

## Attorney General Cuomo challenges IP re-licensing

BY ABBY LUBY

Last week, Attorney General Andrew Cuomo's deputy attorneys strongly indicated that the AG may file contentions in the relicensing process for Indian Point. Just after Attorney General Andrew Cuomo addressed several hundred people at the County Civic Center in White Plains, Kit Kennedy, special deputy attorney general for environmental protection, answered questions about Indian Point in a special break out session.

### Filing Contentions

When asked if the AG's office was taking an active role in the relicensing process Kennedy responded "We like to talk about what we've done, but not what we are about to do." Kennedy also noted that the deadline for filing intervention papers is November 30. "You will be hearing from us then and we will keep you posted." Kennedy introduced assistant attorney general John Sipos who is

directly involved with Indian Point actions taken by Cuomo. Kennedy told the audience that Sipos and other AG staff were preparing for the upcoming deadline and said she could more openly discuss Indian Point issues after November 30. Entergy Nuclear, owner of the Indian Point nuclear plants in Buchanan has applied to renew the original forty-year operating licenses for Reactor Unit 2 and Reactor Unit 3. The licenses run out in 2013 and 2015, respectively. If the license application is approved, the plants will continue to operate until 2033 and 2035. So far only two groups have filed contentions challenging the relicensing of Indian Point: Friends United for Sustainable Energy (FUSE) and the New York City Economic Development Corporation. Filing contentions means that a group becomes directly involved with the relicensing process. Other groups expected to



Attorney General Andrew Cuomo addresses Westchester residents at Civic Center last week

- Photo by Abby Luby

file contentions before the November 30 deadline are Riverkeeper, Clearwater, and Westchester Citizens Awareness Network.

### Cuomo's actions on Indian Point to date

Kennedy did say that the AG's office was working very closely with the New York State Department of Environmental Conservation (DEC) in preparation for the relicensing proceeding. "We filed joint comments with the NRC on the environmental review process for relicensing and asked for a much broader range of factors to be considered like the risk of a terrorist attack or a seismic event – all of which the NRC is avoiding." Kennedy announced that Cuomo had just sent a letter to the NRC requesting the agency to consider a wide range of criteria for relicensing. The letter was signed by Cuomo and five other state attorney generals from different states.

"A state attorney general can take on the federal government, like the EPA (Environmental Protection Agency) and the NRC (Nuclear Regulatory

Commission), and we've done that successfully in many, many instances," said Kennedy to about 100 people.

"The attorney general is suing the NRC for not requiring power plants to be prepared to defend against air attack, known as the design basis threat," Kennedy explained.

"I can't tell you what will happen with our lawsuit with the NRC but I can tell you we are leaving no stone unturned and using every legal tool that we have to insure that the

public safety is protected, that the process is transparent and all factors are looked at in the relicensing process."

#### **NYPIRG and Croton Watershed at meeting**

Two groups not usually present at public meetings on Indian Point were the New York Public Research Interest Group (NYPIRG) and the Croton Watershed Clean Water Commission (CWCWC). Ten NYPIRG members who are college

students at SUNY Purchase said they were disappointed in what they heard about Indian Point.

"I thought the information was lackluster and not very direct," said Lisa Ritchie, project coordinator for NYPIRG. "We really didn't get straight answers to our questions." The CWCWC was concerned about leaks at the plant contaminating the Hudson River where the plant is located in Buchanan.

"The groundwater question is complicated and tricky," explained

Kennedy. "There are certain areas where state government can't go because of regulations by the federal government. The groundwater issue at Indian Point is one of those issues and the NRC regulates those discharges. We are tracking the problem with [plant owners] Entergy, the state DEC."

#### **SIDE BAR: Attorney General reaches out**

"This job to me is relatively simple," said Cuomo addressing several hundred people at the Civic Center last Thursday evening. "It's representing the people of New York as your lawyer, as your advocate. We are just a public interest law firm of 700 lawyers. The first rule I'm sharing with my new team is that 'if you want to represent the people, you have to go to the people, go to the communities and understand where they live and where they work.'"

Before the public session, Cuomo and his staff met during the day with government officials, law enforcement agencies in Westchester and Putnam counties. For the evening session some 20 lawyers spoke to individual groups about health insurance, consumer fraud, education, civil rights and labor issues and the environment.

AG's hotline: 1 800 771 7755