



# TOWN OF CORTLANDT

OFFICE OF THE SUPERVISOR  
TOWN HALL  
1 HEADY STREET  
CORTLANDT MANOR, NY 10567-1254  
(914) 734-1002  
FAX (914) 734-1003  
www.townofcortlandt.com

LINDA D. PUGLISI  
Town Supervisor

**Town Board Members**  
RICHARD H. BECKER  
DEBRA A. COSTELLO  
JAMES F. CREIGHTON  
FRANCIS X. FARRELL

February 19, 2021

Honorable Michelle L. Phillips  
Secretary  
Public Service Commission  
3 Empire State Plaza  
Albany, New York 12223-1350

**Re: CASE 19-E-0730: Joint Petition of Entergy Nuclear Indian Point 2, LLC; Entergy Nuclear Indian Point 3, LLC; and Nuclear Asset Management Company, LLC for a Declaratory Ruling Disclaiming Jurisdiction Over or Abstaining from Review of the Proposed Transfers or, in the Alternative, an Order Approving the Proposed Transfers Pursuant to Section 70 of the New York Public Service Law (“Joint Petition”)**

Dear Secretary Phillips,

On behalf of the Town of Cortlandt (“Town”), I previously submitted a joint letter with the Hendrick Hudson School District dated December 2, 2020 to your office pertaining to the Proposed Rule Making for Electric Generation Facility Cessation Mitigation Program Funding (I.D. No. PSC-40-20-00005-P). I submit this letter in response and opposition to the above-referenced Joint Petition.

By way of summary, the Indian Point Energy Center (“IPEC”) is located in the Village of Buchanan and Town of Cortlandt. IPEC has helped power the New York Metropolitan area for decades. However, its operations are scheduled to totally cease on or before April 30, 2021. The Town is aware that the Public Service Commission is soliciting comments about the proposed transfer of IPEC from Entergy Nuclear Operations, Inc. and its affiliated entities (“Entergy”) to Holtec International and its affiliated entities (“Holtec”). I write to you to express our serious concerns related to this proposed transfer.

## **I. Holtec Has Failed To Communicate A Plan With The Town**

For years, Entergy has been an embedded member in the local community. The relationship between the Town of Cortlandt and Entergy was productive and amicable, even if the Town and Entergy did not agree on certain issues. While Entergy has been winding down its operations, its stakeholders have regularly communicated updates, which have been appreciated

by the community. This stands in stark contrast to Holtec. I cannot say that the Town has a bad relationship with Holtec because, frankly, there is no relationship, thus far.

The Town Board and I have been working on issues related to the closure of IPEC nonstop since the initial announcement. Yet, stakeholders for Holtec have never facilitated a formal introduction to the Town. The Town Board and I remain ready and eager to communicate with Holtec, but communication is a two-way street. We fear that this lack of communication foreshadows a decommissioning attitude from Holtec if it is ever awarded all necessary approvals to decommission IPEC. The Town Board and I continue to await an official introduction from Holtec with anticipation.

## **II. Many Questions Remain Outstanding**

Putting aside the fact that Holtec's communication has been mostly nonexistent, the Town has performed its own research from publicly available information. Based on this research, there are many questions that remain including, but not limited to, the following:

1. Does Holtec have the technical capabilities to properly decommission the plant?
2. What are Holtec's short-term and long-term plans for the nuclear waste?
3. How would Holtec safely transport nuclear waste away from IPEC without exposing the community to potentially dire consequences?
4. Does Holtec have the exorbitant financial means to safely decommission IPEC to its final completion?
5. Has a full environmental review been completed?
6. What is the contact information for the crews from Holtec who would be on site during the decommissioning process?
7. How many current employees from Entergy will remain employed if Holtec were to decommission IPEC? Holtec would need to conform with Legislative Bill A10338/S7846, which was signed by the Governor on December 31, 2020.
8. Would Holtec plan to enter into a Payment in Lieu of Taxes ("PILOT") agreement with the taxing jurisdictions? This is expressly authorized pursuant to Legislative Bill A10107/S8204 signed by the Governor on December 31, 2020.
9. Has Holtec communicated with local emergency services and with the Northern Westchester Joint Water Works for future water usage?

## **III. No Decisions Should Be Made Before the New York State Attorney General's Concerns Have Been Addressed, As Well As, The Town Of Cortlandt's Concerns And Questions**

As you may be aware, Attorney General Letitia James filed a Petition on behalf of the State of New York for Leave to Intervene and for a Hearing before the United States of America Nuclear Regulatory Commission ("NRC"). The Attorney General brings up many valid concerns about Holtec's ability to safely decommission the IPEC site. The Town has retained its own counsel from Sive, Paget & Riesel P.C. to file an amicus brief supporting the Attorney General. Until these concerns are addressed, any decision by the Public Service Commission would not be ripe.

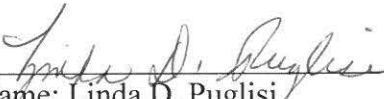
**CONCLUSION**

To date, Holtec has not proven to be a reliable decommissioning company. They have failed to communicate with the Town, and there are many questions still outstanding. Not only does the local Town Board and community feel this way, the State Attorney General's Office agrees as evidenced by the filing of its Petition with the NRC.

Based on all of these factors, it would be premature for the Public Service Commission to issue any approvals or binding decisions. Decommissioning a nuclear site is an involved treacherous process, and no company should be awarded its approvals before all questions are fully and completely answered to the satisfaction of all regulatory agencies. Also, a public hearing in our community is very important.

Sincerely,

**TOWN OF CORTLANDT**

By:   
Name: Linda D. Puglisi  
Title: Town Supervisor

cc: Town of Cortlandt Town Board  
Mayor Theresa Knickerbocker  
Mayor of the Village of Buchanan and Trustees  
Hendrick Hudson School District School Board  
Joseph E. Hochreiter  
Superintendent of the Hendrick Hudson School District  
Thomas F. Wood, Esq.  
Town of Cortlandt Town Attorney  
Daniel Riesel, Esq.  
Sive, Paget & Riesel P.C.-Counsel to the Town of Cortlandt  
Patty Robcke, CPA  
Town of Cortlandt Comptroller  
Enrique Catalan  
Assistant Superintendent for Business, Hendrick Hudson School District  
Stephanie Porteus, Esq.  
Village of Buchanan