

January 23, 2018

The Honorable Kirsten Gillibrand  
United States Senator  
780 Third Avenue, Suite 2601  
New York, NY 10017-2024

Dear Senator Gillibrand:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter of December 21, 2017, forwarding correspondence from Linda Puglisi, Town Supervisor for the Town of Cortlandt, NY. Ms. Puglisi requested assistance in obtaining for the town a gift of approximately 25 acres of land currently owned by Entergy Nuclear Operations, Inc. (Entergy) as part of the Indian Point Nuclear Generating site (Indian Point).

The NRC does not have any role in a decision by Entergy to release part of its Indian Point site to the Town of Cortlandt. However, should Entergy agree to release for unrestricted use any part of the site before receiving approval of a license termination plan, prior written approval by the NRC is required.

Specifically, section 50.83 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.83, "Release of part of a power reactor facility or site for unrestricted use") identifies various radiological, safety, security, and environmental evaluations the licensee must perform in making this decision, and the documentation that must be submitted to the NRC. Upon receipt of such information, the NRC will determine whether the licensee has adequately evaluated the effects of releasing the property and/or has justified the classification of any land being released as "non-impacted," meaning there is no reasonable potential for radioactive contamination. As stated in 10 CFR 50.83(d), a license amendment is required for a request to release an impacted area. In accordance with 10 CFR 50.83(f), the NRC will provide notice of receipt of any such request for approval or license amendment application for comment, and will conduct a public meeting in the vicinity of the site to solicit public comments. The NRC stands ready to evaluate any Entergy license amendment application or request for land transfer approval.

I hope this information is useful to you. If you need anything additional, please contact me or have your staff contact Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

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Victor M. McCree  
Executive Director  
For Operations

LETTER TO SENATOR GILLIBRAND – RESPONSE TO CONSTITUENT CONCERNS REGARDING INDIAN POINT POWER PLANT DECOMMISSIONING PROCESS, DATED JANUARY 23, 2018.

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