christi terminal in Texas for export to the UK and Spain. The company is concerned about local sources: 400 towns and four regions in Spain have opposed fracking. The Spanish government wants to override the local bans.

According to Greenpeace, Spain, although the company owns wind farms in Europe and the U.S., Iberdrola has worked “intensely” to wreck the renewable energy sector in Spain, assuring demand for natural gas and nuclear power.

This is a summary of a fact sheet by Mina Hamilton, edited and put online by the Women and Life on Earth Internet Project. Find full text and footnotes to download at: www.wloe.org/Mina-Hamilton.677.0.html.

Public Service Board Update

The Vermont Public Service Board (PSB) is considering a request by Entergy Vermont Yankee for the issuance of a Certificate of Public Good (CPG) for the construction of a second concrete pad for the dry cask storage of irradiated fuel rods. PSB Docket #8300 had been on hold (at Entergy’s request) but has been reactivated as of April 29, 2015 with the convening of a status conference in the matter.

The location of the new dry cask storage pad is of significant importance. As decommissioning moves forward it is essential that the pad not be constructed over an area that might contain radiological or toxic contamination. According to officials from the Agency of Natural Resources (ANR), which is a party to the proceeding, it is an agency priority to conduct a thorough survey and analysis of the proposed location. The ANR has assigned several staff members to gather the needed information.

The PSB will conduct the bulk of the hearings on the matter during February and March 2016 with a decision expected by mid-2016.

- Chris Williams, VT • cevan@sover.net

Tell Governor Baker We Need More Solar!

We have just one month to get Massachusetts solar back on track before lawmakers break for the summer ... or risk slamming the brakes on the state’s clean energy success story. Tell Governor Charlie Baker that the time for solar action is now!

Massachusetts is one of our nation’s solar leaders with enough installed to power more than 120,000 homes and support the second largest solar workforce in the U.S. Now that’s at risk, due to an unnecessary cap on net metering, the successful policy that makes sure customers get full credit on their utility bills for the valuable clean electricity they deliver to the grid. Many parts of the state have already hit the program cap, bringing planned solar projects in more than 170 communities to a standstill – and the rest of the state is not far behind. We need action from state

leaders now so that Massachusetts solar can keep shining.

Governor Baker says he supports solar power, but so far his administration has opposed immediate action to address this arbitrary barrier to continued solar growth. We need to change his mind, and we need to do it fast.

Please sign a petition to Governor Charlie Baker:

“Solar is employing thousands of local workers, building stronger and healthier communities, and reducing electricity costs. Please keep solar working for Massachusetts by raising the caps on net metering immediately.”

Add your name to the petition:http://petitions.moveon.org/sign/governor-baker-dont-let?source=s.fwd&r_by=10931599

- Claire Chang, CAN Board member • claire@nukebusters.org

CALENDAR RAFFLE

Our first ‘Calendar Raffle’ fundraiser was a great success—31 prizes were awarded, one on each day in May. It was so much fun that we will do it again soon! We’d like to thank all those who bought chances, sold chances, as well as the businesses that donated the prizes:

Shelburne Coffee Roasters, Greenfield, MA
The Gill Tavern, Gill, MA

Kathy Dean, Acupuncture/Herbal Medicine, Shelburne Falls, MA
Cheshire Garden, Winchester, NH • People’s Pint, Greenfield, MA

The Hanger Pub & Grill, Amherst, MA
Action Circles, Montpelier, VT

Hope & Olive Restaurant, Greenfield, MA
Greenfield Solar Store, Greenfield, MA • Whole Foods, Hadley, MA

Trolley Stop Antiques, Shelburne Falls, MA
Bistro 63 at the Monkey Bar & Grill, Amherst, MA

Pierce Brothers Coffee, Greenfield, MA
Molly Cantor Pottery, Shelburne Falls, MA

Pygmalion Tattoo, Shelburne, MA
Dancing Bear Farm, Leyden, MA

Hearty Eats Restaurant, Shelburne Falls, MA • Omaha Steaks
Collective Copies, Amherst & Florence, MA

Mesa Verde Restaurant, Greenfield, MA

Linda Romano Massage/ Yoga, Leyden, MA • VT Maple Syrup Producers

- Harvey Schakhtman, CAN Bd member/Treasurer
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