

The New York Times[®]
Reprints

This copy is for your personal, noncommercial use only. You can order presentation-ready copies for distribution to your colleagues, clients or customers [here](#) or use the "Reprints" tool that appears next to any article. Visit www.nytreprints.com for samples and additional information. [Order a reprint of this article now.](#)

PRINTER-FRIENDLY FORMAT
SPONSORED BY



February 24, 2010

Vermont Senate Votes to Close Nuclear Plant

By **MATTHEW L. WALD**

MONTPELIER, Vt. — In an unusual state foray into nuclear regulation, the Vermont Senate voted 26 to 4 Wednesday to block operation of the Vermont Yankee nuclear plant after 2012, citing radioactive leaks, misstatements in testimony by plant officials and other problems.

Unless the chamber reverses itself, it will be the first time in more than 20 years that the public or its representatives has decided to close a reactor.

The vote came just more than a week after [President Obama](#) declared a new era of rebirth for the nation's nuclear industry, announcing federal loan guarantees of \$8.3 billion to assure the construction of a twin-reactor plant near Augusta, Ga.

While it is unclear how Vermont Yankee's fate could influence the future of nuclear power nationally, the reactor's recent troubles are viewed by some as a challenge to arguments that such plants are clean, well run and worth building.

Vermont's governor, Jim Douglas, a Republican, said after the Senate's vote that he and other governors had met with Mr. Obama on Monday and that Mr. Obama had spoken "passionately" about the need for more reactors.

"It's ironic that at the same time the president is advancing a strong commitment to [nuclear energy](#), that we're taking a step in another direction here," said Mr. Douglas, who had sought to delay a vote until public outrage about several recent missteps at the plant cooled a bit.

In a small, ornate chamber packed with plant opponents, the Vermont senators voiced frustration over recent leaks of radioactive tritium at the 38-year-old plant as well as the collapse of a cooling tower in 2007 and inaccurate testimony by the plant's owner, the Louisiana-based nuclear operator Entergy.

Plant officials had testified under oath to two state panels that there were no buried pipes at Vermont Yankee that could leak tritium, although there were. No tritium has turned up in drinking water, but even plant supporters expressed dismay at the leak and the misstatements.

“If the board of directors and management of Entergy were thoroughly infiltrated by antinuclear activists, I do not think they could have done a better job of destroying their own case,” said one senator, Randolph D. Brock III, a St. Albans Republican who cast several votes friendly to the plant.

In the hours of debate, one virtue of nuclear power emphasized by proponents at the national level — production of electricity without emissions of greenhouse gases — was hardly mentioned, even by supporters.

Entergy said in a statement after the vote, “We remain determined to prove our case to the legislature.”

Under Vermont law, any extension of the plant’s license beyond 2012 would have to be approved by both houses. Unless the Senate reverses itself and the House also approves an extension, the plant must close by March of that year.

All members of the House and the Senate are up for re-election in November, raising the possibility that a vote next year on the plant’s fate could yield a different outcome. Democrats have large majorities in both chambers.

But the company faces a struggle in allaying the concerns of lawmakers and their constituents. In debate, senators cited estimates of over \$1 billion for decommissioning the plant, although only about \$450 million is on hand for the job. Tritium leaks could raise the bill, they said.

Before debate began Wednesday morning, Entergy said it had instructed a law firm to examine the misstatements its officials had made under oath and concluded that officials had not intended to deceive the state. It said communications had “led to misunderstandings,” and a result was that “the responses were incomplete and misleading.”

Curt L. Hébert, a spokesman for the company, said that Entergy had put five senior employees on administrative leave and that “all the discipline taken had financial consequences for the employees involved.”

Mr. Hébert acknowledged in an interview that the leaks, the cooling tower collapse in 2007 and other problems had been “almost a perfect storm” for the plant.

On Wednesday, the chairman of the [Nuclear Regulatory Commission](#) said his agency would

investigate the issue of the company's providing false information to the state.

The commission said the structure that collapsed, one of several cooling towers at the plant, was not required for the safe shutdown of the plant, but the distinction did little to buff the plant's image.

In a move that has also deepened public unease, Entergy has been trying to spin off the reactor and five others, including the [Indian Point](#) reactors in New York, into a new company that would borrow money to pay back Entergy and sell stock on Wall Street.

Many opponents in Vermont worry that this would allow Entergy, based in New Orleans, to avoid legal liability for any problems at the plants and that a spinoff could be detrimental to the state.

"It's a dump job," said Nancy Braus, a plant opponent from Putney who watched the Senate action from a corner of the chamber.

In theory, the debate here was over the plant's reliability, an area over which the state has jurisdiction. Over all, the plant has run far more days of the year under Entergy than under its former owners, a group of local utilities. National nuclear specialists like Entergy are often viewed as having more operating expertise than local utilities, but in many cases they lack local support.

In their culminating vote, senators defeated a resolution that would have authorized the state to issue a certificate of "public good," which would be necessary to keep Vermont Yankee operating.

Vermont got its foot in the nuclear regulatory door by getting Entergy to agree several years ago that its original certificate would expire when the original license did, in March 2012. A new certificate therefore requires approval by both houses.

Some plant supporters have raised the possibility of a lawsuit should the two houses decline to extend Vermont Yankee's operating license next year.

But Christopher M. Kilian, director of the Vermont office of the Conservation Law Foundation, said that because of the structure of the law requiring affirmative action of both houses for the plant to stay open, a suit would face difficult hurdles.

"There will not be an act of the legislature for anyone to challenge," Mr. Kilian said.

The controversy in Vermont is viewed with deep apprehension and some anger by the nuclear

industry. The Nuclear Regulatory Commission in Washington, which normally makes the decisions on safety issues, is poised to give the plant 20 more years. Commission officials declined to comment on Vermont's action.

The last time a reactor in the United States was closed by a vote of the public or its representatives was in June 1989, when the voters of the Sacramento Municipal Utility District decided to shut the Rancho Seco reactor. The issues in that case were mostly economic; the plant kept breaking down, forcing the district to buy electricity from neighbors, and it had been shut from late 1985 to early 1988 for repairs.

Commissioned in August 1966 and given its operating license in March 1972, Vermont Yankee is one of the older plants in the American inventory of 104 power reactors. The oldest still running is Oyster Creek, near Toms River, N.J., which is of a similar design and opened in December 1969.

Oyster Creek recently won a 20-year extension of its initial 40-year license, although, to the anger of its opponents, plant owners announced a few days later that it, too, was leaking tritium.

- -