

STATE OF VERMONT  
PUBLIC SERVICE BOARD

**Joint Petition of NorthStar Decommissioning Holdings, LLC North Star Nuclear Decommissioning Company, LLC, LVI Parent Corp., NorthStar Group Holdings, LLC, Entergy Nuclear Vermont Investment Company, LLC, and Entergy Nuclear Operations, Inc., and any other necessary affiliated entities to transfer ownership of Entergy Nuclear Vermont Yankee, LLC, and for certain other ancillary approvals, pursuant to 30 V.S.A. §§ 107, 231, and 232**

**Docket No 8880**

**MOTION TO INTERVENE OF NEW ENGLAND COALITION ON NUCLEAR POLLUTION, INC.**

The New England Coalition on Nuclear Pollution, d/b/a New England Coalition, Inc. (“NEC”), pursuant to Section 2.209(A) of the rules of the Public Service Board, moves to intervene as of right in the above-captioned proceeding. If intervention as of right is not granted, intervention by permission is sought pursuant to Rule 2.209(B).

**Memorandum**

NEC is a Vermont not-for-profit corporation. Since 1971, its purpose has been to advocate for more effective regulation of existing nuclear steam-electric plants, better environmental protection and stewardship of natural resources within the affected vicinity of nuclear steam-electric plants, and the development of sustainable alternatives to nuclear power.

Numerous of NEC’s members have their homes or businesses in the immediate vicinity of the Vermont Yankee site.

The Board has used the criteria of 30 V.S.A. § 248(b) to help define “public good” under § 231. *See, e.g., Amended Petition of Entergy Nuclear Vermont Yankee,*

*LLC*, Docket No 7862, Opinion issued 3/28/14, pp. 35, 45-46. The interests of NEC and its members will be affected under criteria (b)(1) (orderly development of the region), (b)(4) (economic benefit), and (b)(5) (aesthetics historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety, with due consideration having been given to the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1) through (8) and (9)(K), impacts to primary agricultural soils as defined in 10 V.S.A. § 6001, and greenhouse gas impacts).

NEC's interests under each of these criteria may be affected by the proposed sale. The, effectiveness, completeness and timing of decommissioning the Vermont Yankee site, under federal and state standards -- including the "greenfield" conditions Entergy agreed to when it purchased the facility -- directly affect the mission of NEC and the interests of its members, both under the concept of public good generally and under § 248 criteria (b)(1), (4) and (5). NEC and its members will suffer harm if NorthStar does not complete decommissioning in accord with federal and state standards and laws, and if it does not do so in a timely manner.

These interests are the same as those which NEC asserted in Docket No. 8300, which the Board ruled sufficed for intervention. The Board ruled that "[NEC's] interest in 'the local environment, Vermont Yankee property reuse, regional planning and development, and aesthetics'" sufficed for intervention. *Petition of Entergy Nuclear Vermont Yankee, LLC*, Docket No. 8300, Order re: Motions to Intervene, 7/7/15, p.5.

NEC has been granted intervenor status by the Board, in matters involving the Vermont Yankee site, on many prior occasions. *See, e.g., Petition of Entergy Nuclear*

*Vermont Yankee, LLC*, Docket No. 8300, *supra*; *Petition of Entergy Nuclear Vermont Yankee, LLC*, Docket No. 7440, Order re: Motions to Intervene, 8/13/08.

NEC satisfies the standards of Rule 2.109(A)(3), governing intervention as of right. First, NEC has articulated a “substantial interest” which may be affected by the outcome of these proceedings. Second, the proceedings afford “the exclusive means” by which it can protect that interest. These are the only proceedings that will address and apply state standards and state law. Third, its interests will not be “adequately represented by existing parties.” NEC’s mission and its interests differ from those of the Department and other possible intervenors.

NEC also meets the standards of 2.109(B), on intervention by permission. NEC meets the primary criterion because it has a substantial interest that may be negatively affected by proposed sale. In addition, there is not another party or organization that can or will represent these interests and there is no other means to protect these interests. NEC commits to work cooperatively with the other parties to avoid delaying the proceedings.

### Conclusion

NEC should be granted status as an intervenor as of right; in the alternative, it should be granted permissive intervenor status..

Dated: January 27, 2017

Respectfully submitted,

NEW ENGLAND COALITION

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