

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

February 22, 2021

Chairman Christopher T. Hanson  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Dear Chairman Hanson,

Congratulations on your recent appointment as the Chairman of the Nuclear Regulatory Commission (NRC); we look forward to working with you to better serve our constituents in the communities surrounding Indian Point Energy Center (Indian Point) in Buchanan, New York. We write today regarding the NRC's recent denial of the hearing requests submitted by multiple parties and leaders, including the State of New York, Town of Cortlandt, Village of Buchanan, and Hendrick Hudson School District regarding the license transfer from Entergy to Holtec for the decommissioning of Indian Point, and urge the NRC to immediately reverse this decision under its new leadership.

As the Senators and Members of Congress representing the communities surrounding Indian Point, we found the NRC's January 15, 2021, divided decision denying the hearing requests submitted by those representing our constituents, including the State of New York, Town of Cortlandt, Village of Buchanan, and Hendrick Hudson School District deeply disturbing and a great disservice to our Lower Hudson Valley constituents. Prior to any ruling on these community hearing requests, which were originally submitted on February 12, 2020, the NRC approved Holtec's exemption request to use \$632 million of the \$2.1 billion New York ratepayer-funded Nuclear Decommissioning Trust Fund (NDT) for spent fuel management activities that fall outside scope of the NRC's definition of decommissioning. That same day, November 23, 2020, the NRC issued an order approving the license transfer of Indian Point from Entergy to Holtec.

As we stated in our October 2020 letter, and reiterate today, the NRC should have addressed pending community hearing requests prior to ruling on Indian Point's license transfer. These hearing requests raised important factual contentions that remain unanswered yet central to the question of whether or not Holtec has the financial qualifications needed to provide reasonable assurance that sufficient funds will be available to decommission Indian Point, as required by NRC regulation. Specifically, elected officials, community members, industry experts, and various stakeholders, including New York's attorney general, have raised serious concerns in their hearing requests regarding additional contamination, the adequacy of Holtec's proposed 18% contingency allowance, and the feasibility of Holtec's proposed decommissioning timeline. These questions of fact are central in addressing whether or not Holtec will have enough money to fully decommission Indian Point while also carrying out its proposed exempt activities using NDT funds. For these reasons, we remain united, as the federal lawmakers representing these communities, in our firm belief that these questions of fact must be resolved in a public hearing.

Moreover, the NRC's recent ruling denying these community hearing requests *after* granting Holtec's exemption requests and approving Indian Point's license transfer sets a dangerous precedent for the Commission. As you put it yourself, this ruling "takes an overly strict approach to contention admissibility and inappropriately delves into and decides the merits of aspects of the contentions" and "downplays the importance of the financial qualifications review at the time of license transfer." We agree, and with many critical questions of fact still unanswered regarding Holtec's plans to decommission Indian Point, the communities that we represent in the Lower Hudson Valley continue to worry that Holtec has not provided the proper financial assurances needed to safely decommission the plant.

As the new Chairman of the NRC, we ask that you reverse the NRC's ruling denying the public hearing requests submitted by local stakeholders, including the State of New York, Town of Cortlandt, Village of Buchanan, and Hendrick Hudson School District. Importantly, this decision was made after Chairman Svinicki had already announced her intent to leave the NRC during the final days of the Trump administration. Under its new leadership, the NRC cannot continue prioritizing industry timelines over its core values of protecting public health, safety, and the environment. We thank you for considering this important request.

Sincerely,



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Charles E. Schumer  
United States Senator



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Kirsten Gillibrand  
United States Senator



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Jamaal Bowman  
Member of Congress



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Mondaire Jones  
Member of Congress



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Sean Patrick Maloney  
Member of Congress