

**Congress of the United States**  
Washington, DC 20510

October 22, 2020

Chairman Kristine Svinicki  
Commissioner Jeff Baran  
Commissioner Annie Caputo  
Commissioner David A. Wright  
Commissioner Christopher T. Hanson  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Svinicki and Commissioners:

We write as a follow up our letter dated January 20, 2020 to restate our strong support of a hearing on the license transfer application for the Indian Point Energy Center (Indian Point), which should occur prior to any approval of the license transfer and related exemption requests. Multiple parties and leaders, including the State of New York, the Town of Cortlandt, Village of Buchanan, and the Hendrick Hudson School District filed petitions seeking party status and leave to intervene in this proceeding on February, 12, 2020, and have requested hearings before the Nuclear Regulatory Commission (NRC). However, the agency has yet to rule on these requests from the state and communities surrounding Indian Point.

During the recent virtual government-to-government and public meetings conducted by NRC staff on September 22, 2020, which were attended by representatives of our offices, it was made clear that the NRC staff intends to issue its order of approval for the application to transfer Indian Point's licenses from Entergy Corporation (Entergy) to subsidiaries of Holtec International (Holtec) as soon as next month. At the same meetings the NRC also informed the audience that its decision on the license transfer and exemption requests may be issued prior to these hearing requests being resolved. This is deeply disturbing when coupled with the fact that, over the last 8 months, the NRC has failed to act on New York's and the Town of Cortlandt, Village of Buchanan, and the Hendrick Hudson School District's petitions to intervene. We now face the prospect that the decision by NRC staff to transfer the plant's license and grant regulatory exemptions may well be made before the various stakeholders representing the communities surrounding Indian Point have had an opportunity to fully present its contentions to the Commission in a hearing. Such an outcome would be wholly unacceptable to our constituents in the Lower Hudson Valley. Industry-driven timelines cannot, and should not, come before their health and safety and relevant economic concerns are duly considered.

Elected officials, community members, and various stakeholders, including New York's attorney general, have raised serious concerns about Holtec's request for exemptions that would allow the use of funds from the nuclear decommissioning trusts (NDTs) for Indian Point for site restoration and spent fuel management. According to NRC regulations, the funds held in the NDTs are meant for radiological decommissioning, and the licensee is required to provide financial assurances that it will have sufficient funds to complete this work. These parties have also raised questions about the adequacy of Holtec's financial assurances that the licensees will have enough money to fully decommission the plant and carry out all of the other activities for which it seeks to use NDT funds. This is in part due to the lack of transparency about Holtec's finances as a privately held company, the subsidiaries that will serve as licensees and conduct decommissioning, and the lack of documented funding for the subsidiaries outside of the NDTs. These contentions should be

heard and fully evaluated by the Commission prior to any action by staff that would approve the license transfers and turn over the NDTs to those entities.

As the Senators and Members of Congress representing the communities around Indian Point and the state of New York, we request an update by you, in writing, on the status of the NRC's review of all petitions requesting a hearing, including New York State's aforementioned petition seeking party status and leave to intervene in the Indian Point license transfer proceeding. Due to the timeliness of this matter, we request a response no later than Wednesday, October 28, 2020.

We also request that you direct NRC staff not to provisionally approve the license transfer until the Commission has had an opportunity to fully and fairly consider each pending petition. Your continued failure to act on these petitions for public hearings, most notably your failure to act on New York State and the Town of Cortlandt, Village of Buchanan, and the Hendrick Hudson School District's petitions which were submitted 8 months ago, runs contrary to the public interest. It deprives our constituents, the residents and taxpayers of New York, from participating in this proceeding, which could have significant environmental, health, and economic implications for the state and its local communities in the Lower Hudson Valley for years to come. This hearing is critical for a transparent and rigorous evaluation of the pending license transfer and related exemption requests.

Should you have further questions or wish to discuss our requests in further detail, please do not hesitate to contact our relevant staff members. Thank you for your attention to this matter, and we look forward to receiving your timely response.

Sincerely,



Kirsten Gillibrand  
United States Senator



Charles E. Schumer  
United States Senator



Nita M. Lowey  
Member of Congress



Eliot L. Engel  
Member of Congress



Sean Patrick Maloney  
Member of Congress

cc:

*By electronic mail:*

Margaret Doane, Executive Director for Operations, NRC  
Annette L. Vietti-Cook, Secretary to the Commission, NRC  
Eugene Dacus, Director, Office of Congressional Affairs, NRC