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September 22, 2023

VIA EMAIL

Hon. Michelle L. Phillips  
Secretary to the Commission  
3 Empire State Plaza  
Albany, NY 12223-1350

Re: Matter No. 21-01188 – In the Matter of the Indian Point Closure Task Force and Indian Point Decommissioning Oversight Board.

Dear Secretary Phillips:

Please accept for filing in the above-captioned matter, the draft Indian Point Closure Task Force 2023 Annual Update. Should you have any questions regarding this filing, please contact me. Thank you.

Respectfully submitted,

A handwritten signature in blue ink that reads "Tom Kaczmarek".

Tom Kaczmarek  
Executive Director  
Indian Point Closure Task Force  
Indian Point Decommissioning Oversight Board



**Indian Point  
Closure Task Force**



**Indian Point  
Closure Task Force**

# ANNUAL UPDATE

September 22, 2023

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## Introduction

On April 20, 2017, New York State established the Indian Point Closure Task Force (Task Force) to address the closure of Indian Point and to provide guidance and support to affected local municipalities and employees. The Task Force is charged with identifying issues and making recommendations pertaining to property tax impacts, economic opportunities, site reuse options, and workforce retraining programs and opportunities. The Task Force also monitors plant decommissioning and site restoration issues, reviews agency findings from safety inspections and reviews reliability and environmental concerns, among other issues. As further provided by Part RR of Chapter 58 of the Laws of 2017, the Task Force is required to provide annual updates on its intermediate activity through 2023.

Over the course of the last year, the Task Force made significant progress on these important tasks. In addition to joint meetings of the Task Force and the Indian Point Decommissioning Oversight Board on May 19, 2022, July 27, 2022, September 22, 2022, December 7, 2022, February 2, 2023, April 27, 2023, and June 15, 2023, Task Force members worked throughout the year to support adequate and timely access to the Mitigation Fund, implement projects to be completed with community benefit funds, support affected employees with re-employment and training services, monitor decommissioning activities, and address other key areas of interest. The updates that follow summarize the important work conducted by the Task Force during the last year and outline the direction of the Task Force for the year to come.

## Mitigating the Property Tax Reduction

The Task Force continues to identify key mechanisms and promote necessary measures to reduce the impact of anticipated reductions in payment in lieu of taxes revenue from the Indian Point site.

### Mitigation Fund

The Task Force identified the Electric Generation Facility Cessation Mitigation Program (Mitigation Fund) as a primary mechanism to mitigate tax revenue losses. The Mitigation Fund was created in State law to provide financial assistance to support local government entities, including counties, towns, cities, villages, school districts and special districts, impacted by reductions in the tax liability and/or payments in lieu of taxes (Revenue Loss) owed by an electric generation facility subject to their taxing authority. The State is not aware of a similar program elsewhere in the country. The Revenue Loss must be 20 percent or more and a direct result of an electric generation facility ceasing operation. Empire State Development (ESD), in consultation with the New York State Energy Research and Development Authority (NYSERDA) and the Department of Public Service (DPS), administers the program. Each affected taxing jurisdiction will be eligible for assistance under this program for a seven-year period.

The Mitigation Fund – an important tool to mitigate against declining PILOT revenues due to the closure of Indian Point – has started to support local taxing jurisdictions, with the Village of Buchanan having received two payments thus far; the first in the amount of \$773,568 and the second in the amount of \$1,095,303. Each of the other local taxing jurisdictions has had one application funded to date, with the Hendrick Hudson School District receiving \$6,984,755, the

Town of Cortlandt receiving \$348,240, and Westchester County receiving \$1,201,316. The School District recently has submitted its second application which is under review.

### Mitigation Fund Status

The status of the Mitigation Fund is healthy. In accordance with the Public Service Commission's February 2021 "Order Authorizing Funding for the Electric Generation Facility Cessation Mitigation Program" (PSC Order), on November 28, 2022 Empire State Development received approximately \$25 million from NYSERDA for anticipated Mitigation Fund payments in calendar year 2023. Of the \$112.5 million authorized under the PSC Order, approximately \$96 million remains available, and of the \$45 million authorized under RGGI, approximately \$3.5 million remains available, for an overall total of \$99.5 million. NYSERDA currently holds a \$24 million reserve which may be available in the year in which known demands in SBC jurisdictions exceeds the program balance. During the period April 30, 2022 to April 30, 2023, no new applicants have applied to the Fund.

### Community Benefit Fund

As a condition of the Indian Point Agreement between New York State, Entergy, and Riverkeeper to shut down operations by April 30, 2020 and April 30, 2021 for Units 2 and 3, respectively, Entergy agreed to establish a \$15 million Community Fund, the goal of which is to fund projects designed to benefit the Hudson River and to support the community, and to provide environmental protection and other public benefits to the community.

At the October 27, 2021 meeting of the Task Force, the Task Force was proud to share that Governor Kathy Hochul announced preliminary awards from the \$15 million Community & Environmental Benefits Fund established by Entergy for five important local projects as described in the 2022 Annual Report. In 2023, additional awards and adjustments were made to maximize the benefit of the Fund:

#### Village of Buchanan and Town of Cortlandt

- **Award: \$6.75 million**

**Projects: Intermunicipal Sewer Projects.** The award is to assist in planning and constructing: (1) The Buchanan wastewater treatment plant (WWTP) reconstruction project; (2) Sewer infrastructure serving the new Montrose sewer district; (3) Tank expansion of the Buchanan WWTP to accommodate the Montrose sewer district and other potential new interconnections being considered by the municipalities; and (4) the Albany Post Road Pump Station. This award is based on the proposed sewer projects' alignment with the Community Fund's purposes by providing environmental protection to the Hudson River, addressing financial hardship of the municipalities, supporting business development, promoting intermunicipal cooperation, and the potential to leverage up to \$9.85 million in additional State monies for the projects through the Water Infrastructure Improvement Act (WIIA) and the Intermunicipal Grant (IMG) administered by the Environmental Facilities Corporation, and the Water Quality Improvement Project program (WQIP) administered by the Department of

Environmental Conservation. One important aspect is for the Village and Town to negotiate, approve, and implement an Inter-Municipal Agreement (IMA) to facilitate this initiative. The award anticipates and depends on effective collaboration between the municipalities.

- **Update:** Buchanan and Cortlandt reached an IMA and renegotiated its contract in May 2023, including agreeing to reduce the maximum award from 7 million to \$6.75 million. Next steps: Buchanan and Cortlandt to apply for New York State grants in the summer and fall of 2023.

### Hendrick Hudson School District

- **Award: \$500,000**
- **Project: Radiological and Airborne Matter Monitoring.** The award is for the purposes of monitoring radiological and particulate matter near Buchanan-Verplanck Elementary School during decommissioning of Indian Point. The award is based on the monitoring initiative's alignment with the Community Fund's purposes by providing a direct public benefit to the community. The award is to be used for all or part of the following procurements and services and in consultation with New York State to ensure any such equipment or service meets or exceeds industry standards and achieves the intended purposes:
  - Procurement of technical equipment for the purposes of monitoring radiological exposure and non-radiological particulate exposure during spent fuel transfer and decommissioning at Indian Point
  - Procurement of software or other services necessary to access and interpret monitoring equipment data during spent fuel transfer and decommissioning at Indian Point
  - Appropriate installation, maintenance, and operation services during spent fuel transfer and decommissioning at Indian Point
  - Any remaining funds following the purchase, installation, maintenance, and operation services would remain dedicated for school district projects approved by the State.

The funding and implementation of the community air monitoring as described above will be absorbed by the NYS Department of Public Service. Per request by the Hendrick Hudson Central School District, and as announced on April 27, 2023, the \$500,000 Community Fund award will be provided directly to the School District for purposes of conducting an environmental assessment at the Buchanan-Verplanck Elementary School.

### Plumbers and Steamfitters Local 21

- **Award: \$250,000**
- **Project: Training Tools.** The award, announced on April 27, 2023, is for the purchase, installation, maintenance, and other requisite services to assist in fostering welding training and skill development for workers. The award is based on the proposal's alignment with the Community Fund's purposes by providing a direct public benefit

to the community and contributing to the professional development and local retention of employees affected by the closure of Indian Point.

All award recipients are required to produce annual and final reports to New York State to demonstrate the proper use of funds.

## Employment

The New York State Department of Labor (NYSDOL) continues ongoing engagement with affected former Indian Point employees regarding re-employment services and assistance with the Unemployment Insurance process.

### Planned Activity

NYSDOL will continue to actively engage former employees to provide re-employment services, including resume development assistance, job leads and referrals, interview preparation, advocating on their behalf, and assisting with Unemployment Insurance questions and how to navigate through the process.

Any former employee requesting assistance will be connected with a NYSDOL staff person who will provide one-on-one job placement services.

NYSDOL is also in the process of working with former employees on education and training opportunities, including educating them on all the benefits the Trade Adjustment Assistance (TAA) program offers as well as how to apply, providing information on continuing education and potential training opportunities, and serving as a liaison to higher education institutions to explore credit transfer and degree attainment.

## Energy Reliability

As scheduled, Indian Point closed on April 30, 2021 without impacting the reliability of New York's energy grid. The New York Independent System Operator (NYISO) and the State of New York will continue to monitor any changes in the energy marketplace.

## Decommissioning and Spent Fuel Transfer

### Oversight Board

On May 19, 2021, the Department of Public Service announced the formation of the Indian Point Decommissioning Oversight Board (DOB), which is charged with advising on and assessing how to protect the financial, environmental, and physical interests of the communities affected by decommissioning, including the interests of the current workforce as it relates to continuing the public safety of the surrounding communities.

In addition to the brief updates that follow, more information on the ongoing work of the DOB, including the DOB's joint public meetings with the Task Force on May 19, 2022, July 27, 2022, September 22, 2022, December 7, 2022, February 2, 2023, April 27, 2023, and June 15, 2023, may be found at [www.dps.ny.gov/indianpoint](http://www.dps.ny.gov/indianpoint).

## Decommissioning Status

At the June 15, 2023 DOB meeting, Holtec indicated the decommissioning of Indian Point is on schedule.

Additional decommissioning status updates, including the full tentative schedule of decommissioning activities at Indian Point, are available in Holtec's [May 19, 2022](#), [July 27, 2022](#), [September 22, 2022](#), [December 7, 2022](#), [February 2, 2023](#), [April 27, 2023](#), and [June 15, 2023](#) presentations to the DOB.

## Transfer of Spent Nuclear Fuel

In the 2021 Joint Proposal between New York State, Holtec, Riverkeeper, and others, Holtec agreed to complete the transfer of all spent nuclear fuel from the spent fuel pools to dry cask storage by December 31, 2024. As of April 2023, Holtec indicated it completed the transfer of all Unit 2 fuel in the first quarter of 2023 and plans to complete the transfer of all Unit 3 fuel by the fourth quarter of 2023, totaling 41 additional dry casks.

Spent Nuclear Fuel in Dry Cask Storage Through April 2023		
UNIT	NUMBER OF CASKS	NUMBER OF FUEL ASSEMBLIES
IP1	5	160
IP2	63	1,982
IP3	18	576
<i>Total</i>	86	1,856

Remaining Spent Nuclear Fuel Awaiting Transfer from Spent Fuel Pools (as of April 30, 2023)		
UNIT	NUMBER OF CASKS	NUMBER OF FUEL ASSEMBLIES
IP1	0	0
IP2	0	0
IP3	41	1,280
<i>Total</i>	41	1,280

## Site Visits and Communications

DOB members and state regulators, including members of the Department of Environmental Conservation (DEC), Department of Homeland Security and Emergency Services (DHSES), and Department of Public Service (DPS) Executive, Legal, Engineering, and Gas Safety teams performed multiple in-person visits to the Indian Point site since the April 30, 2021 permanent shutdown and May 28, 2021 transfer to Holtec. In addition, state regulators have been present at all Holtec monthly project meetings and are in regular contact with Holtec regarding oversight matters. Holtec has provided the information required under the May 2021 Joint Proposal at each such meeting.

## Trust Fund Balance

As of June 15, 2023, Holtec reports that decommissioning and spent fuel transfer activities are within budget. State regulators met with Holtec executives in August 2021 and again in June 2022 and June 2023 to review the status of the Decommissioning Trust Funds, and Holtec reported at all three meetings that it was in compliance with its minimum trust fund balance obligations set by the May 2021 Joint Proposal. Holtec's annual NRC filings for 2023 also indicate that the company remains in compliance with those minimum trust fund balance obligations.

## Monitoring Data

Holtec has provided DPS with daily summaries of all meteorological and effluent safety data along with spent fuel pool temperatures, as required under the Joint Proposal. DPS, DHSES, Westchester County, and other relevant counties and regulatory bodies continue to have direct access to Holtec's radiological monitoring data from the network of 16 Reuter-Stokes monitors in the vicinity of Indian Point. There have been no safety concerns to date. The DOB is in the process of procuring environmental consulting services to establish a community air monitoring plan, including fence-line monitoring.

## Environmental Oversight

On May 28, 2021, DEC and Holtec entered into an Administrative Consent Order that provides for financial assurance of \$140 million, payment of DEC and Department of Health (DOH) oversight costs – an annual amount not to exceed \$300,000 for 10 years, investigation and remediation for non-radiological contamination, and remediation of any radiological contamination necessary to meet the New York State standard of 10 millirem (the federal standard is 25 millirem).

Holtec submitted a Citizen Participation Plan (CPP) for DEC to review. The plan will ensure public involvement in the review of work plans and remedial action plans. DEC approved the CPP on September 23, 2022.

Holtec submitted a Scoping Work Plan to DEC on October 25, 2021 outlining the overall program of remedial investigation. DEC approved the Scoping Work Plan on August 11, 2022. The final CPP and Scoping Work Plan are available at <https://www.dec.ny.gov/chemical/126311.html>.

On October 22, 2021, Holtec submitted an application to DEC to renew its State Pollutant Discharge Elimination System (SPDES) permit, which was set to expire April 30, 2022, and to transfer to the permit from Entergy to Holtec. The permit transfer request was granted February 22, 2022. DEC is reviewing the SPDES permit application to determine if a permit modification is necessary. Once DEC's review is complete, a draft SPDES permit will be provided for public review and comment in accordance with DEC regulations. Indian Point will maintain coverage under the existing permit during the permit renewal process.

On January 31, 2023, Holtec submitted a draft Remedial Investigation Work Plan for the Indian Point Lefarge / Former Spectra Construction Area (AOC 118). DEC is reviewing the work plan.

DEC will oversee the closure and assessment of all tanks associated with the major oil storage facility license on site in accordance with relevant regulations. On March 24, 2023, DEC approved the closure of 17 above ground petroleum tanks at the site. DEC will monitor closure activities.

### Legislation

On August 18, 2023, Governor Hochul signed [S.6893/A.7208](#) into law, which declares discharging any radiological substance into the Hudson River in connection with the decommissioning of a nuclear power plant unlawful to the extent not subject to preemption by federal law.

### Exemption Requests and License Amendment Requests

Holtec and previous owner Entergy submitted to NRC several proposed license amendments, requests for exemptions, and rescission of orders. These submittals, if approved, will change Indian Point staffing, technical specifications, emergency preparedness, and security to reflect IP2's and IP3's permanently defueled status. For example, in 2023, NRC is expected to act on Holtec's requests for exemptions and license amendments related to certain emergency planning and security requirements for which the State submitted comments to NRC <https://dps.ny.gov/indian-point-federal-proceedings-and-comments>.

And in November 2022, NRC approved an exemption that allows Holtec to increase the allowable number of primary Plutonium-Beryllium (Pu-Be) NSAs in any single spent fuel dry storage canister from one to five. NYSERDA submitted written comments to NRC following extensive State review <https://www.nrc.gov/docs/ML2221/ML22215A044.pdf>. New York State agencies are working together to track, review, and comment, as needed, on Holtec submittals to the NRC related to decommissioning the Indian Point nuclear power plants.

### Emergency Management and Pipeline Safety

The May 2021 Joint Proposal requires Holtec to take specific precautionary safety actions regarding the interstate gas transmission pipelines intersecting the Indian Point property. To reinforce these measures, DPS provided Holtec with a guidance document in June 2021 detailing the company's emergency management and pipeline safety notification obligations. Further, on February 25, 2022, DPS facilitated information exchange between Holtec and the pipeline operator to confirm what constitutes a "heavy load pipeline crossing" and requested additional information and verification from Holtec to mitigate risks posed by the colocation of the interstate pipelines during decommissioning activities. In April 2022, Holtec and Enbridge signed a Memorandum of Understanding (MOU) stating that Enbridge had confirmed that the steel air bridge is sufficient for normal decommissioning loads over the pipeline. The MOU also requires Holtec to notify and receive an affirmative response from Enbridge of any heavy load crossings over the pipeline or other activity that could impact the pipeline. The MOU was renewed in April 11, 2023.

### Federal Proceedings and Comment Opportunities

First initiated in November 2015, NRC's decommissioning rulemaking is described on Page 26 of the 2018 Annual Task Force Report. The proposed rule, which was issued on March 3, 2022, will

make many changes to the NRC regulations involving decommissioning. Past comments from New York State on this extended rulemaking include comments on the Advance Notice of Proposed Rulemaking and on the regulatory basis. State comments on the current proposed rule were submitted to NRC by NYSERDA and DPS, in addition to a multi-state collaborative effort by the Attorney General. [Read all three sets of comments here](#). Additional information related to federal proceedings and comments on federal proceedings may be found at <https://dps.ny.gov/indian-point-federal-proceedings-and-comments>.

#### Federal Violations

All federal Nuclear Regulatory Commission inspection reports, which include violations identified at Indian Point, may be found at <https://dps.ny.gov/indian-point-federal-inspection-reports>.