GOVERNOR CUOMO ANNOUNCES PROTECTIONS FOR SAFE CLOSURE OF INDIAN POINT NUCLEAR POWER FACILITY

Holtec Agrees to Extensive Monetary Assurances and Administrative Safeguards to Ensure Safe, Rapid, and Complete Dismantling and Cleanup of Nuclear Power Facility

Governor Andrew M. Cuomo today announced a joint proposal with Holtec International and its subsidiaries to safely close the Indian Point nuclear power facility in the lower Hudson Valley. The agreement, negotiated by the State of New York, County of Westchester, local governments, Public Utility Law Project, Riverkeeper, Entergy — the owner of Indian Point and Holtec, provides for a transfer of the nuclear power facility to Holtec for a swift, complete and safe decommissioning and site remediation.

The joint proposal, which is now available for public comment, is slated to be reviewed and considered by the State Public Service Commission during a future session.

"Since my time as Attorney General I have been deeply concerned with the safety of the Indian Point nuclear power facility given its proximity to the most densely populated area in the country," Governor Cuomo said. "Shuttering Indian Point was, at one time, one of the main progressive causes in New York, and after years of relentless work, we've finally reached an agreement to close it safely and responsibly. This is a victory for the health and safety of New Yorkers, and moves us a big step closer to reaching our aggressive clean energy goals."

In 2017, Entergy — the owner of Indian Point — agreed with Governor Cuomo to close the two remaining operating units at the site. Unit 2 powered down in April 2020, and Unit 3 is scheduled to cease operations this 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, 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 will now be presented to the Public Service Commission for its review and consideration. The NRC approved the license transfer without the provisions contained in the joint proposal, and the State of
New York filed a lawsuit challenging NRC's decision. This joint proposal to the Public Service Commission will also resolve the federal litigation.

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 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. Of the approximately $2.4 billion of aggregated decommissioning trust funds, Holtec estimated that it will spend more than $630 million for spent fuel management alone, which raised concerns whether the remaining funds were adequate to conduct safe and comprehensive decommissioning at a site known to harbor substantial contamination.

The Joint Proposal to resolve the ongoing PSC proceeding and address the State's concerns is intended to ensure that adequate funds are available to complete the project subject to State oversight. Under the agreement, Holtec is required to adhere to financial and administrative provisions, including:

- Maintaining a minimum balance of no less than $400 million in the Decommissioning Trust Fund for 10 years following the Transaction Closing Date;
- 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;
- Conduct site restoration and remediation under an order on consent with the New York State Department of Environmental Conservation, which will oversee the hazardous materials 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.

Per additional agreement terms, the State of New York, Riverkeeper, the Town of Cortlandt and the Hendrick Hudson School District will withdraw their lawsuits against the NRC that are currently pending in the U.S. Court of Appeals for the District of Columbia Circuit.

New York State Department of Environmental Conservation Commissioner Basil Seggos said, "Today marks a milestone in the State's sustained efforts to shut down Indian Point. It's a victory for public safety and the millions of New Yorkers living in the shadow of this aging facility. As New York State continues its transition to a safer, renewable green energy future, it's imperative that we work together to ensure the swift
and safe dismantling and decommissioning of this facility. I commend everyone who
worked to secure this agreement today to advance a comprehensive cleanup of this
site."

Doreen M. Harris, President and CEO, NYSERDA said, "As the State's nuclear
coordinator, NYSERDA has been pleased with the robust stakeholder engagement
leading to this joint proposal and that the agreement appropriately addresses both the
financial and environmental interests of New Yorkers."

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