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**FOR IMMEDIATE RELEASE**

**Safety Advocate Regrets Today's Decision in Entergy v. Vermont Case  
Says Entering 'Most Dangerous Phase' in Vermont Reactor's History**

**19 January 2012 -- Brattleboro, Vermont.** The New England Coalition on Nuclear Pollution (NEC) issued the following statement today in reaction to Vermont Federal Judge Garvan Murtha's decision on Entergy v. Vermont:

"We are disappointed in Judge Murtha's decision, although it was not unexpected" said NEC President Ned Childs. "NEC expects to support the Vermont State Attorney General on appeal as we did in Vermont District Federal Court."

"The court's decision allows Entergy to continue to operate the Vermont Yankee plant past the scheduled March 21, 2012 closing date for what could be several years of higher court reviews. This is very disappointing, especially given that the State Legislature has already determined that continued operation of the plant is not in the best interests of Vermont," New England Coalition (NEC) Legal Counsel Jared Margolis said.

"Vermont Yankee is entering the most dangerous phase in its operating history," said Childs. "Entergy is barely breaking even at the plant, so management is pressured to cut corners on maintenance, components are reaching the end of their design life, a token move to dry cask storage has not relieved the over-packed condition of the spent nuclear fuel pool, and the company is having a hard time retaining qualified employees." (See attachment on factors causing most dangerous phase below.)

"If you consider its flawed design, failing condition, and declining operation competence, Vermont Yankee is a perfect storm of nuclear hazard," added Raymond Shadis, NEC's Senior Technical Advisor who has tracked safety concerns in the operation, regulation and decommissioning Northeast reactors for more than 30 years. "A Fukushima on the Connecticut is in the making. The Nuclear Regulatory Commission is lax in providing reactor oversight and only weakly enforces its own regulations. The New England Coalition is staving off a serious accident by pushing the NRC to do its duty, now more than ever."

"We have not been idle while waiting Judge Murtha's decision" Shadis said. We are, with the help with Conservation Law Foundation challenging NRC's VY license renewal in federal appeals court. We have laid the foundation for raising Fukushima related VY safety issues at NRC and we are preparing a broad public education initiative on VY's deadly and growing legacy of nuclear waste. NEC will be joining Connecticut River Watershed Council and others in challenging Entergy's proposed renewal of Connecticut River water use and discharge permits."

The NRC, for example, failed to follow its own rules in relicensing the 40-year-old Vermont reactor for another 20

years back in March 2011, just a week into the world's worst nuclear disaster at the VY twins in Fukushima: "The Nuclear Regulatory Commission broke the law by issuing a renewed license to Entergy Vermont Yankee without the required state certification of water quality," Childs said. NEC is working with the Vermont Conservation Law Foundation, the State of Vermont and, recently, the state of New York to appeal this unlawful license renewal in the DC Circuit Court of Appeals.

NEC has joined with over 30 other groups nationally to call for the immediate retiring of all 23 Fukushima-type GE Boiling Water Reactors because of inherent design flaws long recognized by the industry."

"VY's continued operation past the scheduled close intensifies our job -- advocating for nuclear safety, enforcement of NRC regulation, and environmental protection through the legal, regulatory and civil channels -- especially since each day brings more revelations about what is still going so terribly wrong at VY's twin in Fukushima," NEC President Ned Childs said.

NEW ENGLAND COALITION on Nuclear Pollution, founded in 1971 in Brattleboro, Vermont, is the region's sole advocate for environmental and nuclear safety with intervenor status in the Seabrook Station federal relicensing process and is an intervenor in two open dockets before the Vermont Public Service Board.

END

**The New England Coalition on Nuclear Pollution (NEC)  
Factors that Make Now the Most Dangerous Phase for the Aged  
Entergy Nuclear Vermont Yankee (VY) plant in Vernon, Vermont**

**Vermont Yankee is being run at 120% of its original licensed thermal capacity increasing both the likelihood of a major accident and the probability of a meltdown should an accident occur.** Pushing an old plant to this level strains internal reactor components such as the steam dryer, high energy piping, reactor vessel nozzles, and core components and produces 20% more decay heat for already marginally performing containment systems to contain and heat removal systems to shed in order to prevent a meltdown.

**Critical components are reaching the end of their design life and will continue to break with increasing frequency.** The nuclear industry argues that economic considerations and not plant design life determined the term of their original license. Maybe, but major plant components were then ordered specifying design life approximately equal to term of license. Vermont Yankee's reactor vessel, for example, was initially certified for 40 years and no more. Its cooling towers were designed for 50 years of service but have already begun to crumble.

**Entergy Vermont Yankee is being operated in non-compliance with NRC General Design Criteria,** such as placing components in environments for which they are not designed. At Vermont Yankee, non-qualified, safety-related electrical cables have been allowed in underground routings where they have been and may be in the future, submerged in water. Both of these factors played heavily in the Fukushima meltdown scenarios. Future weather events and flooding can be expected to exacerbate this critical problem.

**An increasing rate of equipment failures suggests that a financially pressed management is skimping on quality control, corrective actions and maintenance.** Entergy reports that for the last three years electricity

revenues have barely met operation and maintenance expenses. A series of reactor power control and heat removal system failures over the last few years point to Entergy cutting corners. Entergy has told shareholders that NRC mandated post-Fukushima modifications may bring substantial costs as yet unaccounted for in its projected post-2012 earnings.

And, if NEC and the State of Vermont prevail in a Clean Water Act complaint that New York State has just joined, Entergy may be forced to use its own cooling systems rather than the Connecticut River to cool down the plant, a move Entergy has said may cost as much as \$1 million daily. Entergy's tightfisted and dangerous approach to maintenance is evidence that a tired, worn, and antiquated nuclear plant cannot be operated both profitably and safely.

**Entergy Vermont Yankee employees are stressed and underperforming in areas related to public safety.** Faulty maintenance and repair work, poor quality control, abbreviated extent of condition review, supervision failures and poor interdepartmental coordination have led to a series of component and performance failures which seem to be increasing in frequency. In March 2011, Entergy attorneys told the NRC that delay in issuing the renewed license (regulatory uncertainty) was causing VY employees to lose morale and was negatively affecting Entergy's ability to hire or retain qualified personnel. A few years earlier, a Pilgrim Nuclear Station employees union filed a petition for leave to intervene before NRC in opposition to an Entergy move to reorganize and consolidate its nuclear fleet. Pilgrim workers said that they did not want Pilgrim to become contaminated with Vermont Yankee's "poor safety culture."

**The parallels between the Fukushima meltdown and potential problems at its Vermont Yankee twin have not been adequately addressed.** Fukushima proves that simple flooding of below-grade systems and components are enough to pitch vital reactor systems into blackout and trigger the slide to meltdown. Accident mitigation systems similar to those at Vermont Yankee did not perform their intended function at Fukushima. Vermont Yankee, like Fukushima Unit 1, depends on a complicated and relatively fragile suppression containment system that was outmoded even before construction of VY was completed. Like Fukushima, VY stores used, irradiated fuel in elevated spent fuel pools subject to leaks, loss-of-cooling, terrorist attack, aircraft impact, and seismic failure. VY's spent fuel pool differs only in that it has been packed to more than four times its original design capacity."

**NRC safety oversight, though it is needed more than ever at VY, continues to degrade.** The U.S. Nuclear Regulatory Commission, never a strong regulator, has come under increasing fire from advocacy groups, committees of Congress, the U.S. General Accountability Office, and the Agency's own Office of Inspector General for weaknesses and failures in enforcing its regulations; and for failure to act promptly on lessons from the Fukushima accident. NRC's Chairman admitted recently that the agency lacked sufficient qualified personnel even to review license renewal applications in a timely fashion.

ABOUT NEC: NEW ENGLAND COALITION has engaged the Nuclear Regulatory Commission and Entergy Nuclear Vermont Yankee in a non-stop litigation sparring match since 2001 and that continues in 2012: Entergy v. VT (Federal Preemption claimed by Entergy case) , NEC and State of Vermont v. NRC (NRC should rescind their approval of Entergy's license renewal application (LRA). Vermont Yankee has not applied for or received all state water pollution control permits which are a prerequisite for NRC approval of the license renewal).

[New England Coalition](#) is a 501(c)(3) non-profit organization. All contributions are tax-deductible and urgently needed. The unprecedented number of concurrent cases in which we are intervenors or amicus curiae in 2011 and the pace of developments in these cases makes your contribution today so important. Donate at [necnp.org using PayPal](#) or send a check to NEC, PO Box 545, Brattleboro , VT 05302 [www.necnp.org](#)



