

United States Senate

WASHINGTON, DC 20510

January 31, 2020

Hon. Kristine L. Svinicki
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16 B33
Washington, DC 20555-0001

Re: Docket Nos. 50-003, 50-247, 50-286, and 70-051; NRC-2020-0021

Dear Chairman Svinicki,

We are writing in strong support of a hearing on the Indian Point Energy Center (Indian Point) license transfer application. We anticipate that the State of New York will request a hearing pursuant to Nuclear Regulatory Commission (NRC) regulations set forth in *10 C.F.R. § 2.105*. Should a request be made by the State of New York or any other person whose interest may be affected by the proceeding, it is imperative that the Nuclear Regulatory Commission (NRC) hold the requested hearing prior to taking any action to approve the proposed license transfer from Entergy Corporation (Entergy) to subsidiaries of Holtec International (Holtec).

Entergy Corporation has requested to transfer the ownership and NRC licenses for Indian Point Units 1, 2, and 3, as well as the general license for the Indian Point Independent Spent Fuel Storage Installation (collectively, the licenses), to subsidiaries of Holtec for the purpose of decommissioning the plant once all operating units have been permanently shut down. The proposed license transfer and decommissioning activities will have a significant impact on the State of New York and the communities near to Indian Point. This includes, but is not limited to, potential impacts to the environment, local public services, safety and emergency planning, the local workforce, and the local economy. Additionally, we believe that there must be robust and transparent scrutiny of the proposed use of the Decommissioning Trust Fund money for activities unrelated to radiological decommissioning as well as Holtec's ability to safely and successfully carry out the site's decommissioning through to completion.

The state and other relevant interveners must be given an opportunity to present their views on the license transfer to the NRC before the Commission decides whether to approve the application. We are very concerned that recently, despite filing a request for a hearing, the Commonwealth of Massachusetts was not granted a hearing by the NRC before the Commission approved the license transfer from Entergy to Holtec for the decommissioning of the Pilgrim Nuclear Power Station in Plymouth, Massachusetts. We find that to be wholly unacceptable and not consistent with the procedure for handling requests for a hearing or a petition for leave to intervene pursuant to NRC's regulations as set forth in *10 C.F.R. § 2.105(e)*. Therefore, it is essential that you not follow the same pattern and instead ensure that, if requested, a hearing is held before any further action is taken by the NRC to approve the license application.

Shutting the representatives of the state and local communities and other stakeholders out of the process would not be in the public interest. Without a hearing, we do not believe that the NRC can make a fully informed decision on whether to grant the license transfer, as a hearing is the only way for the state and other interveners to present their views and concerns as part of the decisional record for this proposed action.

Thank you for your attention to this matter. We hope you will ensure a fair process for our constituents in all proceedings and actions by the NRC pertaining to the decommissioning of Indian Point.

Sincerely,



Charles E. Schumer
United States Senator



Kirsten Gillibrand
United States Senator



Nita M. Lowey
Member of Congress



Eliot L. Engel
Member of Congress



Sean Patrick Maloney
Member of Congress

cc: Commissioners Baran, Caputo, and Wright
Annette Vietti-Cook, Secretary to the Commission
Eugene Dacus, Director, Office of Congressional Affairs