



Nuclear Protest (Photo credit:
Greenpeace)

You may recall the Supreme Court's decision in the [Vermont Yankee](#) case. It was a major administrative law decision. Prior to Vermont Yankee, the D.C. Circuit and some other courts had been experimenting with an approach to judicial review which focused on helping to improve agency procedures, rather than reviewing the substance of the agency's decision. The Supreme Court ended that experiment in no uncertain terms. The Court also held that the agency did not have to discuss the alternative of energy conservation (rather than building the plant) in its environmental impact statement. As an interesting postscript to the case, the Vermont legislature seems poised to close the plant. E&E News reports:

The Vermont Senate voted 26-4 today against recommending a 20-year extension of the Vermont Yankee nuclear power plant's operating license, drawing cheers from nuclear power opponents who packed the statehouse in Montpelier for the debate.

Vermont is the only state with a law allowing lawmakers to weigh in on the relicensing of a nuclear plant. Today's vote is the first time the Legislature has taken up the issue.

New Orleans-based Entergy Corp., the plant's owner, had requested the extension for the plant in Vernon, which has come under fire recently because of leaks of radioactive tritium.