Across the United States, as substantial coal-fired electric capacity is retired, the national electricity supply is shifting to increased dependence on natural gas generation and growing use of intermittent renewable energy. Nuclear power plants, especially small, single reactor plants in competitive electricity markets, have struggled financially for years. This financial struggle has many contributing factors, including fear of nuclear meltdown, the exorbitant start-up cost of a nuclear power plant, and most importantly, environmental sanctions put in place by state and Federal governments. However, nuclear power plants generate nearly twenty percent of America's electricity and are critical reliability components that contribute to both the stability and integrity of the system.
In July, U.S. District Judge Valerie Caproni in Manhattan rejected claims that federal law preempted New York and its Public Service Commission from offering credits to promote clean energy and reduce reliance on fossil-fueled gas plants.[v] Judge Caproni dismissed a case claiming New York Governor, Andrew Cuomo’s subsidies to assist struggling nuclear power plants in New York would raise electric bills for New York citizens, as well as violate the Dormant Commerce Clause.[vi] “The New York program is constitutional,” Caproni wrote. “Paulv’s plaintiffs argue is their failure to offer any cogent explanation why ZECs (zero-emissions credits) are preempted but other state incentives to generate clean energy—such as tax exemptions, land grants, or direct financial subsidies—are not.”[vii]

Nuclear power is often overlooked for other forms of renewable energy but, the inability to store energy from wind and solar generators means that these facilities must be supplemented by conventional resources.[viii] In steps nuclear power. Nuclear power is clean, safe, reliable, compact, competitive, and practically intractable.[ix] Nuclear energy produces almost no carbon dioxide, no sulfur dioxide, or nitrogen oxides whatsoever.[x] These gases are produced in vast quantities when fossil fuels are burned.[xi] In a fight against the continuous burning of dwindling fossil fuels, as well as avoiding the turmoil of climate change, it is crucial that the U.S. devote attention to supporting renewable and semi-renewable resources. “At a time when the federal government has abdicated its leadership on climate change,” the decision “ensures our progress will not be blocked or rolled back by fossil fuel interests and others seeking to maintain the status quo,” Cuomo said in a statement.[xii]

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[vi] Id.


[viii] Id.


[x] Id.

[xi] Id.

[xii] Supra note v.