

From: [Poole, Justin](#)
To: mhspecter@verizon.net
Cc: [Buckberg, Perry](#)
Bcc: [Guzman, Richard](#)
Subject: October 29, 2020, Petition review by NRC
Date: Friday, December 11, 2020 4:38:00 PM

Dear Mr. Specter:

The U.S. Nuclear Regulatory Commission (NRC) has received your October 29, 2020, 10 CFR 2.206 Petition submittal, as supplemented on November 27, 2020 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML20303A335 and ML20346A074, respectively). In your submittal you stated that the NRC should not approve the transfer of the Indian Point Energy Center (IPEC) licenses to Holtec International and Holtec Decommissioning International, LLC (HDI) or approve the exemption from specific decommissioning trust fund (DTF) requirements for the IPEC DTFs as requested by HDI. In the supplement to your submittal, you reasserted your position following the NRC staff's approval of the transfer and exemption. You based your position on your belief that there are not sufficient funds in the IPEC DTFs to complete the decommissioning of the IPEC. You supported your position with two reports that you attached to the submittal and one report that you attached to the supplement (ADAMS Accession Nos. ML20303A337, ML20303A338, and ML20346A074, respectively).

The NRC staff reviewed your submittal, as supplemented, in accordance with Section II.A.2(d) of NRC Directive Handbook 8.11, "Review Process for 10 CFR 2.206 Petitions" (ADAMS Accession No. ML18296A043). This process states that the staff may screen out a request from the 10 CFR 2.206 process and, instead, respond using another appropriate process in specific instances. One of these instances is if the issue raised in the petition is the subject of a proffered contention in an ongoing NRC adjudicatory proceeding regarding the same licensee and facility, regardless of whether the 10 CFR 2.206 petitioner proffered the contention or is a party to the proceeding.

The NRC staff noticed its consideration of approval of the IPEC license transfer application in the *Federal Register* on January 23, 2020 (85 FR 3947). This notice provided an opportunity to request a hearing within 20 days and to submit comments within 30 days. In response, on February 11, 2020, the Safe Energy Rights Group, Inc. (ADAMS Accession No. ML20042C984) and, on February 12, 2020, the State of New York (ADAMS Accession No. ML20043E118); the Town of Cortlandt, Village of Buchanan, and Hendrick Hudson School District (ADAMS Accession No. ML20043F054); and Riverkeeper, Inc. (ADAMS Accession No. ML20043F530) each filed separate hearing requests. Despite the NRC staff's approval of the transfer and exemption, these hearing requests remain pending before the Commission and include positions substantively similar to the positions in your submittal, as supplemented. Because of this and because of its determination that your submittal, as supplemented, does not otherwise warrant immediate enforcement action, consistent with its guidance, the NRC staff is not entering your submittal, as supplemented, into the 10 CFR 2.206 process.

Alternatively, the NRC staff considered your submittal as a comment on the IPEC license transfer application. The staff reviewed your submittal, as well as the over 400 other comment submissions received, and considered it as part of the staff's evaluation of the application. The staff provided a complete listing of the comments received, including your

submittal, in its safety evaluation regarding the application and addressed the within-scope topics of these comments in the body of this safety evaluation (ADAMS Accession No. ML20297A341). Separately, if you would like information regarding participation in the IPEC license transfer application hearing process, please refer to the NRC's January 23, 2020 *Federal Register* notice and the NRC's rules of practice and procedure in 10 CFR Part 2.

Finally, please note that, to the extent that your submittal, as supplemented, discusses the HDI post-shutdown decommissioning activities report (PSDAR) (ADAMS Accession No. ML19354A698), the NRC staff treated the PSDAR as a supplement to the IPEC license transfer application based on the determination that the site-specific decommissioning cost estimate information included in the PSDAR was necessary to complete the review of the application. The staff will only review the HDI PSDAR itself if and when the proposed license transfer transaction is consummated. Pursuant to 10 CFR 50.82(a)(4)(ii), this review would involve an additional opportunity for public comment and a public meeting

Justin C. Poole
Project Manager
NRR/DORL/LPL I
U.S. Nuclear Regulatory Commission
(301)415-2048