

**Congress of the United States**  
**Washington, DC 20515**

November 16, 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 today in response to the Nuclear Regulatory Commission's (NRC) October 28, 2020, letter to the entire federal delegation representing the communities surrounding Indian Point Energy Center (Indian Point) in Buchanan, New York, stating that it would be "inappropriate" for the Commission to comment at this time regarding the numerous public hearing requests surrounding Indian Point's pending license transfer application from Entergy to Holtec. As the federal representatives for these communities, we find it deeply troubling that the NRC staff have indicated their intent to issue a decision on Indian Point's license transfer application in the coming weeks, if not in the coming days, without rendering a decision or providing a timeline regarding the numerous public hearing requests submitted to the NRC over nine months ago by the State of New York, Town of Cortlandt, Village of Buchanan, Hendrick Hudson School District, and other important community stakeholders.

At its core, the NRC's mission includes protecting public health, safety, and the environment, which is why we must reiterate that the communities surrounding Indian Point deserve answers from the Commission prior to its issuance of an order of approval on Indian Point's license transfer application. First, we request that the NRC provide, and publicly release, a timeline as to when these public hearing requests will be adjudicated. We understand that the NRC has "received multiple requests for hearing on this matter" and that these hearing requests are contested by Holtec, however, at minimum, the State of New York, Town of Cortlandt, Village of Buchanan, Hendrick Hudson School District, and other stakeholders deserve clarity as they, not Holtec, are the entities whose health, safety, economic well-being, and environmental future are most directly impacted by the NRC's decision surrounding Indian Point's pending license transfer application.

Furthermore, as federal lawmakers, we assert it was not Congress's intent when drafting the NRC's statutory authority for the NRC to keep the communities in the dark, in this case for over nine months, after requesting a public hearing and seeking to intervene in a significant licensing action such as this. We understand that there are 24 power plants in decommissioning status nationwide, including Indian Point's three units. To aid in our oversight of the NRC's processes, we request a list of each plant that has had its license transfer application approved by the NRC despite outstanding hearing requests pending before the Commission going back to the creation of the NRC. For example, Pilgrim Nuclear Power Station in Massachusetts should

appear on this list, as its license transfer application was approved by the NRC on August 22, 2019, despite an outstanding hearing request from the Commonwealth of Massachusetts that was filed six months earlier on February 20, 2019.

Finally, we continue to see evidence suggesting that the NRC will approve Indian Point's license transfer application without addressing the outstanding petitions to intervene. We have come to this conclusion in light of the NRC's announcement today that its staff has completed their review of Indian Point's license transfer application, stating that they anticipate issuing the license transfer order for the Indian Point station and spent fuel dry storage facility from Entergy to Holtec on or about November 23, 2020. Furthermore, the NRC notified our offices today that its staff plans to approve Holtec's exemption request to use a portion of the Indian Point nuclear decommissioning trust funds (NDTs) for spent fuel management and site restoration activities without addressing the petitions for public hearing. This follows last week's notification announcing the NRC's completion of its environmental assessment and, "finding of no significant impact" associated with Holtec's exemption request to use funds from the NDTs for spent fuel management and site restoration activities at Indian Point. Given these recent developments and others, along with our constituents' concerns raised in our previous correspondence surrounding the use of funds from the NDTs, we reiterate our position that, as a matter of process, the Commission must fully adjudicate all pending petitions before issuing a determination on the Indian Point license transfer application. Given the timeliness of this matter, we request a response to these questions by November 20, 2020.

Thank you for your time and attention to this matter, if you have any questions please do not hesitate to contact our offices.

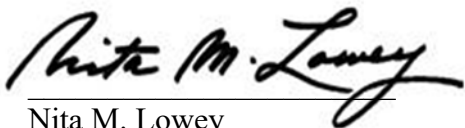
Sincerely,



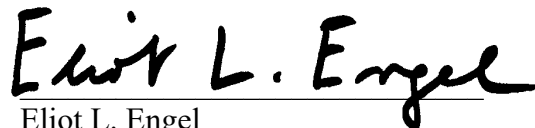
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United States Senate



Kirsten Gillibrand  
United States Senate



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