

APPROVAL MEMORANDUM - No. 75 Chapter 386

MEMORANDUM filed with Senate Bill Number 7846, entitled:

"AN ACT to amend the labor law and the public service law, in relation to establishing requirements for the transfer, sale, lease and any decommissioning activities of the Indian Point Nuclear Power Plant"

MEMORANDUM filed with Senate Bill Number 8075, entitled:

"AN ACT to amend the real property tax law, in relation to including certain spent nuclear fuel within the definition of real property"

MEMORANDUM filed with Senate Bill Number 8204, entitled:

"AN ACT to amend the real property tax law, in relation to nuclear-powered electric generating facilities"

APPROVED

These bills would amend the Labor Law, Public Service Law and Real Property Tax Law to address certain issues associated with the closure of nuclear power plants in New York. Senate Bill 7846 would provide certain labor protections to employees of the Indian Point Power Plant.

Senate Bill 8075 would expand the definition of Real Property under the Real Property Tax Law to include spent fuel pools and dry cask storage systems for nuclear fuels in storage at a nuclear power plant that has shut down permanently. Senate Bill 8204 would amend the Real Property Tax Law to allow communities to continue to enter into Payment in Lieu of Tax (PILOT) Agreements after nuclear facilities located in those communities have shut down.

This administration has been and remains committed to providing support and resources to address the potential impacts to local communities resulting from the retirement of nuclear power facilities. However, these bills would potentially increase the costs associated with decommissioning and restoring nuclear sites, increasing the strain on limited funds held in trust for the safe and thorough decommissioning of these sites. In addition, these bills may undermine the Public Service Commission's (PSC) existing legal authority and oversight over former nuclear plants. The State must retain its oversight to ensure that nuclear facilities are shut down and decommissioned, and the sites restored, safely and thoroughly.

Therefore, I have agreed with the Legislature to make certain technical changes to **Senate Bill 7846** that will address these concerns by requiring employees at Indian Point to be paid no less than the locality's prevailing wage and for purchasers of Indian Point to be bound by current collective bargaining agreements, and amending the Public Service Law to make clear that PSC has continuing authority over nuclear power reactors after a plant has shut down. I also direct the Department of Public Service to establish an Indian Point Nuclear Decommissioning Oversight Board comprised of state officials, scientific and technical experts, local officials, labor union representatives, environmental groups and other interested stakeholders. The oversight board will advise and assess on 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.

This bill is approved.

(signed) ANDREW M. CUOMO