

## **You Got To Be Kidding!**

Once again Entergy is attempting to cut its losses in the Northeast and beyond! It is divesting its merchant fleet of nukes; this includes selling the Fitzpatrick reactor in NYS to Exelon (2017), shutting Pilgrim (2019), shutting Palisades in Michigan in 2018 and Indian Point reactors in 2020/21. Now it wants to sell Vermont Yankee to NorthStar, another limited liability company (LLC). Entergy is desperately seeking to end its obligations and liabilities for Vermont Yankee's cleanup, site remediation, and guarding of its HLNW. If all goes well in Vermont, Entergy and NorthStar are proposing a similar fate for Pilgrim, Indian Point and Palisades. In exchange in the case of Vermont Yankee, Entergy relinquishes a wholly inadequate decommissioning fund to NorthStar and any responsibility for HLNW management. It all sounds good—swift cleanup and release of the site. But is it? If Entergy couldn't cleanup the reactor site with an inadequate decommissioning fund in a timely manner, what is NorthStar going to do? Why isn't Entergy proposing that Energy Solutions does the heavy lifting on clean up? Energy Solutions has the necessary experience and is already engaged in cleanup work at Vermont Yankee. Exelon hired Energy Solutions to manage the cleanup of its Zion reactors.

So what's the difference? If Entergy hired Energy Solutions, after cleanup was completed, the responsibility to oversee the high level waste and eventual site release would return to Entergy. This is a big difference for Entergy; it intends to absolve itself of any responsibility or liability for Vermont Yankee. Makes you wonder doesn't it? Entergy came into Vermont with a song and dance about acquiring an old nuke, making it whole again and making a profit. Now it's shuttered and selling the decommissioning fund to a corporation with a lot of promises and little to no experience, a fast track of fuel to dry storage by 2018 rather than 2020, site cleanup beginning in 2020 and done in 2029 and potential removal of HLNW to centralized interim storage (CIS) and then site remediation and release!

### **What could be wrong with this picture?**

A dirty and cheap cleanup! CAN fought the inadequate cleanup of Yankee Rowe and Connecticut Yankee. Those utilities had to get rate increases to cover significant cost overruns. Yankee Rowe cost \$39 million to build and over \$700 million to cleanup. Ratepayers were stuck paying for escalating cost; CT Light and Power customers continued to pay cost overruns in decommissioning till 2015 for CT Yankee's cleanup. With other nuclear decommissionings, nuclear corporations transfer their licenses to a cleanup company like Energy Solutions and then when cleanup is completed, Energy Solutions transfers the license back. Exelon, owner of Zion reactors will retain the license once decommissioning is completed, maintaining responsibility for site release as well as guarding the HLNW until a permanent solution is established.

Why won't Entergy enter into a similar agreement with Energy Solutions? Why take a chance on an unknown entity? It wants to rid itself of any financial liability for any problems encountered in the cleanup of the site. Entergy originally told the PSB that it would complete decommissioning with ample financial reserves that would be shared with Vermont ratepayers. Now Entergy plans to accelerate transfer of VY's HLNW to dry cask storage by two years. Entergy claims NorthStar will complete decommissioning and clean up in nine years. Sounds great right? Unfortunately it's not. In reality, Entergy is attempting to relieve itself of any liability for the Yankee site, and is turning its albatross over to NorthStar. It's quite possible that the Vermont Yankee site will never be released for unrestricted use. Effective and thorough cleanup costs money—a lot of money. The Yankee Rowe site has yet to be released for unrestricted use 25 years later, even though it spent over \$700 million and engaged in a rapid decommissioning.

Entergy must win approval from the VT Public Service Board as well as the NRC to sell Vermont Yankee to NorthStar. This is a radical change in NRC licensing. Understand this: it will be very hard for the state of Vermont to resist this proposal. It wants the waste gone. In fact, we all want the waste gone. It will be very hard for NRC to resist this “solution” to the mess it created when it approved the creation of merchant plants. But do we want our problem sent to a parking lot in Texas lacking environmental safeguards and no actual “solution”?

### **Who Is NorthStar Anyway?**

Begun in 2014, NorthStar specializes in demolition, hazardous materials abatement, soil and mold remediation and site restoration. NorthStar would be working with three “partners” to handle the cleanup—AREVA, Burns & McDonnell, and Waste Control Specialists (WCS). Only AREVA has assisted with decommissioning nuclear-power plants—in California (Rancho Seco and San Onofre Unit 1), Connecticut (Connecticut Yankee and Millstone Unit 1), Maine (Maine Yankee) and Massachusetts (Yankee Rowe) ([Areva website](#)). NorthStar has limited experience in nuclear decommissionings having cleaned up some research reactors; it has never decommissioned a large scale reactor like Vermont Yankee. This would be an experiment for the corporation, the NRC and Vermont. NorthStar has a limited track record as well as limited resources, \$600 million. To make its finances appear more robust, it is claiming as an asset a lawsuit against the DOE that has yet to be initiated, let alone ruled on, by the federal court.

What is this lawsuit and how can NorthStar claim it as an asset? In its presentation to the NRC requesting approval for its controversial plan to assume ownership and responsibility for the cleanup of the Vermont Yankee site, it acknowledged its intention to sue the DOE to pay for the ongoing costs to guard the HLRW at Vermont Yankee. Presently the DOE

reimburses nuclear corporations for the costs associated with the construction of the pad and the transfer of the HLRW to dry cask storage. Ongoing costs associated with guarding the waste are borne by the licensee. With utilities like Yankee Rowe or CT Yankee, ratepayers have been forced to cover these costs, amounting to \$5 million a year until a permanent repository is established. Merchant plants like VY have no rate base to return to and would be forced to cover these expenses. So NorthStar's wish to force the DOE to pay is a way to limit, if not eliminate, its oversight expenses since it has stated that the waste could remain on site till 2050—31 years! There is no guarantee that NorthStar will win the suit and the court could take years to rule. How will NorthStar cover the interim costs while it waits on a ruling?

French government owned Areva is a NorthStar partner. It has decommissioning experience, but is plagued by a checkered history; it is under investigation for falsifying documents on the quality of its parts used in power plants around the world—17 of the America's nuclear reactors are affected by this investigation. The French investigation is focused on decades of alleged forgery of documents relating to the quality of parts produced at Le Creusot, one of Areva's foundries. French nuclear regulator ASN said Areva told it of evidence of irregularities in about 400 components produced at Le Creusot since 1965! The parts at reactors include a reactor head at Xcel Energy Inc's Prairie Island reactor in Minnesota, reactor vessel heads at two of Dominion Resources Inc's reactors at the North Anna plant in Virginia, and another vessel head at Dominion's reactor in Surry, Virginia. Even as Areva's defective nuclear parts scandal is unfolding, Areva sent a comment to the US government saying that holding it and other nuclear equipment suppliers liable in the event of a nuclear accident (due to its faulty parts) would constitute "unnecessary economic penalties" and that the US taxpayer should pay. Is this a company we can trust?

WCS' role is also important because it would be responsible for waste management, packaging, transportation and disposal. WCS opened the controversial low-level waste dump in Andrews County, Texas in 1997. It's been operating at a \$340 million loss and is subsidized by its parent company Valhi; Valhi wants to divest itself of WSC, ridding itself of these ongoing operating losses and merge WSC with Energy Solutions. In November, the Justice Department filed an antitrust lawsuit blocking the merger of Energy Solutions and WCS. DOJ states that Energy Solutions should not be allowed to acquire Texas-based WCS, since the deal would create a "near monopoly" in the low-level radioactive waste disposal business leading to higher prices and lower quality service.

Adjacent to its own low-level radioactive waste disposal site in Andrews, Texas, WCS operates the Texas Compact Waste Facility for the State of Texas, where the State of Vermont, as the other party to the Texas Compact, intends to dispose low-level radioactive waste.

Waste Control Specialists wants to expand its waste business; it is seeking to create a Centralized Interim Storage site for HLRW. It wants to initially accept 5,000 metric tons of high-level waste from decommissioned nuclear power plants like Vermont Yankee. Ostensibly this would be a “temporary” solution for the DOE’s and industry’s failure to create a scientifically sound and environmentally just solution for the country’s orphaned toxic waste. In all likelihood, if it wins NRC and DOE approval, it would expand the site to accept HLRW from operating reactors.

### **Centralized Interim Storage Undermines Federal Responsibility to Create a Permanent Repository**

High-level nuclear waste is piling up at nuclear reactor sites, both closed and operating. With the geologic repository at Yucca Mountain, Nevada stalled, the nuclear industry is pressing Congress to establish an interim storage policy. In essence the industry wants to establish a parking lot dump for the 70 thousand tons of high-level waste stranded across the country. Interim storage sites do not have to meet the strict environmental standards that plagued Yucca Mountain. The sites targeted for “disposal”, like the sites selected for operation, are routinely low income, rural, people of color or Native American communities.

### **The End Game**

So why should we believe NorthStar when the Feds argue that consolidation of the nuclear waste industry will lead to higher costs and substandard cleanup? The end result- a dirty and cheap cleanup with another limited liability corporation making big promises that it can’t deliver.