

Hello. This is George Latimer, Westchester County -- can you hear me now?

This is Westchester County Executive George Latimer, L-A-T-I-M-E-R. Indian Point is located in Westchester County and throughout its operation the county has been involved in addressing issues related to the operations of Indian Point. Westchester County's Department of Emergency Services, along with stakeholders throughout the region works cooperatively with energy in the state of New York to maintain the county's ability to prepare for and respond to any potential emergency at Indian Point. The county provides training to emergency responders, conducts exercises with key personnel tests, maintains the infrastructure and specialized equipment necessary to implement emergency plans successfully. Indian Point's scheduled shutdown has not interrupted these efforts. The county remains committed to providing for the health and safety of the public throughout the decommissioning process.

As the regional local government and whose jurisdiction Indian Point is located, Westchester County has significant interest in assuring that the decommissioning process is successfully implemented and completed. The county had reviewed the submissions of energy in Holtec and the comments submitted by the New York State Attorney General, the New York State Department of Environmental Conservation, the municipalities in the town of Cortlandt and the Village of Buchanan, the Hendrick Hudson School District and also NYSERDA. The county joins in these comments in supporting materials submitted by the attorney general, DEC, and these other stakeholders in requesting that the PSC ever jurisdiction over the proposed transfer of Indian Point and the related spent nuclear fuel facilities and reject the position of Holtec and Entergy to disclaim jurisdiction or decline to exercise jurisdiction.

The attorney general, the Department of Environmental Conservation, and other stakeholders have asserted a number of critical concerns relating to, one, the corporate structure and lack in transparency of the Holtec entities; two, the financial ability of the Holtec entities that will carry out the decommissioning to complete this process; three, the Holtec entities management of spent nuclear fuel, and the use of the Decommissioning Trust Funds for spent nuclear fuel management; and four, the failure of the decommissioning plan to address the likelihood of radiological contamination of groundwater and other non-radiological contaminants likely to exist at Indian Point.

In granting the application for transfer for Entergy's Indian Point license to Holtec and allowing Holtec to use Decommissioning Trust Funds of spent nuclear fuel management, the Nuclear Regulatory Commission skirted all of these issues and refused to even hold a hearing to address it. The Public Service Commission is now the only agency with the jurisdiction and the ability to assure that the transfer of Indian Point to the Holtec entities results in a successful decommissioning process that restores the site to safe condition for future productive use. Accordingly, in exercising its jurisdiction, the Public Service Commission should not approve the transfer unless the following protections at a minimum are mandated.

Number one, the 2.1-billion-dollar Decommissioning Trust Fund will be controlled by three special purpose entities created by Holtec or Holtec LLC's. These entities are limited liability companies that have no assets other than these trust funds that were funded by ratepayers. The decommissioning process will span in excess of 40 years. The attorney general municipalities have identified Holtec to account for unforeseen conditions that could cause a significant shortfall in the Decommissioning Trust Funds.

Number two, the Nuclear Regulatory Commission has permitted Holtec LLC's to use the Decommissioning Trust Funds to spent nuclear fuel despite the fact that the Holtec LLC's will recover millions, if not hundreds of millions, of dollars from the Department of Energy due to the latter's inability to take ownership of spent nuclear fuel as required by law. The PSC should require that the Holtec LLC's place recoveries from the Department of Energy into the Decommissioning Trust Funds and provide a portion of them to the municipalities affected by the decommissioning. The Public Service Commission should also require Holtec to guarantee the obligations of the

Holtec LLC's or post a standby letter of credit to support those obligations with the Holtec LLC's as the beneficiaries.

Number three, Holtec should be required to commit sufficient fund for remediation of any other contamination at the site as set forth in the affidavits of the experts submitted by the DEC and the state attorney general. In its cost estimates, Holtec has not adequately planned for full site remediation. All contamination at Indian Point must be remediated to that the site could be safe for future productive use.

Number four, Holtec is a privately-held company that has not been transparent in disclosing its financial condition to regulators. As the parent of the Holtec LLC's that are undertaking a critical task affecting public health and safety, the PSC should mandate that Holtec disclose its financial statements to the PSC and the public on at least a quarterly basis. The public interest dictates that taxpayers know the financial condition of the entity ultimately controlling the decommissioning of Indian Point and site restoration.

Number five, the PSC should also obtain a commitment from the Holtec, LLC's to support and participate in ongoing emergency planning and preparation activities. Westchester County urges the Public Service Commission to exercise its statutory authority to protect the public interest by assuring that the decommissioning process is adequately funded and carried out safely and successfully with restoration of the Indian Point site to environmentally sound condition for productive use. Without these assurances, the proposed transfer is not in the public interest.