



The CAN-Did Press

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

Citizens Advisory Panel Helping Set Rules for VT Yankee Decommissioning

Members of the VT Nuclear Decommissioning Citizens Advisory Panel (NDCAP) have spent considerable time and effort drafting various advisory opinions to be presented to public officials. The most recent meeting held December 12 centered on presentation and editing of four advisory drafts.

The first proposal entitled “Effectively and Substantively Engaging Host Communities in Nuclear Regulatory Commission Reactor Decommissioning Rulemaking” seeks to ensure that the public has a significant role in shaping new NRC rules involving decommissioning. The rules for decommissioning a merchant power plant like Vermont Yankee are currently non-existent or woefully inadequate for the task before VT and other states facing merchant plant closings. An edited version of the draft was approved by an overwhelming majority of the panel members.

The second proposal entitled “VT Department of Health

Groundwater Monitoring through License Termination” seeks to reorder the collaborative work of Entergy and the VT Dep’t of Health regarding the sampling and analysis of groundwater at the site. The draft was prepared by Entergy and makes the case that substantial savings can be obtained by establishing a new arrangement for collaboration between the company and the Dep’t of Health. This draft is likely to be the subject of a contentious discussion at a future meeting.

The third proposal entitled “An Independent Spent Fuel Storage Installation Needs to be Located Farther From Facilities that are to be Dismantled” makes the case for construction of a second storage pad for high-level waste. The proposal contends that in order to ensure safety and control costs, a second pad located farther away from the reactor building than the current pad and

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Don’t Play Russian Roulette with Massachusetts! Call For Pilgrim’s Speedy Closure!

**Contact Governor Baker and tell him
to replace Pilgrim sooner, not later!**

Entergy announced it will shutter Pilgrim in 2019. Pilgrim is a systemically mismanaged reactor run by a corporation that says it will lose \$120 million/year operating 24/7. It’s cutting corners to save money and compromising safety in the process. We can’t wait.

Please contact Governor Baker at 617-725-4005.

And to ensure there is adequate money in the decommissioning fund for a thorough and responsible cleanup of Pilgrim, contact your legislators and let them know that these bills need to be passed.

Find your legislator online at <https://malegislature.gov/People/Search>

Senator Wolf’s bills were heard by Joint Committees. Below please find these 2015 Bills that impact both the safety and economy of the Commonwealth.

There is still time to contact your legislator. You can also send in written testimony or attend a hearing on the issue.

Bill S.1798—An Act establishing funding to provide moneys

for post closure activities at nuclear power stations. A petition by Daniel A. Wolf, Sarah K. Peake, Michael O. Moore, Thomas J. Calter and other members of the General Court for legislation to establish funding to provide moneys for post closure activities at nuclear power stations.

1. To encourage the productive use of a site once a nuclear power station on the site that ceases to generate electricity.

2. To diminish any negative impacts to the Commonwealth from having unavailable for long periods a site that is well-suited and situated for other beneficial activities.

3. To reduce the risk that taxpayers, ratepayers, or utilities will experience adverse claims or costs resulting from a shortage of available funds for post closure activities at a nuclear power station.

Bill S.1797—An Act establishing a fee on the storage of spent nuclear fuel in pools. A petition by Daniel A. Wolf, Sarah K. Peake, Michael O. Moore, Thomas J. Calter and other members of the General Court for legislation to establish a fee on the storage of spent nuclear fuel in pools.

The legislation establishes an annual fee of \$10,000 for each nuclear fuel assembly that is or was stored within a spent fuel pool

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Nuclear Decommissioning Citizens Advisory Panel



The Nuclear Decommissioning Citizens Advisory Panel continues to meet and has decided to issue advisory opinions on a number of issues, including the NRC process around decommissioning, the Certificate of Public Good for the second storage pad (aka 'ISFSI' for spent nuclear waste), and groundwater issues at the Vermont Yankee site. CAN has been monitoring the NDCAP meetings, commenting

and offering suggestions as the panel does its work. You can keep up to date with the NDCAP meetings at the CAN website: <http://vtcitizen.org/cap.shtml>. The meetings are recorded, and we post the videos when they are available from the public access tv station.

Recently, Entergy announced that it may move the spent fuel out of the pool sooner than originally predicted. On the one hand, that is great news, as CAN has been advocating for emptying the pool as soon as possible. On the other hand, it raises several issues which we will continue to highlight and advocate on. Specifically, the elementary schools that are very close to the plant need special consideration when the waste is moved out of the pool and into the casks. Also, we will advocate to ensure that adequate

testing of soils and groundwater is done—both for radiological contamination and other toxic chemical contamination—before the concrete pad is built and the waste is set on top of it. We can't go back after the waste is in place!

Another issue is whether Entergy can use the Decommissioning Trust Fund to pay certain expenses. The state of Vermont is challenging the NRC's position that Entergy can use these funds for some of the fuel storage and management expenses, to pay taxes, and other expenses. CAN supports the state's position, and we will continue to highlight the shaky financial situation that Entergy is in and demand that the Trust Fund be used only for decommissioning expenses—it is ratepayer money and Entergy has not put any money into the Fund. They should not be able to use it just to pay their bills.

We will soon be turning our attention to the legislative session, and there may be bills that are related to Vermont Yankee and the decommissioning process. We will be involved, and we hope you will be, too. Watch for updates!

Thank you for your continuing support!

Sincerely,

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

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



Thanks!

We couldn't have done it without you:
**Block Foundation • Lintilhac Foundation
Van Itallie Foundation • Guacamole Foundation
Charlene Divoky • Paul Burton
Lisa Clark • Gerry Hersh
Deans Beans Coffee • Lionel Delevigne**

Don't Let the Sun Go Down in MA

H3854, the new net metering bill came out on November 16. It is massively bad legislation affecting current solar PV owners as well as new systems yet to come online.

We need you to call in ASAP to both House and Senate Leadership so that they understand what would be good solar policy. Talking points:

1. Raise the new "private" and "public" net-metering caps by at least 4 percent to get us to 1600MW of solar PV generation.

2. Net metering credits must continue at retail rates, not down to wholesale rates.

3. Do not allow any change to current net metering or SRECs for solar projects that are already up-and-running. Grandfather current systems installed through Dec 2016.

4. Do not impose a "minimum bill" or other monthly fee on customers who feed solar power into the grid without a Value of Solar Study to inform the costs/benefits of solar generation.

5. Support full and equal solar benefits for Community Shared Solar projects—which provide access to solar for renters, low-income households, and homes and businesses that do not have ideal locations for solar panels.

Here are the people who need to hear from you:

- Senate President, Sen Stan Rosenberg, 617-722-1500, Stan.rosenberg@masenate.gov

- Senate Chair of Telecommunications, Utilities and Energy, Sen Ben Downing 617-722-1625, Benjamin.Downing@masenate.gov

- Senate Minority, Sen Bruce Tarr, 617-722-1310, Bruce.Tarr@masenate.gov

- Speaker of the House, Rep Robert DeLeo, 617-722-2500, Robert.DeLeo@mahouse.gov

- Chair of House Ways and Means, Rep Brian Dempsey, 617-722-2990, Brian.Dempsey@mahouse.gov

- House Chair of Telecommunications, Utilities and Energy, Rep Thomas Golden, 617-722-2263, Thomas.Golden@mahouse.gov

To Find out more info go to www.solarisworking.org



Dry Casks - Vermont Yankee

Citizens Advisory Panel

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the proposed second pad will need to be constructed before major dismantlement activities can occur. This proposal will also spark heated debate among the various stakeholders on the panel.

The fourth proposal entitled "Continued Funding for the Radiological Emergency Response Plan" seeks to keep in place the basic institutional knowledge and tools for effectively responding to a radiological event in place at the Dep't of Health. The Dep't of Health estimates it would cost \$200,000 per year for Vermont to be staffed and equipped to identify radiological hazards in the event of a problem at VY while the unit is mothballed waiting for full decommissioning. The Dep't of Health has made a strong case for keeping basic radiological staffing on hand going forward. Entergy is not willing to pay all or part of the cost at this time.

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 allows time for the public to speak and ask questions. The VCAN website now has a page dedicated to the NDCAP 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>.



CAN Contacts

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www.nukebusters.org

CAN Testimony to MA Legislative Committee by Deb Katz in Support of Legislation to Tax Pilgrim's High Level Waste to Subsidize Entergy's Decommissioning Fund

Citizens Awareness Network (CAN) is in support of Bill S.1797—an act establishing a fee on the storage of spent nuclear fuel in pools and Bill S.1798 an act establishing funding to provide moneys for post closure activities at nuclear power stations. It is imperative that this legislation be enacted. CAN was an intervenor in the decommissioning of Yankee Rowe and the Connecticut Yankee reactors. We won a lawsuit in the first Circuit Appellate Court against the Nuclear Regulatory Commission for the illegal decommissioning of the Rowe reactor. We have functioned as a consultant to the state of Vermont to address closure and decommissioning of Vermont Yankee.

In 2013, Citizens Awareness Network with a coalition of groups including NIRS and Pilgrim Watch representing impacted communities, submitted a petition to the NRC seeking investigation of the financial vulnerability of three of Entergy's Northeast fleet of reactors including Vermont Yankee, Pilgrim and FitzPatrick in NYS. We were concerned that Entergy's financial instability could impact the operation and responsible decommissioning of its fleet. Our concerns were based on a report by UBS, a financial analyst that predicted significant financial shortfalls over the next three years as well as repeated reports of delayed maintenance, unanticipated shutdowns, and increased NRC oversight; the anticipated shortfalls amounted to \$100s of millions of dollars at these reactors.

Over the course of two years, we submitted over 8 supplements documenting systemic mismanagement highlighting the repeated problems these troubled reactors generated. Three Attorneys General from Vermont, New York and Massachusetts submitted letters in support of the petition including their own questions and concerns; the NYS Attorney General submitted a diagram of Entergy's corporate structure that raised questions about the ability to hold any of Entergy's LLCs accountable. It demonstrated a financial labyrinth which posed serious questions about how the individual LLCs or for that matter how the parent company could be held accountable for any financial shortfalls. I am submitting that corporate analysis as well as our petition and supplements to the Committee.

With deregulation in the Northeast, Entergy acquired 5 nukes including Vermont Yankee, Pilgrim and Fitzpatrick and Indian Point in NYS. It bought old nukes, anticipating the long awaited return of the nuclear industry. Since merchant plants like Entergy's sell their power on the open market or through power contracts, but not to ratepayers, it is not a utility. Therefore with no rate base to return to when the corporation's expenses increase, the long awaited "nuclear renaissance" proved to be an ill-fated proposition.

With growing investment in renewables, costs of solar dropping significantly, sagging energy use, the low cost of natural

"The lesson learned from Vermont Yankee is for the State to act proactively; this legislation is an important beginning."

- Deb Katz, Exec Director, CAN

gas, and escalating maintenance and upgrade costs, these three reactors and others are losing money—substantial sums. UBS estimated that Vermont Yankee would lose more than \$120 million in the next three years. FitzPatrick and Pilgrim were expected to sustain similar losses. Entergy recently announced with Pilgrim's closure in 2019 that it is expected to potentially lose \$120 million over the next three years. Entergy announced

FitzPatrick's closure and a loss of \$80 million a year. There is the possibility for ratepayer funded subsidies to keep it afloat.

The anticipated closure of Pilgrim does not eliminate many of the concerns raised in this legislation. If anything its passage is imperative in order that the state protect itself wherever possible from Entergy's potential shortfalls.

The closure and decommissioning of Vermont Yankee provides a cautionary tale. With its announced closure, the state began a series of negotiations which led to a precedent setting deal which included:

- ENVY dismissing all litigation with the state of VT
- Commitment to only one year of operation
- Certificate of Public Good until Dec. 2014 with a commitment to closure
- No specific decommissioning date commitment
- Economic development \$\$ for Windham County
- CEDF escrow \$5 million will be released
- Unrestricted General Fund contribution of \$5mil in 2015
- Entergy will complete site assessment by Dec. 2014
- Entergy will begin decommissioning 6 months after decommissioning fund is deemed adequate
- All radiological health rules will apply
- Establishment of a Citizens Advisory Panel

It also committed to the removal of the spent fuel from its pool into dry cask storage by 2020 with the caveat of state approval for a second storage pad.

The time between Entergy's announcement of anticipated closure and its eventual closure allowed these negotiations. Massachusetts has a similar opportunity. However the cautionary tale does not end here; how decommissioning has progressed in Vermont can help Massachusetts approach Pilgrim's closure as well as the conditions it wishes to negotiate during this period with the corporation.

The Nuclear Regulatory Commission permits nuclear corporations to maintain substantially underfunded Decommissioning Funds. With previous closures including Yankee Rowe in Massachusetts and Connecticut Yankee, these reactors were owned by utilities that had a captive rate base to return to for escalating costs. Rowe is an excellent example; it cost \$39 million to build in 1961 and decommissioning of the 185 MW reactor cost over

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CAN Testimony to MA Legislative Committee

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\$700 million not including the dry cask storage of the spent fuel. Connecticut Yankee cost over \$1.2 billion and Connecticut Power and light customers paid decommissioning cost overruns until 2015.

Entergy's merchant fleet has no rate base to cover escalating cleanup costs. Vermont Yankee's decommissioning fund is significantly 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. Because of inadequate decommissioning funds as well as Entergy's parent company's refusal to subsidize the shortfalls in the fund, Entergy anticipates that it could take 60 years to complete decommissioning of Vermont Yankee.

The Decommissioning fund, established for the cleanup of radiological contamination at reactor sites, was funded by rate-payers. Its express purpose is to permit the site to be released for unrestricted use (if possible) after cleanup is completed. Entergy (ENYV) advanced a series of amendments 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 intends to use decommissioning funds to pay \$600,000 in local taxes, to pay for the transfer of its fuel to dry storage as well as guarding the installation through the 2050's. It intends to use the fund to pay for legal fees, and worker retirement costs.

How do any of these activities serve radiological cleanup? NRC approved these appropriations; Entergy does not want the state to know when it withdraws monies from the fund or what the withdrawals are for. These are ratepayer's monies that Entergy is attempting to use for ongoing expenses. The state of Vermont is appealing to both the Atomic Safety and Licensing Board, the judicial arm of the NRC, and the courts.

The lesson learned from Vermont Yankee is for the state to act proactively; this legislation is an important beginning.



Call For Pilgrim's Speedy Closure!

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during any part of a calendar year. This fee shall be assessed on the direct or indirect owner(s) of each nuclear power station in the Commonwealth.

Commercial nuclear power stations that have been completely decommissioned as of January 1, 2016 are exempt from the fee established under subsection (b).

Annually, the state treasurer shall allocate fees collected under this section as follows:

1. Thirty percent of the total revenue from each nuclear power station shall be allocated to the general operations budget of the town or city in which the nuclear power station is located.

2. Fifty percent of the total revenue from each nuclear power station shall be evenly divided and allocated to the general operations budgets of town and cities of the Commonwealth wholly or partially within a 20-mile radius of the nuclear power station.

3. Twenty percent of the total revenue shall be allocated to the division of green communities in the department of energy resources to fund the green communities program established under section 10 of chapter 25A. If any portion of the allocation under this subsection causes the funding for the green communities program to exceed \$10 million in any single fiscal year, then that portion shall be reallocated to the general operations budgets of the towns and cities identified in paragraphs one and two of this subsection in the percentages specified in said paragraphs.



**Coming Soon!
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Let the sun shine in
to support the Citizens Awareness Network's
efforts to replace VY with safe, green,
renewable energy.**

Another Fallen Angel/warrior

Eleanor (Nina) Hathaway Swaim

Sharon, Vt. — Eleanor (Nina) Hathaway Swaim, 77, died Thursday, Oct. 15, 2015, at her residence in Sharon. Nina was born into a conservative family in Sherborn, Mass. She graduated from Saint Mary's in Littleton, N.H. and earned a B.A. at Boston University, an M.Ed. at Columbia University, and a Certificate in Conflict Resolution at Woodbury College.

As an administrator in the Foreign Students Office at Columbia in 1968, Nina was originally negative about the disruption of campus life during protests against secret war research at the university. After learning more about the links between the university and the war in Vietnam she came to understand the corruption of the military/industrial/educational complex and the racism inherent in Columbia's expansion plans into Harlem. She joined the protesters and her life was transformed to a fighter for peace and social justice.

Nina worked in a GI bookstore near a military base to assist soldiers protesting the war in Vietnam; she crewed for her brother's bike racing in Canada; she learned the printing trade and co-founded the feminist New Victoria Press in Lebanon; she became active in the anti-nuclear movement and was a founding member of the Upper Valley Energy Coalition with close ties to Clamshell Alliance; she was arrested on numerous occasions at Seabrook, N.H., Vernon, Vt., Wall Street, N.Y., and First National Bank, Boston, to expose the dangers of the nuclear industry. She was frequently joined by her mother at anti-nuclear protests.

In 1980, she wrote *A Handbook for Women on the Nuclear Mentality* with Susan Koen. She was a passionate foe of war and blocked the gates at the General Electric plant in Burlington, Vt., when it was manufacturing gatling guns for use against indigenous people in Central America, and she was a tireless organizer of vigils in the Upper Valley as war after war scarred our national fabric. Critics who decried her efforts as ineffectual have come to appreciate the long-term impact of her tireless, steadfast commitment to building a better world. Nina always saw her work as international and went to Nicaragua with a Vermont cotton brigade to learn about the revolution first hand. She worked as a cooperator in Mozambique with the revolutionary women's organization to study and report on the problems of water from the perspective

of Mozambican women. She toured Gandhian ashrams in India to learn the power of Gandhian nonviolence—a philosophy to which she was totally committed.

As recently as Sept. 21, Nina was arrested in Williston as part of the Williston Six who chained themselves to the gate of the Vermont Gas Systems pipe yard to protest the import of fracked gas into Vermont and the continued expansion of fossil fuel infrastructure. She looked forward to a jury trial to defend the necessity of acting to prevent further climate disruption.

Nina studied mediation at Woodbury College when it was a completely new profession and was instrumental in bringing mediation into the Vermont court and education systems. She was mediation coordinator for the Vermont Supreme Court. For years she worked as a mediator with a commitment to mediation as a nonviolent means to resolve conflict and build sounder personal relationships and communities. She was a strong believer in co-operatives as an alternative economic model and was active in the formation of the Upper Valley Food Coop and the South Royalton Market. She was a devoted and passionate beekeeper and a fighter for the health of honeybees. She spearheaded the organization of a day-long conference on honeybees, pollinators, and pesticides at the Vermont Law School just this past April. Nina was a practicing Buddhist and worked for 18 months as volunteer staff at Insight Meditation Society.

Nina spent hours tending her flower gardens. She loved hiking in many parts of the U.S. and climbed all 4000 footers in Vermont and New Hampshire as well as trekking in Nepal, France, Peru, and the Ruwenzori Mountains of Uganda. Horses were often a part of her life and she worked at dude ranches as a wrangler/cowgirl and with High Horses therapeutic riding program in Wilder.

She is survived by her husband Douglas V. Smith and her brother, Stanley Swaim of East Burke, and by her step-daughter, Kirsten Elin; and grandsons, Ezekiel Elin and Jett Elin of Hanover.

Gifts in memory of Nina may be sent to Rising Tide Vermont, 21 Decatur Street, Burlington, VT 05401, or to Resist, 259 Elm Street, Somerville, MA 02144-9816

