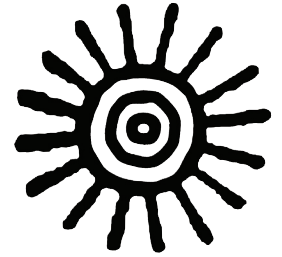


The CAN-Did Press



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

The Twists and Turns on the Road to Justice.... Entergy will not give up, neither can we....

The federal government's failure to adequately address safety concerns regarding the vulnerability of reactor sites to terrorism following 9/11 alienated many states in the Northeast thus creating fertile ground to frame a state's rights argument against continued reactor operation. As Entergy, owner of Vermont Yankee, applied to the NRC to relicense its aging, systemically mismanaged reactor, an opportunity presented itself to empower Vermont to decide its and the reactor's future. When Entergy bought the reactor in 2002, it agreed to a state approval process for a new permit (Certificate of Public Good) to operate after its closure date in 2012. Public interest groups worked with legislators to pass Act 160. Act 160 empowers the legislature to decide Entergy's future by a vote rather than having that power rest solely in the bureaucratic, politically driven hand of the Public Service Board (PSB). Act 160 passed overwhelmingly 26-4, and it was signed into law by then Gov. Jim Douglas, a big fan of Entergy and VY.

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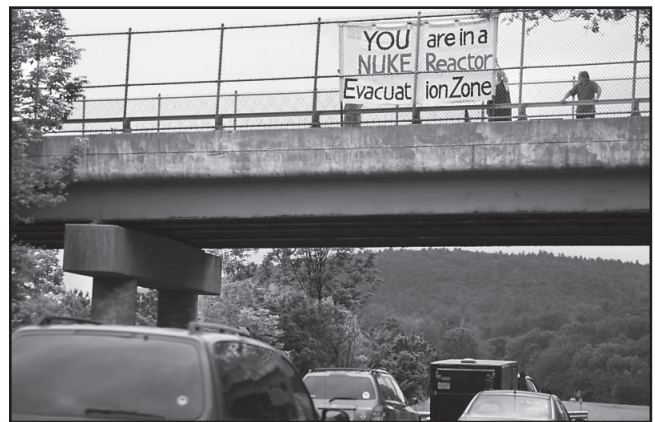
CAN Charts a New Path in New York State

CAN has opened up two new fronts in New York this year. We co-founded a new statewide coalition, the Alliance for a Green Economy (www.agreenewyork.org). Taking lessons learned from the campaign to close Vermont Yankee, AGREE is bolstering anti-nuclear efforts statewide and advancing a carbon-free, nuclear-free energy agenda. Unlike Vermont, New York fully deregulated its energy industry a decade ago, and the state gave up the authority to close its six nuclear reactors when it allowed Entergy and Constellation to purchase them. With the exception of the Indian Point reactors near New York City, the Nuclear Regulatory Commission (NRC) has already relicensed the state's other four reactors.

New York needs to envision a clean energy future, and reclaim authority over nuclear power in order to get there. We are pushing New York State to do a study mapping out how to create a statewide carbon-free, nuclear-free energy system. It seems like a simple idea, but New York's State Energy Planning Board has never thought of it. CAN and AGREE have launched a postcard campaign to the state legislature demanding the study, and we are planning a major push in 2013. There is no time to lose, and the study itself will take two years to complete. But when it is done, not only will New York have a roadmap to ending nuclear power

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Columbus Day Banner Drop



Thousands of travelers on the Interstate Highway were given something to think about on Columbus Day weekend. Anti-nuke messages appeared on 22 overpasses between Northampton, MA and Burlington, VT—that's 120 miles!—great organizing and fun for all.

Protesting VT Yankee in Montpelier

Montpelier March

Two hundred marchers assembled at City Hall in Montpelier on November 17. The order of the day was to show support for the Public Service Board, the Legislature, and the Shumlin Administration as the State of Vermont deliberates the request by Entergy Vermont Yankee for a new Certificate of Public Good. The certificate would bestow the states' blessing on the troubled power plant to continue operating.

A brass band and many large banners accompanied the marchers through the streets of Montpelier to the State House lawn. A series of speakers urged the crowd to attend the statewide public hearing organized by the Public Service Board via Vermont Interactive Television on Monday, November 19th.

PSB Public Hearing

The Vermont Public Service Board held a public hearing in cause #7862, a request by Entergy Vermont Yankee for a new Certificate of Public Good, on the evening of Monday, November 19 via Vermont Interactive Television. Citizens gathered at various venues around the state to tell the board members what they thought about extending the operation of Vermont Yankee.

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Citizen's Lobbyist Bob Stannard's Report

What We Hope to See in the 2013 VT Session Inside the VT State Legislature



First, it's important to keep in mind that the Legislature is a dynamic entity, and to say the least, not very predictable. In the course of any given day in the State, it is not unusual to have legislators and/or members of the Administration approach me to either provide confidential information or seek it. As the lead lobbyist in the fight to close Vermont Yankee I am considered to be a reliable source of information for those who consider this issue a priority.

The Vermont State House functions on information. It functions best when those in need of information know that they can get timely, accurate information of various drafts of legislation or other simple proposals. VCAN/CAN has worked very hard to be that much needed voice inside the building. Much of what has occurred to date would not have happened, or may have had a much different outcome, were it not for their dedication and persistence.

In addition to receiving and sharing information with legislators, developing a positive working relationship with the press is also paramount. It is through numerous contacts that information flows. As an example, when the Administration was quietly working on what is now the "electrical generation tax" to impose on the VY plant, the administration came to me in advance to not only give me a heads-up on the proposal, but also to seek my advice.

That said, we are approaching the 2013 session with the same focus that we've had from day one; to do whatever we can to close the VY Nuclear Power Plant. We will be looking at any and all fees that might be applicable. You will recall that in the previous

session we were successful in obtaining an electrical generation tax equal to \$12-\$15 million. We will ask that the legislature take a look at the possibility of charging a "waste storage fee" for the dry casks.

When Entergy purchased the plant from Vermont utilities it agreed in an MOU (memorandum of understanding) to restore the site to what is known as "greenfield" status. By doing so the site could very well be utilized for an alternative power supply. The site has all of the necessary infrastructure to do so, but if left contaminated it would preclude any future utility use.

Of course, Entergy agreed to this condition, but never offered funds to complete this task. The cost to decommission the site is estimated to be approximately \$1 billion. Over and above this expense they would need an additional \$40 to \$50 million to accomplish the task of "greenfielding" the site.

We have already met with leaders and intend to advance the issue of mandating that Entergy put funds into an account so that Vermont can be assured that they will keep their word; something they have demonstrated a lack of ability to do. In addition to these initiatives we have had discussions with Rep. David Dean regarding the heating of the Connecticut River. Inasmuch as we are in an adversarial role with Entergy it defies logic why the State of Vermont would continue to give them any perks. Heating the river is a perk that provides no benefit whatsoever to the State.

We will be working with legislators and the administration to encourage them to issue the National Pollutant Discharge Elimination System (NPDES) permit with the condition that Entergy no longer be allowed to discharge hot water into the river and instead use their cooling towers full-time.

Above and beyond the aforementioned issues we will continue to build a coalition of like-minded entities who may be in a position to be helpful to achieve our desired goals.

*Best regards,
Bob Stannard, the People's Lobbyist in the VT Statehouse*

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WESCAN: 42A Adrian Ct., Cortlandt Manor, NY 10567 • 914-739-6164

www.nukebusters.org

SOLAR PANEL RAFFLE III

We are doin' it again! Our most popular, and most successful fundraiser raffle of four 200 watt solar panels with inverters begins on December 1 and will conclude on March 23, 2013. Only 350 tickets will be sold at \$20 per chance!

Buy your tickets from a CAN representative or call 413-625-6177 or buy online to www.nukebusters.org

Don't wait! Get your chance before they're all gone!

The Road to Justice

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What followed was intense mobilization of Vermonters and a refocusing of the issues to engage citizens in the process. It was important to create a positive campaign focused on choice. People throughout the state were inspired by the opportunity that “relicensing” created for Vermonters to choose a sustainable energy future rather than a legacy of nuclear waste and despair.

With a series of safety failures and a betrayal of the public trust, Entergy did a good job of demonstrating the colossal failure of nuclear power: a cooling tower collapse, transformer fire, and repeated and unending Tritium leaks from pipes it claimed “never existed,” inadequate decommissioning funding and an attempt to “spin off” VY into a new limited liability corporation to shield itself from responsibility.

To support its case for relicensing, Entergy played on a series of threats and fears- “rates would skyrocket, we’d have to burn our houses to stay warm in winter, there would be rolling blackouts and we’d contribute dramatically to climate change.” We demonstrated that Vermont Yankee electricity was only 2 percent of the New England grid, that the amount of power generated by Vermont Yankee could be easily replaced, and that Vermont could do better than having another 20 years of an aging reactor and that this was an unreliable and untrustworthy corporation.

On February 25, 2010 the Vermont Senate held a courageous and historic vote; by 26 to 4 they overwhelmingly voted to deny Entergy the ability to operate after its license expired. This vote occurred in the middle of a scandal concerning radioactive groundwater contamination from leaking underground pipes that Entergy previously swore under oath did not exist. Thousands of Vermonters contacted their legislators and made it clear that it was unacceptable for this corporation and its nuke to continue to operate in VT. This vote was a validation of democracy and a statement that ordinary people can triumph over a powerful corporation.

Entergy’s response? It denied the importance of this historic vote and wanted the Vermont legislature to ignore its checkered history and approve its continued operation. When its attempt at a re-vote in 2011 failed, Entergy sued Vermont to get its way. The first round in this state’s rights struggle occurred in Federal District Court. Entergy claimed there was a conspiracy to deny it the ability to operate on the basis of safety—(which is an area reserved to the Federal government)—even though Act 160 never mentioned or addressed safety issues! Entergy claimed that the court had to look into the heart and motivation of legislators, not the law as enacted.

Entergy’s argument proved successful. Although the Federal court ruled against the state, it sent the case back to the PSB for review. Convinced that the court’s ruling set a dangerous precedent and bolstered by overwhelming public support, Vermont appealed the decision. In addition, the Public Service Board, the judicial arm of the state, ruled against Entergy and ordered a new hearing on whether Entergy can receive a CPG from the state. The twists and turns of the court process are arcane and lengthy; both the appeal and PSB hearing could take at least a year and a half. Unfortunately Vermont Yankee continues to operate since Entergy exacted an injunction from the courts.

With each adverse ruling by the state, Entergy returned to court to get its way, undo the democratic process and shred the



contract it signed with the state in 2002 when it bought the reactor. It is essential that the state receive the support it needs to continue to hold Entergy accountable and finally shutter Vermont Yankee. Nine states have now filed briefs in support of the state of Vermont, as has the National Conference of State Legislatures, all concerned with the dangerous abridgement of state’s rights explicit in Entergy’s arguments to the court.

The state’s resolve to fight Entergy could not take place without public support and pressure. It is essential that citizens and the legislature remain actively engaged in the issues of VY’s closure. We are at a tipping point. We have won a monumental victory. But we are not done. We are at the beginning of the end.

Entergy will not give up, neither can we.

-Deb Katz, Executive Director, Citizens Awareness Network

Protesting VT Yankee in Montpelier

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The overwhelming majority of participants told the Public Service Board to reject the company’s request. Among the point made were:

- Entergy is not a reliable partner. Misleading the PSB under oath is not acceptable.
- Tritium leaks into groundwater are not acceptable.
- An aging, poorly maintained machine will not serve Vermont well.
- Continued thermal pollution of the Connecticut River is not acceptable.
- Vermont utilities do not receive any power from Vermont Yankee. Risking the Vermont brand without the benefit of power usage is not acceptable.
- Passing the buck to future generations is not acceptable.

Approximately one third of the eighty testifiers were in favor of continued operation. They cited cheap power, jobs, and environmental quality as their reasons. Of course Vermont rate payers got a better deal from other power generators in the region and are no longer served by VY. As for jobs, renewable energy installations and decommissioning will produce many jobs. Regarding the environment, Vermont Yankee has created significant environmental problems ranging from thermal discharges into the Connecticut River and an overflowing amount of high level radioactive waste piling up in Vernon. The Public Service Board expects to make a decision by the Fall of 2013.

Bessie Hits the Streets – “Entergy: Mooove out!”



CAN participated this September in the parade for the Franklin County Fair. Our float, Bessie the giant papier-mâché cow, was extremely well received. The kids moped and waved, while the adults cheered and chanted, “Shut it down!” The public sentiment to close VY was 99.99 percent.

Those of us waving from the float did hear a couple of pro-nuke statements. “You hippies want to sit around a candle in the dark? We need energy!”

Luckily, we had our own “green energy fairy” and other CAN members talking with parade onlookers about safe and green energy alternatives to VY. (Bessie silently suggested methane).

The landslide of public support we received during the parade was so encouraging. CAN will continue to support the will of the people to close VY now!

- Teresa Caldwell, Massachusetts

New York CAN

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and natural gas fracking alike, but a roadmap to revitalizing the state’s economy and local communities that have suffered job loss and hardship for years.

At the same time, we are not letting the nukes off the hook. In the aftermath of the Fukushima accidents, we discovered a horrifying safety problem at Entergy’s FitzPatrick reactor in Central New York. A Mark I reactor like Vermont Yankee and the reactors that melted down at Fukushima, FitzPatrick has a unique design flaw that plant operators have simply never bothered to fix, and which would all but guarantee a repeat of the March 2011 Japan events if an accident were to occur.

CAN and AGREE petitioned the NRC to shut the reactor earlier this year, and over 700 people have signed on. While refusing to take action so far, NRC has accepted our claims that FitzPatrick is operating outside of safety guidelines.

We are taking the FitzPatrick problems to state officials and building the case that they need to take action. In the meantime, FitzPatrick’s older neighboring reactor Nine Mile Point 1 has sprung a tritium leak and had three emergency shutdowns in the last few months – including a fire in the building where all of the cooling pumps are housed, and an electrical failure during Hurricane Sandy. At the same time that we are charting the path to a nuclear-free New York, the need to get there is becoming all the more imperative.

- Tim Judson, Central NY CAN

Cow Delivers the Message at Vermont Yankee’s Front Door

On the July 4th weekend, the independence celebrations this year included a demonstration at the gates of the Vermont Yankee nuclear power plant. Three hundred demonstrators and a giant cow statue called for independence from the failing power reactor and its ethically impaired owner Entergy Corporation.

Governor Hunt Rd, which runs right in front of Vermont Yankee’s front gate, was blocked off by police barricades. The protest began with scores of bicycle riders weaving their way down the road one-half mile to the plant gate. Behind the riders the massive papier-mâché cow, created by sculptor Ulrike von Moltke, was slowly towed towards the gate by a large group of rope-holding participants. The cow was followed by a solemn crowd of three hundred protesters.

Once at the gate speakers called on Entergy to live up to the terms of the contract it signed with the State of Vermont and close the plant. As shofars (ram’s horns) blared, the underbelly of the great cow opened to reveal a cache of mock solar panels and windmills. Those risking arrest took the windmills and solar panels and crossed the police line at the plant gate. The group lined up and displayed the sustainable alternatives to VY’s power. Behind them was a parking lot full of Vermont State Trooper cruisers. After a short and vocal period of chanting and music the group was taken into custody, driven to the fire station in Putney, processed, and released.

- Chris Williams, VT Organizer
VT Citizens Action Network (VCAN)



We Couldn't Do It Without Your Help!

*Solidago Foundation • Van Itallie Foundation
Block Foundation • Linthilac Foundation
Ruth Brown Foundation • Catamount Computer
Charlene Divoky • Lisa Clark • Paul Burton*

Nine Good Reasons for the Public Service Board to Reject Entergy's CPG Request

There are good reasons for the Vermont Public Service Board (PSB) to reject Entergy's CPG request that do not deal with safety. It is important that the PSB hear from citizens in the tri-state community about these concerns and why Vermont Yankee's (VY) continued operation is not in Vermont's best interest.

1. **Reliability:** Entergy is not a good corporate citizen. It is a corporation that cannot be trusted. Entergy may have run Vermont Yankee at 100 percent power but they did so while tritium leaked into the ground water. Entergy has lied under oath on numerous occasions. It delayed maintenance leading to a cooling tower collapse. This rogue corporation is a bad apple.

2. **Lack of Economic Benefit:** There is little benefit to VY's continued operation. In March 2012 all power contracts between Entergy and Vermont utilities ended. This means Vermont has not bought energy from VY since that time. Green Mountain Power and CVPS now have long-term contracts with Hydro Quebec and Seabrook because they offered lower rates than Entergy.

3. **Mountain of Waste:** Vermont has the highest per capita amount of commercial high-level radioactive waste than any other state. And Entergy wants to store another 20 years worth of waste at VY for an indefinite period of time without a solution for the high-level waste already stored onsite in its fuel pool and dry cask storage. The nuclear industry and the federal government haven't solved the nuclear waste crisis in the first 60 years of nuclear power. It is unlikely a solution will be found in the next 60 years. In the meantime, who will bear the economic responsibility for storing and monitoring this gigantic waste problem?

4. **Thermal Pollution:** Entergy routinely pollutes the Connecticut River to cool the VY reactor. It releases hundreds of millions of gallons of water with temperatures up to 105 degrees. This has harmed and degraded the river's ecosystem and fish populations downstream. Recent studies raise serious questions about Entergy's limited analysis of its effect on the river.

5. **Economics of Evacuation:** Given the Fukushima disaster and its far ranging and unforeseen consequences the potential for the expansion of the evacuation radius could cause undo financial hardship on the state and local communities.

6. **Green Energy Future:** Vermont's commitment to a sustainable energy future does not include Vermont Yankee. Sustainability is not synonymous with millions of curies of high-level waste

stored for an indefinite period of time on the banks of the Connecticut River. Talk about nuclear power's "carbon free footprint" is just talk and has no relevance to Vermont Yankee's continued operation.

7. **Jobs:** Vermont Yankee employs about 250 Vermonters; the rest of its workers live in Massachusetts and New Hampshire. Given that the continued operation of VY is not in the best interests of the state of Vermont nor its citizenry, VY workers are rightly concerned for their jobs. We are calling for an immediate and just transition for all VY workers who will be displaced when VY is decommissioned. VY will need experienced workers to help decommission the plant (which will take years to accomplish). As well, Vermont increasingly invests and supports other energy development from which new jobs will be created. Many studies point to greater job creation through sustainable energy solutions than from nuclear.

8. **Mismanaged and Inadequate Decommissioning Fund:** The Vermont Yankee decommissioning fund does not currently have enough money to clean up the contaminated site because Entergy chose not to adequately invest in the fund to which it contractually committed. How can the state trust a corporation that, after 10 years of ownership, doesn't have adequate cleanup funds to have the funds available in the next 20 years? If Entergy does not live up to its funding commitment Vermont and Vermonters will be stuck with the multi-million dollar bill. Remember ENRON?

9. **Broken Promises:** The Entergy corporation cannot be trusted to live up to any agreements it makes with the state. In 2002 when Entergy bought Vermont Yankee, it signed a contract with stipulations that Entergy would abide by legislative and PSB decisions. When the Vermont Legislature voted not to offer VY a Certificate of Public Good as per Act 160 in 2010, Entergy sued the state. This corporation is shredding the very contract it signed with the state line by line. As well, it has sued the state a second time over taxes the state has the right to charge. This is a rogue corporation with which the state should not do business.

For more information: Citizens Awareness Network: www.nukebusters.org 413-339-5781 or 802-767-9131

Vermont Yankee Decommissioning Alliance: 802-476-3154



SOLAR PANEL RAFFLE

*Let's 'Pull the Plug' on Vermont Yankee and
build a renewable energy future!*



Win a Solar Panel system worth \$3,000!

[four 200 + watt solar panels and four modular inverters]

Tickets are \$20 and limited. Only 350 will be sold!

Purchase tickets at **413.625.6177** or at **www.nukebusters.org**

The drawing will be held on Saturday, March 23, 2013

LOCATION TO BE ANNOUNCED

*To support the Citizens Awareness Network and efforts
to close and replace Entergy Nuclear Vermont Yankee*