

**New York State Assemblywoman Sandy Galef Statement to the Public Service Commission  
on the License Transfer of Indian Point Energy Center from Entergy to Holtec**

**February 23, 2021**

I would first like to thank you for having these hearings. It is vitally important that those of us who live near the plant have our voices heard. I represent the 95<sup>th</sup> Assembly District which includes Buchanan and Indian Point.

The Public Service Commission is well within its purview to evaluate the license transfer of Indian Point. Section 70 of the Public Service Law is clear that the Public Service Commission has jurisdiction in this matter.

The closing of Indian Point has already had, and will continue to have, a large impact on many of us: our neighbors, schools, and communities. The issue before you is the proposed license transfer of Indian Point from Entergy to Holtec. I am opposed to that transfer. To say that Holtec has a spotty record is an understatement. We can do better.

Our hands are not tied. Entergy is capable of performing the safe decommissioning of Indian Point. We have known Entergy to be a reliable and upstanding member of our community. Entergy is just as capable as Holtec of securing the necessary subcontractors to undertake this project. The license transfer changes the primary party responsible, not the underlying work. Holtec's corporate structure is designed to minimize the risks associated with decommissioning and the financial exposure of Holtec. Holtec will have no true liabilities and can avoid public accountability. New York State must assert itself, ensuring a superior decommissioning, bolstering public confidence in the decommissioning, and holding those in positions of public trust accountable whenever necessary.

While I am opposed to the transfer to Holtec, I understand that the situation is complex. While Holtec is deficient in several important areas, with robust constraints and oversight, a working solution could be reached.

If the license transfer is approved by the PSC it will greenlight Holtec to implement their self-serving approach to decommissioning. Again, we are not powerless. We have you, the PSC, as our advocates. Any approval must have stipulations to protect our state's interests.

There is an environmental clean-up that will need to be undertaken. The PSC must set standards for the cleanup that well exceed the bare minimum. We have one opportunity to return the site to pristine condition. We cannot come up short. The PSC should make state monitoring of the clean-up efforts a condition of approval. This will bring transparency. There is no financial incentive to go above and beyond when it comes to cleaning the site. We must make clear that full environmental remediation is obligatory.

Ordinarily the NRC rules do not allow for the Decommissioning Trust Fund to be used on fuel management. While they have granted exceptions, the PSC must advocate for, and receive, full veto power over funds spent on non-decommissioning activities. We must ensure the Trust Fund is well managed and that there are no cost-overruns. Should the NRC not approve an application for an exception the decommission company would need to have supplemental assets. A company undertaking decommissioning should have the financial stability to undertake and fund the full project, as is, without relying on NRC exceptions. With decommissioning

companies retaining the balance of the Decommissioning Trust Fund upon completion, there will not be any long-term financial impact if they remain on budget. Instead, this would promote the continued solvency of the Trust Fund for legitimate decommissioning activities and keep the decommissioning on time and on budget.

For Holtec the Decommissioning Trust Fund is a prime vehicle for self-enrichment. Holtec “specializes” in spent fuel management as a dry cask manufacturer and retailer. The Nuclear Regulatory Commission’s frequent Trust Fund exceptions are primarily for Spent Fuel Management. At Indian Point we could see Holtec using funds from the Trust Fund to purchase dry casks and related services from another Holtec subsidiary. As I laid out earlier the Public Service Commission should not allow the use of the Decommissioning Trust Fund for these purposes. If the Public Service Commission were to allow this behavior you must provide guidelines so that these products and services are purchased at fair market price. Our long accruing money should not be allowed to pad the pockets of self-dealing corporations. The Decommissioning Trust Fund must be safeguarded.

Relatedly,

a company performing the decommissioning could double dip. If approved to use the Decommissioning Trust Fund to pay for fuel management the company could also receive compensation from the Department of Energy for the same fuel management. Holtec has said as much. This would bring millions of dollars, through two sources, to Holtec for the same service. This is not acceptable. If Holtec is receiving money from the Department of Energy they should not siphon money from the Decommissioning Trust Fund unnecessarily.

In a game of “heads I win, tails you lose” Holtec would be compensated by the Department of Energy for the fuel that will become a permanent feature of a decommissioned Indian Point. New York State should receive compensation for the role it will play providing oversight and for the continued presence of spent fuel at Indian Point. The Public Service Commission should strive to retain funds necessary to perform oversight at Indian Point.

I have been engaged on issues relating to Indian Point throughout my time in elected office. The decommissioning of the plant requires us to be our own best advocates. The Public Service Commission has the ability, opportunity, and obligation to require these concessions. Failure to do so would be a stain on your proud record advocating on behalf of New Yorkers. If such concessions are not attainable, the Public Service Commission must reject the license transfer. There is too much on the line for my community for half measures. Thank you.