

Utilities Sue Nuke Plant over Tower Failure

DAVE GRAM, Associated Press

MONTPELIER, Vt. (AP) — Vermont's two largest electric utilities are suing the state's lone nuclear plant, saying they were forced to buy more expensive replacement power when the Vermont Yankee reactor had to shut down twice for repairs to its cooling towers.

"Entergy's failure to implement and exercise sound practices with respect to the maintenance, repair and improvements of the facility's cooling towers caused tower failures in August 2007 and July 2008," Green Mountain Power Corp. and Central Vermont Public Service Corp. said in a joint statement Tuesday.

"The failures resulted in significantly reduced power output, which in turn deprived us of power due to us and our customers at specified, below-market prices," the companies added.

The companies announced the suit on Tuesday, a day after filing it in Windham Superior Court in Newfane. They are seeking \$6.6 million — the amount they say they had to pay to replace the power they had been getting from Vermont Yankee during two power reductions triggered by the cooling tower failures in August 2007 and July 2008. The two utilities said they would also seek to recover interest and legal fees, and requested a trial by jury.

Larry Smith, spokesman for Vermont Yankee and its owner, New Orleans-based Entergy Corp., said the company would have no comment on the lawsuit.

Relying on Nuclear Regulatory Commission inspection reports, the lawsuit said the initial failure of one of the cooling towers was due to rotting of wooden support beams caused by a chemical compound containing iron, fungus growing on the beams and bolts that were tightened too much. The second problem arose because of an inadequate repair of the first, the suit said.

Vermont Yankee's cooling towers are not of the iconic bell shape recalled from the Three Mile Island nuclear plant. They are two rectangular-shaped banks of 11 cooling towers apiece, each bank 50 feet high, 40 feet wide and 300 feet long.

Water from the adjacent Connecticut River is taken into the plant to cool various components. In winter, it is sent directly back to the river. In summer, some is sent to the cooling towers, where it is allowed to fall through the tower much like rain, cooled by fans pulling air into the tower from the outside.

The 2007 cooling tower collapse gained notoriety when a photo taken by someone at the plant was passed to a nuclear watchdog group — the New England Coalition — and then distributed to the media. The photo showed a large broken pipe about 6 feet in diameter, spewing thousands of gallons of water onto a pile of debris below.

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Vermont's power companies have been getting electricity from the plant — about a third of the power consumed in the state — under a power purchase agreement that went into effect when Entergy bought Vermont Yankee from a group of New England utilities — led by GMP and CVPS — that owned it previously.

GMP and CVPS say in their suit that the agreement called for Entergy to use "good utility practice" in maintaining the 650--megawatt reactor in Vernon in Vermont's southeast corner and that, when it came to maintaining the cooling towers, it failed to do so.

While Entergy is the defendant in the new suit, it is the plaintiff in separate and closely watched litigation in U.S. District Court in Brattleboro. In that case, Entergy is trying to block the state's efforts to force Vermont Yankee to close when its initial 40-year license expires in March. Entergy has won a 20-year license extension from the NRC, but so far has not gotten the state permit that Vermont law says it also needs to keep operating.

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