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GOVERNOR ANDREW M. CUOMO

GOVERNOR CUOMO ANNOUNCES PUBLIC SERVICE COMMISSION HAS APPROVED THE SALE OF INDIAN POINT

New Owner Holtec Agrees to Significant Monetary Assurances and Administrative Safeguards to Ensure Thorough and Prompt Dismantling and Cleanup of Nuclear Power Facility

Decommissioning Oversight Board Established to Ensure Compliance with Conditions and Standards

Carbon Emissions will Continue to Decline after Facility's Closure Ensuring New York's Greenhouse Gas Emissions Targets Remain on Track

Governor Andrew M. Cuomo today announced that the New York State Public Service Commission approved the sale of the Indian Point nuclear power facility to Holtec International subsidiaries. The PSC approved a negotiated agreement by the State of New York, County of Westchester, local governments, Public Utility Law Project, Riverkeeper, Entergy, the former owner of Indian Point, and Holtec, which provides for the transfer of the nuclear power facility to Holtec for a swift, complete and safe decommissioning and site remediation. The long-term trajectory ensuring the State's greenhouse gas emissions reductions targets are met remains on track. Indian Point's closure has been anticipated by State energy planners for more than a decade and the plant's continued operation was therefore not included in the State's greenhouse gas emissions reduction plans. New York State generators must continue to comply with the Regional Greenhouse Gas Initiative's carbon cap, ensuring the region's emissions will continue to decline after Indian Point closes.

New York is part of RGGI, the regional cap and trade program, and the State will continue to stay under the emissions cap, which declines 30 percent between 2021 and 2030. Emissions, specifically CO₂ emissions, have reduced consistently over time due to increased efficiency of the grid as a whole. This includes the addition of renewables, the retirement of less efficient generation, the installation of more efficient conventional generation, and more efficient energy usage.

"As Governor and previously as Attorney General, I have been deeply concerned with the safety of the Indian Point nuclear power facility given its proximity to some of the most densely populated areas in the nation," **Governor Cuomo said.** "After years of relentless work with our federal, state, and local partners, we have finally been able

to close it safely and responsibly and will now move on to the decommissioning phase. This is a win for the health and safety of New Yorkers, and the protection of our environment. Due to the careful planning for the closure, New York remains on track to reliably achieve its clean energy goals."

In 2017, Entergy—the owner of Indian Point—agreed with Governor Cuomo to close the two remaining operating reactors at the Westchester County site. Unit 2 powered down in April 2020, and Unit 3 was deactivated last month. In November 2019, Entergy and Holtec filed an application for license transfer with the federal Nuclear Regulatory Commission and separately filed a petition asking the PSC not to exercise any jurisdiction over the sale of the Indian Point facilities and site.

Instead, the State Department of Public Service staff, the New York State Energy Research and Development Authority, Department of Environmental Conservation, Office of Attorney General, local governments and others worked to ensure that the public's interests were protected, and those agencies secured the financial and administrative provisions contained in the joint proposal that was presented to the PSC for its review and consideration. The PSC also provided opportunities for public comment at several points in the proceeding. The NRC previously approved the license transfer without the provisions contained in the joint proposal to the PSC, and the State of New York filed a lawsuit challenging NRC's decision. The joint proposal approved by the PSC today resolved the federal litigation.

The joint proposal approved by the PSC addressed the State's concerns that adequate funds are available to complete the project subject to State oversight. Under the agreement, Holtec is required to adhere to a robust suite of financial and administrative provisions, including:

- Maintaining a minimum balance of no less than \$400 million in the decommissioning trust fund for 10 years;
- Maintaining a minimum balance of no less than \$360 million in the decommissioning trust fund at partial site release from the NRC for costs related to waste management and radiological cleanup of the site;
- Requiring Holtec to return 50 percent of the money it recovers from the Department of Energy for spent fuel management costs to the decommissioning trust fund;
- Conducting site restoration and remediation under an order on consent with the New York State Department of Environmental Conservation, which will oversee the hazardous materials and residual radiation cleanup at Indian Point, including through the use of an on-site monitor;
- Providing funding towards state and local emergency management and response; and
- Providing financial and project reporting to the State and the public through a website and other channels to ensure transparency regarding project status and costs.

PSC Chair John B. Howard said, "The proposal to transfer the corporate ownership of the Indian Point nuclear site is a first in New York and only the third time done in the nation. After reviewing the joint proposal and the financial assurance and reporting conditions, I supported the joint proposal and its conditions. However, we should

recognize that the corporate transfer here is a first-of-its-kind initiative. Going forward, the Commission will remain cautious and vigilant about the implementation and the parties' compliance with today's order."

In parallel with the PSC's approval of the joint proposal, the Department of Public Service also announced today the formation of the [Indian Point Nuclear Decommissioning Oversight Board](#). The Board will include state and local elected officials representing the host community, union representatives, environmental and technical experts, and relevant state agencies. It will meet regularly to discuss the State's oversight of decommissioning activities to ensure compliance with the joint proposal's conditions and other regulatory standards. It will also provide a critical venue for public engagement and information sharing.

"A statewide board to oversee the decommissioning of Indian Point, with pertinent officials and experts in the field, will enable New York to monitor the disassembling of a nuclear power plant in all of its complexity," **said Senator Peter Harckham**. "This will take years, if not decades, of meticulous work. With so much at stake, I appreciate the opportunity to partner with Governor Cuomo and others in bringing together the necessary resources and expertise to effectively ensure the requisite safety of the decommissioning process."

"For nearly 60 years, the Indian Point nuclear power facility has provided jobs and tax revenues for community members and municipalities within my Assembly District," **said Assemblymember Sandy Galef**. "The facility is now entering its next phase and will undergo decommissioning under the ownership of Holtec. I am proud to have partnered with other State Legislators and advocacy groups to implement a Decommissioning Oversight Board to protect the safety and financial interests of the workers and community members most impacted by the facility's closure."

New York State Department of Environmental Conservation Commissioner Basil Seggos said, "The sale of Indian Point moves New York State one step closer to providing peace of mind for the millions of New Yorkers living in this facility's shadow. The agreed upon plan secures the resources necessary to accelerate decommissioning and complete a comprehensive cleanup as expeditiously as possible. The inclusion of a Decommissioning Oversight Board will ensure full compliance with all terms of the sale agreement and provides for a transparent process that will keep the community informed every step of the way and these New Yorkers deserve nothing less."

NYSERDA President and CEO Doreen M. Harris said, "Today is a milestone that moves New York forward in its efforts to build a clean, renewable grid of the future that will spur a green economy that benefits all, delivering thousands of good paying jobs to existing and new clean energy workers while reducing harmful pollutants from communities across the state. As the State's nuclear coordinator, NYSERDA is pleased to see this be completed with stakeholder engagement and community protections at the forefront and we will continue to monitor the financial and public health and safety assurances that have been made by Holtec's subsidiaries to ensure the plant is fully decommissioned."

Empire State Development Acting Commissioner and President & CEO-designate Eric Gertler said, "The sale of the Indian Point power plant is a huge milestone for the

safety and security of the communities in the surrounding region, and the State's Electric Generation Facility Cessation Mitigation Program will ensure that surrounding communities that rely on Indian Point for a source of tax revenue have the ability to mitigate their losses from the decommissioning of the plant. Indeed, this is yet another example of Governor Cuomo's leadership to protect New Yorkers while committing to clean, safe and renewable energy for the future."

Decommissioning, the radiological clean-up and dismantling of a nuclear facility, is extremely demanding, both technically and financially. Accordingly, the NRC requires that nuclear facilities establish and maintain funding to pay for facility decommissioning following closure. In the case of Indian Point, portions of its three decommissioning trusts were capitalized by New York ratepayers and customers through electricity bills. Holtec obtained the NRC's approval to use the trust money, not only to conduct the required radiological decommissioning, but also to fund spent fuel management and site restoration. Under the joint proposal approved today, the State has obtained critical financial assurances to protect these decommissioning trusts and ensure adequate funding remains for decommissioning and site restoration.

Tax payments from plant owner Entergy will remain in place through 2021 and ramp down gradually following closure. In addition, the taxing jurisdictions will be eligible to receive seven years of financial assistance from the State's [Electric Generation Facility Cessation Mitigation Program](#) administered by Empire State Development. Additionally, at the request of the Indian Point host communities and others earlier this year, the PSC adopted a stable funding mechanism that provides a long-term funding source for the program to ensure greater program certainty.

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