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January 6, 2023

Hon. Christopher T. Hanson  
Chair  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16 B33  
Washington, D.C. 20555-0001

Subject: Public Statement Hearing regarding the Exemption Requests and License Amendment Requests for the Indian Point Site

Dear Chair Hanson:

The New York State Department of Public Service (DPS) and the Indian Point Decommissioning Oversight Board (DOB) recommend that the U.S. Nuclear Regulatory Commission (NRC) conduct one or more public forums regarding Holtec Decommissioning International's (HDI) outstanding exemption requests and license amendment requests (LARs) prior to any recommendations or determinations being rendered by NRC staff or the Commission.

Based on available public information, five exemption requests and LARs requested by HDI and related to the decommissioning of the Indian Point site remain under NRC consideration: (1) a December 22, 2021 exemption request related to certain emergency preparedness requirements for Indian Point Units 1, 2, and 3 ([ML21356B693](#), [ML22032A017](#), and [ML22033A348](#)); and (2) a December 22, 2021 LAR for the permanently defueled emergency plan for Indian Point Units 1, 2, and 3 ([ML21356B704](#) and [ML22035A121](#)); (3) a March 18, 2022 exemption request related to onsite and offsite liability and property damage insurance requirements ([ML22077A132](#)); (4) a May 20, 2022 LAR seeking to delete cyber security plan license conditions for Indian Point Units 1, 2, and 3 ([ML22140A126](#)); and (5) an August 2, 2022

LAR seeking changes to administrative technical specifications for Indian Point Unit 2 ([ML22214A128](#)).

On November 22, 2022, the New York State Energy Research and Development Authority (NYSERDA) submitted comments to NRC and on behalf of New York State opposing the reduction of emergency planning requirements before all spent fuel at the Indian Point site is removed from the spent fuel pools and placed in dry cask storage. NYSERDA further recommended that NRC extend an in-person public statement opportunity at a location near the Indian Point facilities. New York State continues its review of HDI's May 20, 2022 request related to cyber security and August 2, 2022 request related to administrative technical specifications. DPS concurs with the November 22 comments and request.

In New York State's November 2022 letter opposing the reduction of emergency planning requirements, NYSERDA specifically cited that: (1) HDI acknowledges in its exemption request and license amendment request that the risk of credible accidents will continue to exist until all spent fuel is in dry cask storage; (2) there is no acceptable justification to eliminate emergency planning requirements mere months before all spent fuel is transferred to dry cask storage; (3) the unique characteristics of the Indian Point site and the adjacent New York City metropolitan community heighten risks and the potential severity of incidents and supports continuation of emergency planning requirements; (4) no site-specific analysis of a spent fuel pool accident or security incident has been conducted at Indian Point; and (5) any cost reduction effort warrants close scrutiny and consideration of the public's interest given the site owner's strong incentives to minimize fund expenditures.

In my dual role as Executive Deputy of DPS and Chair of the Indian Point DOB, I echo the concerns raised in NYSERDA's November 2022 letter today, and I respectfully request that NRC offers the community surrounding Indian Point a direct opportunity to share their thoughts on this and all outstanding exemption requests and LARs related to Indian Point decommissioning. In each of the DOB's seven public meetings since the body's inception in June 2021, Board members and public commenters alike made it clear that cyber security, emergency preparedness for potential incidents related to Indian Point, and other matters affecting the safe and prudent decommissioning of Indian Point remain of great concern to the community. Having listened and engaged on these topics numerous times in our own public forum, I know the voices and opinions of the community will serve as valuable inputs into NRC's deliberations should the community around Indian Point be afforded the opportunity.

In closing, I reiterate our strong recommendation that, prior to rendering any determinations, the NRC conduct one or more public forums regarding HDI's outstanding requests related to for the decommissioning of Indian Point. My office would be happy to assist the NRC with scheduling and other logistics.

Thank you for considering this request. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Congdon", with a long horizontal flourish extending to the right.

Tom Congdon  
Executive Deputy, Department of Public Service  
Chair, Indian Point Decommissioning Oversight Board

Copies to (via email):

Molly Marsh, Chief of Staff, NRC

Doug Tiff, State Liaison Officer, NRC

Alyse Peterson, NYSERDA