



# The CAN-Did Press

THE NEWSLETTER OF THE CITIZENS AWARENESS NETWORK

*Serving Reactor Communities Throughout The Northeast*

## Public Good

Active terrorist targets are not in the public good for the citizens of the Northeast. Dealing with this problem requires tough choices.

There are no good choices when it comes to nuclear power and its toxic waste. There are only better choices over really bad ones. This bind is in itself unacceptable and intolerable. The threat of terrorism only makes it worse. Citizens Awareness Network has worked for years to raise consciousness about fuel pool vulnerability to terrorism and was instrumental in pressuring Congress to fund the National Academy of Science Report that found reactor fuel pools are vulnerable to terrorism.

We need to protect our communities, but we don't want to help Entergy, Dominion, or Constellation transform license termination for their aging nukes into a scheme for relicensing vulnerable, corroding terrorist targets. We don't want them storing more and more waste on site to keep their nukes running.

G.E. Mark 1 and 2 reactors (Vermont Yankee, Pilgrim, Nine

*On site storage of fuel  
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Mile Point 1 and 2, Fitzpatrick and Millstone Unit 1 are Mark 1 and 2s) are structurally the most vulnerable reactors in the country. Their filled to capacity, elevated pools pose an unacceptable

risk. An attack on the pool in which fuel cladding caught fire could result in a 25,000 square mile area being uninhabitable for decades. The National Academy of Science Report on fuel pool vulnerability states that such a fire could lead to the dispersal of radioactive plumes up to 100 miles.

The NAS report calls for early removal of fuel to "improved" dry storage. G.E. designed pools

must be returned to low density configuration, older fuel removed and stored in reinforced steel and concrete canisters, bermed with earth and separated from each other by 70 feet instead of 6 feet.

On site storage of fuel must be linked to license termination and long term on site cool down of the reactor insuring retention of the skilled workforce during decommissioning.

- Deb Katz

Citizens Awareness Network

## Masachusetts/Southern Vermont CAN

### Winning Isn't Everything: NRC Warned to Watch Its Step

CAN dragged NRC to court to stop it from undermining people's hearing rights in reactor communities. At stake was the ability for citizens to cross examine witnesses and get discovery during public hearings. The Boston Appellate Court ruled that NRC's new rule limiting public participation was legal *but barely*. "... the Commission's new rules may approach the outer bounds of what is permissible under the law ...," said the three judge panel. Although we lost, we still won a victory for reactor communities.

In an Atomic Safety and Licensing Board hearing on the uprate for the Vermont Yankee reactor, the panel acknowledged that cross examination of witnesses remains available to petitioners because the Appellate court warned NRC that "**Should the agency's administration of the new rules ....flout the principle of cross examination, nothing in this opinion will inoculate the rules against future challenges.**" This would not have happened had we not gone to court!

The judges agreed with CAN's that the "commission's explanation for the change in discovery practice was thin ..." In a separate opinion filed by Judge Lipez, he states: "It is striking that so

many smart people at the NRC could be so wrong for so long about the requirements." He acknowledged the "legitimate frustrations of the petitioners, who felt that they were dealing with a moving target as the NRC tried to justify its new regulations," and warned NRC to examine its actions, "There is a victory here for the NRC, but it should be a cause for self examination rather than jubilation."

We were unable to stop the limiting of discovery, however, limiting the ability of citizens to hold corporations accountable and giving corporations the upper hand in the hearing process. Given that NRC is committed to withholding more and more information from the public on the basis of "national security," the new rules make it harder for citizens to hold NRC and nuclear corporations accountable. Should NRC back-peddle on its judicial commitment, CAN will take NRC back to court.

We want to thank everyone for their generosity and support which made our lawsuit possible. CAN was joined by the Nuclear Information Resource Service, Public Citizen, and the National Whistleblowers Center.

# Westchester CAN

WestCAN continues to work in Coalition with the Indian Point Safe Energy Coalition. The enormous grassroots movement to close the plant in the aftermath of 9/11 has succeeded in activating politicians and initiating studies. Work is now being done in committees, town halls and county legislatures. No politician can now run for office without being asked to take a position on the closure of Indian Point.

The Coalition launched the campaign to defeat the re-licensing of Indian Point with a keynote speech by Bobby Kennedy. Bobby assured the audience that Gov. Pataki could close the plant tomorrow because of the thermal pollution caused by cooling water from the plant is a clear violation of the Clean Water Act. He also reported that Elliot Spitzer, NY's Attorney General who plans to run for governor in '06 is committed to closing the plant.

The meeting was attended by 250 people and at the end many volunteered to take the no re-licensing resolutions back to their local governments.

The recently released National Academy of Science report on the vulnerability of the spent fuel pools verified what we have been saying for years and should prove to be a big boost for our campaign. Westchester County has commissioned a study to look at

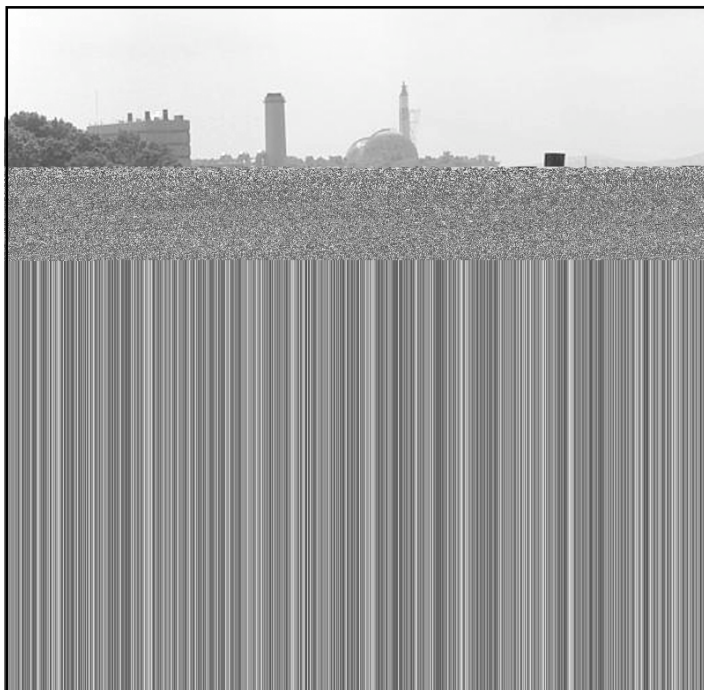


CAN activists Margo Schepart and Marilyn Elie.

replacement costs for Indian Point and the finances involved in replacing the reactors with type of generation, probably gas. County Legislator Michael Kaplowitz sees the closing of Indian Point as a financial matter and is calling for what is effectively a business plan to allow the region to move in that direction. If the plant is not relicensed it will have an enormous adverse impact on the value of the reactors and could well tip the balance for an early closure in our favor.

It is now time to re-launch a grassroots movement to deny the re-licensing of these plants for another 30 years. This battle is undoubtedly a defining moment in our struggle to close Indian Point. It is a struggle of open government and democratic principals against a corrupt regulatory agency that has abandoned their charge to protect public health and safety and protects the interests and profits of the industry.

We dare not lose.



Rubber ducks float down the Hudson river during a Riverkeepers-sponsored event on the anniversary of 9/11, and in response to FEMA recertifying the evacuation (WECRAPUation) plan. The ducks wre accompanied by a sign that read "We are all sitting ducks," with a labeled duck for each county, and "FEMA and the NRC are quacks!"

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## Central New York

In March, CAN celebrated one of our most significant victories in years: nuclear whistleblower Carl Patrickson won his lawsuit against Entergy. Entergy fired Patrickson in 2003 after he reported a major safety problem at the FitzPatrick reactor in Oswego. The victory also provides evidence that Entergy management is creating a chilled work atmosphere that has far-reaching safety implications.

The judge ruled that Entergy used its "Performance Improvement Program" as a pretext for retaliating against him. CAN has been instrumental in supporting Patrickson and his wife Carolyn through their two-year legal fight. We have organized publicity, rallies, and community support for the Patricksons for over a year. At a press conference announcing the victory, Carolyn Patrickson told the media, "We could not have stuck it out without [CAN's] support." Entergy has appealed the judge's ruling, which could delay financial relief for the Patricksons for years.

In October, we submitted a 2.206 petition to NRC buttressing Carl's allegations about the safety problem, which could cause the reactor to lose all of its cooling and fire fighting systems in a matter of minutes in the case of a fire. The problem could easily be exploited in an attack, making it a major security vulnerability.

NRC denied the petition in March, but in early April we obtained internal Entergy documents through a Freedom of Information request to the Dept. of Labor, which is hearing Patrickson's case. The documents plainly support Patrickson's allegation and make it clear that NRC is complicit in the cover-up. We will use them to generate Congressional pressure after resubmitting or appealing the petition.

Just a week after extensive press coverage of Patrickson's victory, politicians in Oswego County began passing resolutions supporting the construction of new nuclear reactors. On March 28, the Oswego City Council passed a resolution, and on April 14 the County Legislature did the same. The resolutions were pushed through with no notice and no public hearings.

The disconnect between politicians' support for the nukes when Entergy and Constellation are harassing and laying off workers makes this an essential moment to step up our organizing. In April, CNY-CAN received a \$7,000 grant from the Funding Exchange to help us start a major outreach program. We plan to hire a team of 4-5 people to canvass Oswego neighborhoods this summer in conjunction with a series of events. The program will recruit new members and volunteers and begin a dialogue about nuclear power and the community's future.

## New Hampshire

In the Granite State, CAN continues the effort to gain support for HOSS implementation at the Seabrook reactor. Seabrook, of course, has the distinction—unique among northeast nukes—of retaining the "low-density" configuration for its irradiated fuel storage pool ("spent fuel" is an example of "nukespeak" and should not be supported by our use). A letter is currently in circulation among the seacoast's environmental groups for sponsorship. Our current target audience is the membership of the NH General Court's Environmental Caucus. The issue of the vulnerability of the high level waste pool, and the HOSS alternative, were introduced to Decommissioning Finance Committee of the State Legislature last winter, and did seem to arouse interest.

Any New Hampshire residents interested in joining the effort to promote HOSS for the Seabrook nuke should contact Chris Nord, 14 North Main Street, Newton, NH 03858, (603) 382-8153.

## Connecticut

CT CAN has been busy keeping up with the shenanigans of Dominion Nuclear Connecticut and their 2 operating Millstone reactors. Units 2 & 3 are on the brink of relicensing approval much to the dismay of a hard working Coalition Against Millstone, of which CT CAN is a member. The NRC held its final public meeting to take comment on the Environmental Impact Statement in January. Both afternoon and evening sessions were well attended by informed citizens opposed to relicensing including an assemblyman from Long Island. The Coalition submitted a lengthy critique of the report which was flawed with inaccuracies in typical NRC fashion.

The NRC also held a meeting March 24 to report on Dominions annual assessment. Of course the fire that occurred at the facility in January was not included and Dominion came out smelling like a rose. The coalition cited many violations incurred over the year, as well as the continuing facts of tritium, strontium and cesium entering our environment in the inspection period.

The coalition also found a mother stricken with grief over the deformities her child was born with after she swam in the radioactive mix in Niantic Bay, where Millstone discharges. Speaking of discharge, Millstone has operated on an emergency discharge permit since 1995! CT CAN is questioning the CT DEP to move forward with the permit process and conduct required public hearings. CAN will keep members informed of these hearings, probably late summer.

The Coalition will hold a Close the Beach Rally on Thursday, May 26 at the Niantic Hole in the Wall beach where Millstone discharges. E-mail [Nomltn@aol.com](mailto:Nomltn@aol.com) for more information. We would love to see more activists at this event.

CT CAN is also working on the waste issue. Dominion has loaded two casks for dry storage in their new system, which The Coalition has appealed in court. The case is currently at a standstill and the appeal will probably be dropped as there is no attorney to continue the case. Local officials and reporters have failed to adopt the notion of Hardened storage, which this citizen finds abominable. CT CAN will continue to lobby for HOSS and push for the NRC to release the National Academy of Science report on the vulnerabilities of the spent fuel pools.

- Geri Winslow, CT CAN, Waterford, CT.

## Northern Vermont

In Vermont, legislators are struggling to figure out how to respond to Entergy's request to put dry cask storage onsite at Vermont Yankee. Entergy's hope is to get just enough casks to allow for an uprate and continued operation through 2012.

Many groups are working on the issue, with messages ranging from "get what you can by taxing the casks" to "shut the plant down now." CAN has been focused and clear with a message of returning the fuel pool to low density racking and requiring Hardened Onsite Storage (HOSS) on site if dry cask storage is allowed.

We have been meeting with legislators, providing background information, questions, and support for legislators on the House Natural Resources Committee who are willing to raise tough questions about the "hurry up and give us what we want" demands of Entergy. CAN has also been turning out folks to hearings, including two public hearings on the issue of dry cask storage, and doing research about how far our legislators can go to protect us without running into pre-emption problems.

# NRC Judges Side with CAN & Question Yankee Rowe Clean Up Plan

Because of our concerns about Yankee Atomic's clean up of its highly contaminated Yankee Rowe reactor site, CAN petitioned the Atomic Safety and Licensing Board of the NRC for a hearing on the way Yankee intended to clean up its site. We said that the License Termination Plan Yankee submitted was premature since it didn't yet know the extent of mixed waste plumes of contamination nor had it developed an effective plan to remediate it. Instead Yankee just cited that it would meet NRC clean up standards. CAN said this was not good enough and since this was the only opportunity the public had to question the process, we wanted Yankee to withdraw its plan and resubmit it when it had more information or else be more specific about its clean up plans.

The ASLB judges agreed with CAN; Yankee has appealed to the NRC Commission to overturn the judges decision. The judges said that without more detail, Yankee's submission is premature. The ASLB validated decommissioning community concerns about how little information nuclear corporations provide to defeat democratic participation and by undermining public participation, how dirty clean up can get. We were represented ably by Attorney Jonathan Block.



*CAN members and Yankee Rowe officials check out a waste storage cask.*



*Citizens Awareness Network President Fred Katz on a tour of Yankee Rowe's on-site storage facility.*

The clean up reveals plumes of radioactive and chemical waste that have migrated into the ground water under the site. The plumes include tritium, a dangerous radioactive envirotxin, as well as TCE and PSBs; the plumes have migrated hundreds of feet under the site. Yankee has yet to determine the extent of the plumes. There was a leak in the ion exchange pit that led to 7 million picocuries per liter of tritium to be released into Sherman Pond. EPA drinking water standards limits releases to 20,000 picocuries per liter!

We are concerned that Yankee will not clean up the plumes effectively. Yankee is now talking about excavating the plume. This is a big job. We believe that the site can't be released for "unrestricted" use—i.e. people can't use the site until the plume is fully cleaned up and the potency of the waste has decreased substantially. For now two of the three tritium plumes are more than double EPA drinking water standards.

We are awaiting a Commission decision before our hearing can go forward.

- Deb Katz, Mass. CAN

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