



# GovernmentSection

## ENERGY ISSUES

### Entergy Appeal Denied

By **ABBY LUBY**

If the owners of the Indian Point nuclear power plant want to keep the plant running they may have to prove the twin reactors can withstand a severe accident.

A ruling last week by federal regulators said plant owner Entergy, in their bid to renew their operating license, had not clearly shown that the cost exceeded the benefits if they upgraded certain safety features to reduce the plant's vulnerabilities to severe accidents.

The decision by the Nuclear Regulatory Commission was a victory for New York State Attorney General Eric Schneiderman, who, last July, won a landmark decision against Entergy that argued Indian Point should not be relicensed without proving they can control severe accidents that could threaten the public and the environment. Entergy appealed that decision and last week the NRC denied the multi-billion dollar utility, upholding the July ruling.

Schneiderman said last week's ruling bolstered his ongoing effort to improve Indian Point's accident preparedness. "While Entergy might prefer to treat severe accidents as impossibilities, the millions of people who live and work near Indian Point rightfully expect more. My office will continue to take every action necessary to ensure Indian Point complies with all applicable laws and regulations, and that the surrounding communities are protected."

Entergy spokesman Jim Steets said a decision to appeal the decision hasn't been made. "Where we go to from here is unclear. This

decision doesn't mean that anything additional has to be done. It's largely a procedural matter rather than a suggestion that additional safety measures have to be taken." Steets said that if Entergy added additional cost benefit analysis to their relicensing application, it wouldn't necessarily lead to any additional enhancements.

"We may not have to take any specific actions with respect to adding equipment," emphasized Steets.

Since the catastrophic disaster last March at the Fukushima nuclear plants, an NRC appointed Japan Task Force recommended that U.S. nuclear power plants beef up their emergency systems in case of spent-fuel leaks, earthquakes, floods and loss of power.

Entergy applied for a new operating license in 2007 to keep both Indian Point Units 2 and 3 running for 20 more years to 2035. Their licenses expire in 2013 and 2015. Since the application, numerous environmental groups have argued against keeping the plant open. Governor Andrew Cuomo campaigned to shutter the plant. The ruling against Entergy upholds one of dozens of contentions against relicensing Indian Point that will be reviewed in hearings by the Atomic Safety and Licensing Board (ASLB), an independent board that makes certain

recommendations for relicensing. The hearings are expected to be held sometime late next year in the vicinity of the plant.

Indian Point supplies about 6% of the electricity they produce in the winter and about 4% in the summer to the New York City metropolitan area, including Westchester. On average, Entergy sells most of its electricity to grids feeding New England, the Mid-Atlantic, Quebec and Ontario.

The environmental impact portion of the license renewal process for the 104 nuclear reactors in the U.S. require a cost-benefit analysis for safety upgrades that show how plants handle emergencies

such as an accidental release of radiation. NRC spokesman Neil Sheehan said that last week's ruling favoring New York State said Entergy had not yet demonstrated whether the benefits exceeded the cost for mitigation measures and hadn't complied with NRC regulations and the National Environmental Policy Act (NEPA), which reviews nuclear power plant's portion of their application that pertains to environmental impacts.

However, already approved by the NRC in 2009 was Entergy's Safety Evaluation for Indian Point.



The Indian Point Nuclear power plants in Buchanan, New York.

Photo by and courtesy of Abby Luby.

## THE ALBANY CORRESPONDENT

### Good News, Bad News

By **CARLOS GONZALEZ**

ALBANY, NY -- It's been a brilliant year for Governor Andrew Cuomo.

He closed a \$10 billion deficit and balanced the budget on time without raising taxes, even cut taxes for middle class families with the lowest tax rate seen in 58 years.

He passed the state's first-ever property tax cap.

Toss in an ethics reform package, job creation plans, and especially the landmark legislation extending full marriage rights to same-sex couples - the governor got it done.

Cuomo eliminated "Pay-to-Play" in the State Pension Fund, he eliminated the MTA payroll

tax on 700,000 small business and self-employed taxpayers, even signed legislation banning texting while driving.

To be frank, Cuomo has too many accomplishments this year to print.

I'm sure plenty of readers are going to send emails imploring for me not to be so "nice" to Cuomo moving forward. However, I have to call it like it is.

Successful year! Proud to be a New Yorker again, Governor.

The last time I felt this way about any governor was in 1983 - mind you I was only 15-years-old. It was the year when Andrew Cuomo's father, Mario, took office as governor.

I met Mario Cuomo in 1977 during his failed attempt for the NYC mayoral campaign. I was a young nine-year-old dragged to one political event after another.

Nevertheless, as children become their own, each conversation I shared with Mario Cuomo

was quite rewarding and inspirational.

I must disclose that I liked former Governor George Pataki (a genuinely kind and passionate person), had brief conversations with disgraced former Governor Eliot Spitzer, and I'm appreciative of many laughs I've shared with former Governor David Paterson, a man who always remembered my first name.

I'm relatively young, only 43-years-old, and for someone like myself to have had conversations with each governor since 1983, I can say that I've learned so much and it's very much a privilege.

Reflecting, I took the time yesterday to watch Mario's inaugural speech of 1983. What I realized was that the elder Cuomo took over the state while we were in a national recession and had a massive state deficit.

Just like Andrew did.

This does not mean that Andrew Cuomo's policy initiatives and future proposed budgets would be exempt from any scrutiny. We didn't

"The staff long ago finished reviewing Entergy's safety evaluation portion of their application and did not find any reason why the plant could not be relicensed," said Sheehan. "But the ultimate decision is up to the commission."

Sheehan said renewal application requirements include reports called Severe Accident Mitigating Alternatives, or SAMAs. "These reports justify the cost-benefits to certain upgrades such as plant modifications or improvements that could help mitigate the effects of a severe accident, and do so on a cost-benefit basis."

SAMAs look at what they call "core damage frequency," such as an accidental loss-of-coolant - which can lead to a core melt down - or a steam generator tube rupture, which can release radioactive steam into the atmosphere. Other core damages can include the loss of offsite power, station blackout and internal flooding, among others.

According to Dave Lochbaum of the Union of Concerned Scientists, there are several hundred SAMAs that are part of the relicensing application.

"As I understand it, there's a large handful of SAMAs that were determined by Entergy to be cost beneficial at Indian Point. But they didn't want to do them despite their analysis having shown their cost to be outweighed by the safety benefits. Seems all that talk about "safety first" is just that - when all is said and not done, cost rules."

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exempt any former governor, so why should we Andrew. However, from this column's perspective, I could not find one single reason for 2011.

Every single bill signed into law was warranted and in some cases long overdue.

Onto the Bad Apple

It wasn't a good year for State Senator Carl Kruger (D-Brooklyn). Last week he appeared in federal court to plead guilty to federal corruption charges.

During the plea, the longtime Brooklyn politician repeatedly sobbed as he admitted his guilt.

Kruger, 62, broke down and cried, telling Judge Jed S. Rakoff, "I apologize if I'm a little emotional over this." His voice was unusual boyish that squeaked and cracked at times.

He was then asked if he was mentally fit to plea. Kruger said, "Under the circumstances, yes, Your Honor."

Kruger went on and pled guilty to two counts

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