



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

March 3, 2023

Alyse Peterson
Senior Advisor for New York State
Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Dear Senior Advisor Peterson:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated November 22, 2022 (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML22332A048](#)). In the letter, you raise various concerns regarding the submittals by Holtec Decommissioning International, LLC (HDI) for Indian Point Nuclear Generating Units 1, 2, and 3 (Indian Point), including a request for exemptions from certain emergency planning requirements ([ML21356B693](#)) and a license amendment request (LAR) revising the Emergency Plan and Emergency Action Level (EAL) scheme for the permanently shutdown and defueled condition ([ML21356B704](#)). The NRC is currently reviewing HDI's submittals. Consistent with NRC's general practices, the NRC will consider the information NYSERDA provided, as appropriate, as part of the review of HDI's submittals.

In your letter you requested that the NRC conduct a public statement hearing regarding HDI's requests. The NRC has a long-standing practice of carrying out its mission in an open and transparent manner to keep the public informed of, and seek input on, the agency's regulatory, licensing, and oversight activities. For licensing actions, we have a defined process for comments and opportunity for a hearing which is published in the *Federal Register* (FR). For example, HDI's LAR submission regarding requested changes to the Emergency Plan and EAL scheme was noticed in the FR on January 25, 2022. In that notice, the NRC requested comments on the proposed "no significant hazards consideration" determination and offered interested persons an opportunity to request a hearing on the amendment. (See 87 FR 3844).

The NRC also values other mechanisms to engage the public, including interactions afforded at public meetings. The NRC appreciated the opportunity to facilitate additional dialogue regarding decommissioning in general, and decommissioning issues at Indian Point more specifically, by presenting information and responding to questions at the December Decommissioning Oversight Board meeting. Additionally, the NRC-hosted public meeting held on November 30, 2022, regarding the decommissioning of Indian Point, provided further opportunities for the NRC to speak to security and emergency planning issues and how they are managed during decommissioning. The video and recording of that public meeting are available <https://www.nrc.gov/pmns/mtg?do=details&Code=20221183> and will hopefully continue to be a resource for those interested in these issues in the future. While additional meetings are not currently planned, the NRC staff remains open to opportunities to engage with members of the public, and we look forward to a continuing dialogue in this regard.

Finally, your letter also references comments New York submitted on the proposed rulemaking proceeding entitled "Regulatory Improvements for Production and Utilization Facilities

Transitioning to Decommissioning” (NRC-2015-0700). The NRC appreciates New York submitting comments on the proposed rule. The comment period for the proposed rule closed on August 30, 2022, and the NRC is currently considering the comments in preparation for the final rule.

In accordance with Title 10 of the *Code of Federal Regulations* 2.390, “[Public inspections, exemptions, requests for withholding](#),” a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC’s ADAMS. ADAMS is accessible from the NRC website at <https://www.nrc.gov/reading-rm/adams.html>.

If you have any questions, please call me at (301) 415-8534, or via email to Karl.Sturzebecher@nrc.gov.

Sincerely,

/RA/

Karl J. Sturzebecher, Project Manager,
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cc: NRC Chair
Indian Point ListServ