

# Bill as Introduced

**HCR 4 - AS INTRODUCED**

2011 SESSION

11-0866  
06/04

HOUSE CONCURRENT RESOLUTION 4

A RESOLUTION urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.

SPONSORS: Rep. S. Lindsey, Ches 3

COMMITTEE: State-Federal Relations and Veterans Affairs

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**ANALYSIS**

This house concurrent resolution urges the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

A RESOLUTION urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.

1       Whereas, nuclear power has proved to be a reliable and low-cost source of energy; and

2       Whereas, use of nuclear power will decrease our dependence on foreign oil; and

3       Whereas, nuclear power promotes economic development through the creation of jobs and tax  
4 revenues and the availability of a stable and reliable source of energy; and

5       Whereas, it is imperative that United States research and academic institutions continue to  
6 pursue and develop state-of-the-art nuclear technology and that the United States not allow itself to  
7 be overtaken by other nations in the development of this crucial energy resource; and

8       Whereas, nuclear power has proven to be a safe energy alternative to fossil fuels; and

9       Whereas, nuclear energy is the second largest source of electricity in the United States,  
10 providing 20 percent of our electricity supply safely and reliably and without damage to the  
11 environment; and

12       Whereas, the decision whether or not to license nuclear power plants in the state should be made  
13 by the citizens of New Hampshire through their legislature; now, therefore, be it

14       Resolved by the House of Representatives, the Senate concurring:

15       That the New Hampshire general court urges the United States Nuclear Regulatory Commission  
16 to permit New Hampshire to relicense nuclear power plants; and

17       That copies of this resolution be forwarded by the house clerk to the United States Nuclear  
18 Regulatory Commission and the members of the New Hampshire congressional delegation.

# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

PUBLIC HEARING ON HCR 4

**BILL TITLE:** urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.

**DATE:** January 20, 2011

**LOB ROOM:** 203      **Time Public Hearing Called to Order:** 11:01 a.m.

**Time Adjourned:** 11:31 a.m.

(please circle if present)

**Committee Members:** Reps. Baldasaro, Blankenbaker, L. Christiansen, T. Smith, Cunningham, Kingsbury, Larsen, Lundgren, McCarthy, Notter, Bamburello, Vitas, Rokas, Domingo, Hofemann, Theberge and Spainhower.

**Bill Sponsors:** Rep. S. Lindsey, Ches 3

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\***Rep Lindsey** introduced HCR4 - Supports bill. feels states should have say in nuclear plants, a yea or nay vote same as VT does. Nuclear power plants should have to make case to citizens as well as to regulators.

In response to committee questions: Would like to see legislative branch have a say, bringing more stakeholders on board. intention of bill is only to serve a consulting, contributing nature. If necessary would seek to amend bill to reflect this. Legislative branch should be involved as they are closer to citizens. Admits system is not broken but people should have local say, an additional set of eyes bearing witness adds safety.

**Dick Winn**, NextEra Energy, Seabrook Station - Opposes bill. Shared comments regarding relicensing: Hard battle fought for original seabrook license through NRC (Nuclear regulatory commission.) They have done everything they said they would during initial process and have been a terrific asset to the state. Respectfully disagrees with HCR4 for several reasons. Extensive relicensing process already under way. Started relicensing process, typically a 22-30 month renewal process, early since sensible and prudent on expenditure and plant management. All documentation in process is public record. Numerous opportunities for public to participate in process. Will continue public outreach, desire to be open and transparent Poll conducted through UNHGranite State Poll: 82% responded yes to question if Seabrook is relicensed by NCR should the plant receive license for 20 additional years. 10% responded no. Ask that you don't support HCR4 already plenty of participation from public and state legislature.

In response to committee questions, current license expires 2030, looking to extend to 2050. Lifespan of a nuclear facility originally intended as 40 year license. NRC has no technical basis on such lifespan. Real issue is how plant is maintained and preventative maintenance. Plant shuts down every 18 months for maintenance. Employees 1100 people from Maine, and Massachussetts but vast majority live in NH close to plant. There is no problem with Seabrook which should be validated after relicensing period. NRC

providing proper inspection, no problem with *the system*. Regarding cost, Vermont is only other model with state legislation participation, cost unknown.

Bill will go to executive committee today.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kirsten J. Larsen". The signature is written in black ink and is positioned above the typed name.

Rep. Kirsten Larsen,  
Clerk



HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

PUBLIC HEARING ON HCR 4

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Bill Sponsors: Rep. S. Lindsey, Ches 3

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

# Testimony

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# Vermont Senate Votes to Close Nuclear Plant

By MATTHEW L. WALD  
Published: February 24, 2010

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.



Enlarge This Image

Vermont Yankee Corp.

The Vermont Senate has voted to block a license extension for the Vermont Yankee nuclear plant in Vernon, Vt.

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

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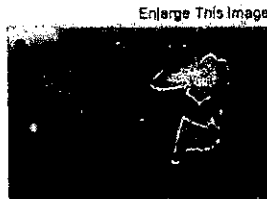


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Nuclear opponents celebrated a State Senate vote Wednesday that could help close the Vermont Yankee nuclear plant in 2012.

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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.

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A version of this article appeared in print on February 25, 2010, on page A14 of the New York edition

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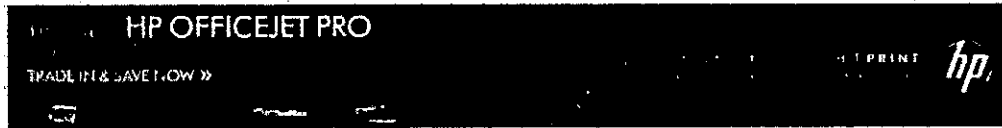
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# Vermont Senate Votes to Close Nuclear Plant

Published: February 24, 2010

(Page 2 of 2)

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.

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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.

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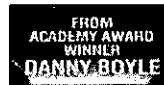
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# Voting Sheets

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HCR 4

**BILL TITLE:** urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.

**DATE:** January 20, 2011

**LOB ROOM:** 203

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Theberge

Seconded by Rep. Smith

Vote: (Please attach record of roll call vote.) 13-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Kirsten L. Larsen, Clerk

*Kirsten L. Larsen*

HOUSE COMMITTEE ON STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

EXECUTIVE SESSION on HCR 4

BILL TITLE: urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.

DATE: 1/20/11

LOB ROOM: 203

Amendments:

Sponsor: Rep.	OLS Document #:
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Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. *Theberge*

Seconded by Rep. *Smith*

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. ~~Kristen B. Larson~~, Clerk

*Kristen C. Larson*



STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

Bill #: HCR 4 Title: urging the U.S. Nuclear Regulatory Commission to permit New Hampshire to release nuclear power plants.

PH Date: 1 / 20 / 11

Exec Session Date: 1 / 20 / 11

Motion: JTL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Baldasaro, Alfred P, Chairman	X	
Christiansen, Lars T		
Smith, Todd P	X	
Cunningham, Steven L	X	
Kingsbury, Robert P	X	
Larsen, Kirsten L	X	
Lundgren, David C		
McCarthy, Frank H	X	
Notter, Jeanine M	X	
Tamburello, Daniel J	X	
Vita, Lucien A	X	
Rokas, Theodoros V	X	
Domingo, Baldwin M		
Hofemann, Roland P		
Theberge, Robert L	X	
Spainhower, Dale S	X	
Blakenbaker	X	
TOTAL VOTE:	13	0

# Committee Report

**CONSENT CALENDAR**

**January 25, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS to which was referred HCR4,

AN ACT urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants. Having considered the same, report the same with the following Resolution:

**RESOLVED, That it is INEXPEDIENT TO LEGISLATE.**

**Rep. Robert L Theberge**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS
Bill Number:	HCR4
Title:	urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.
Date:	January 25, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

The committee agrees that sufficient regulations are in place and the national regulatory commission (NRC) apprises the attorney general's office fully and notifies the public of any and all hearings and therefore this legislation is not necessary. In addition, the committee was concerned about the cost of creating another level of oversight.

Vote 13-0.

Rep. Robert L Theberge  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS

HCR4, urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants. **INEXPEDIENT TO LEGISLATE.**

Rep. Robert L Theberge for STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS. The committee agrees that sufficient regulations are in place and the national regulatory commission (NRC) apprises the attorney general's office fully and notifies the public of any and all hearings and therefore this legislation is not necessary. In addition, the committee was concerned about the cost of creating another level of oversight. **Vote 13-0.**

Blurbs

1/20/11

HCR 4 urging the United States Nuclear Regulatory Commission to permit New Hampshire to relicense nuclear power plants.

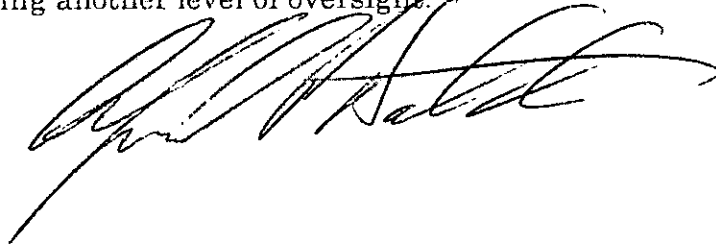
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Consent Calendar

13-0

The committee agrees that sufficient regulations are in place and the national regulatory commission (NRC) apprises the attorney general's office fully and notifies the public of any and all hearings and therefore this legislation is not necessary. In addition, the committee was concerned about the cost of creating another level of oversight.

Rep. Theberge

A handwritten signature in black ink, appearing to read 'Rep. Theberge', is written over the printed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

# COMMITTEE REPORT

COMMITTEE: State - Federal Relations + Veterans Affairs  
BILL NUMBER: HCR 4  
TITLE: urging the U.S. Nuclear Regulatory Commission to permit NRC to release nuclear power plants  
DATE: 1/20/11 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS  
 OUGHT TO PASS W/ AMENDMENT  
 INEXPEDIENT TO LEGISLATE  
 INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

## STATEMENT OF INTENT:

~~The committee~~ <sup>The committee</sup> agrees that sufficient regulations are in place and the National Regulatory Commission (NRC) apprises the Attorney General's office fully and notifies the public of any and all hearings. ~~and~~ therefore this legislation is not necessary. In addition, the committee was concerned about the cost of creating another level of oversight.

COMMITTEE VOTE: 13-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Robert Thiberge  
For the Committee  
[Signature]