



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
ENVIRONMENTAL PROTECTION BUREAU

December 16, 2019

U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, DC 20555-0001

Re: Indian Point Energy Center, Buchanan, New York – License Transfer
Application for Provisional Facility Operating License No. DPR-5 and
Renewed Facility Operating License Nos. DPR-26 and -64; Docket Nos.
50-3, 50-247, 50-286, 72-051

Greetings:

This office represents the New York State Energy Research and Development Agency and the New York State Department of Environmental Conservation (together, the State parties) with regard to the proposed transfer of the Indian Point Energy Center (Indian Point or the Facility). We write to request that the above-referenced license transfer application be deemed complete only *after* the proposed transferees file their post-shutdown decommissioning activities report (PSDAR) and site-specific decommissioning cost estimate (DCE).

On November 22, 2019, subsidiaries of Entergy Corporation (Entergy), Holtec International (Holtec), and Holtec subsidiary Holtec Decommissioning International, LLC (HDI and, together with Entergy and Holtec, the Applicants) filed an application with the Commission seeking approval to transfer the Indian Point licenses and control of the Facility's decommissioning trust funds from Entergy to subsidiaries of Holtec. Following the proposed transfer, Holtec subsidiaries would own and HDI would operate the Facility for purposes of radiological decommissioning, spent fuel management, and site restoration.

Based on what Holtec represents is a site-specific estimate of likely costs, the Applicants contend the proposed transferees will be financially qualified because the monies in the Facility's decommissioning trust funds are adequate to defray all de-

NMSS10
NMSS26
NMSS

commissioning, spent fuel management, and site restoration costs. The license transfer application fails, however, to explain key assumptions supporting Holtec's cost estimate. For instance, the application provides little technical detail regarding Holtec's planned decommissioning approach, fails to explain the contingency amount (if any) included in Holtec's cost estimates, does not describe the extent of known site contamination, and fails to set forth the standards Holtec assumes will govern site restoration.

Presumably, much of the above-referenced information will be included in Holtec's PSDAR and DCE. Holtec has not, however, submitted these documents to the Commission. Without the benefit of the information contained in the PSDAR and DCE, neither the Commission nor the State parties can assess the Holtec subsidiaries' financial qualifications, determine whether the subsidiaries can provide adequate financial assurance, or conclude that the proposed decommissioning approach is bounded by the Final Generic Environmental Impact Statement on Decommissioning Nuclear Facilities.

Given these omissions, the NRC should neither deem the license transfer application complete nor publish notice of a completed application in the Federal Register until such time as Holtec provides a detailed explanation of its proposed decommissioning approach and attendant cost calculations.

Thank you for your consideration of this matter.

Respectfully submitted,



Joshua M. Tallent
Lisa M. Burianek
Channing Wistar-Jones
Assistant Attorney Generals
Environmental Protection Bureau
(518) 776-2456
Joshua.Tallent@ag.ny.gov

cc: Susan H. Raimo
John E. Matthews
Katherine L. Perkins
Andrea L. Sterdis