



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

November 20, 2020

The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510

Dear Senator Schumer:

Thank you for your November 16, 2020, letter, in which you expressed concerns that the U.S. Nuclear Regulatory Commission's (NRC) staff is anticipated to issue its approval of a license transfer for Indian Point Energy Center before the Commission has ruled on pending requests for a hearing on that application. I am responding to your letter because given the nature of the Commission's adjudicatory role, the Commission must remain impartial and cannot comment at this time.

I want to assure you that if the Commission decides to grant an adjudicatory hearing on the license transfer application, the petitioners will have a meaningful opportunity to present their issues, as described below, even if the staff has already issued its licensing decision. The agency recognizes the public's interest in the regulation of nuclear activities and has a strong commitment to encouraging public involvement and considering stakeholder input.

For license transfer applications, the NRC's regulations state that the staff is expected to issue its licensing decision promptly after completing its safety evaluation report. However, if hearing requests are pending before the Commission at the time of the staff's decision, any order approving the application would include a formal license condition stating that the transfer is subject to the outcome of a hearing. The Commission, if granting a hearing in the case, has the authority to make whatever changes to the license may be necessary, including modifying, conditioning, or rescinding the transfer.

You also expressed concerns about the NRC's engagement with the public during the pendency of the hearing requests. The NRC staff has kept the public updated on the status of its licensing review. For example, the staff discussed the license transfer application and the expected schedule for completing its review during the September 2020 Indian Point annual assessment public meeting. Additionally, both during this meeting and in response to its Federal Register notice regarding the license transfer application, the staff received more than 400 comments from a wide range of stakeholders. The staff will be responding to these comments in the safety evaluation report that will accompany its decision on the license transfer application.

In response to your request for a list of each instance the NRC has approved a license transfer application for a plant in decommissioning while hearing requests were pending, the NRC issued two such approvals between 2007 and 2020: Big Rock Point Facility and Big Rock Point Independent Spent Fuel Storage Installation (2007) and Pilgrim Nuclear Power Station (2020). The staff is still researching decommissioning license transfer approvals prior to 2007, and we will notify you of any additional approvals issued while hearing requests were pending.

I understand the significant public interest in the agency's license transfer process for Indian Point, and if I can be of any additional assistance, please contact me or Eugene Dacus, Director of the Office of Congressional Affairs, at (301) 415-1776.

A copy of your letter and this response will be served on the participants in the Indian Point license transfer proceeding.

Sincerely,

Margaret M. Doane
Executive Director
for Operations

Identical letter sent to:

The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510

The Honorable Kirsten Gillibrand
United States Senate
Washington, DC 20510

The Honorable Nita M. Lowey
United States House of Representatives
Washington, DC 20515

The Honorable Eliot L. Engel
United States House of Representatives
Washington, DC 20515

The Honorable Sean Patrick Maloney
United States House of Representatives
Washington, DC 20515