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Showdown on Vermont Nuclear Plant's Fate

By **MATTHEW L. WALD**

WASHINGTON — The [Nuclear Regulatory Commission](#) on Thursday rejected all challenges to extending the operating license of the Vermont Yankee nuclear plant, setting up a confrontation between the reactor's owner and the Vermont Legislature, which has blocked a state certificate needed to keep the plant running.

The commission voted 4 to 0, with one recusal, to allow its staff to issue the renewal. In a conference call with reporters, the commission's chairman, Gregory B. Jaczko, said that the plant's owner, Entergy, had met "all of our requirements and standards to be able to operate for another 20 years." Still, operating the plant, in Vernon, Vt., on the Connecticut River near the Massachusetts line, requires "a variety of permits and other actions," of which an N.R.C. license was just one, he said.

The state argues that the plant is too old to be reliable, an area over which it has jurisdiction.

In Vermont, environmentalism runs strong, and the plant has long been viewed with suspicion. A series of problems, including the collapse of a wooden cooling tower in 2007, leaks of [tritium](#) from underground pipes and denials by utility executives that there were such pipes, made the plant widely unpopular outside its immediate neighborhood.

Safety regulation rests with the Nuclear Regulatory Commission, but Entergy had signed a deal with Vermont in 2002 requiring the plant to get a "certificate of public good" from the state if the plant was going to operate beyond its initial 40-year license. All power plants in Vermont must have such a certificate.

State lawmakers then passed a measure forbidding the state's Public Service Board from issuing such a certificate without the approval of the House and Senate. Last year, the Senate voted 26 to 4 against issuing such a certificate. The House did not vote.

The governor who took office in January, [Peter Shumlin](#), has said repeatedly that the plant was designed to close at the end of 40 years and that it should be closed then. In January,

the company put the reactor up for sale, thinking that a new owner might win the state's trust and the needed certificate. It has made no public comment about progress in finding a buyer.

Entergy's chief executive, J. Wayne Leonard, said that his company's challenge was "gaining public support in disproving a negative put in the public's mind, that the age of the plant is determinant of its condition."

In fact, signs of the reactor's condition have been contradictory. In the 30 years that the plant was owned by a group of local utilities, on average it produced only 78 percent as much electricity as would have resulted from round-the-clock operation. But in the last five years, it has produced more than 94 percent, and twice it ran continuously between refuelings without no shutdowns.

The Energy Department, which by charter is supposed to promote nuclear power, has thus far been silent on the Vermont Yankee plant.