

The seal of the State of New York is centered in the background. It features a circular design with a rope-like border. Inside, there are two female figures flanking a shield, with a banner below that reads "EXCELSIOR". The words "THE STATE OF NEW YORK" are written around the inner edge of the seal.

**FOLLOW UP MEETING CONCERNING THE
MARCH 2, 2011 DECOMMISSIONING
FUNDING WORKSHOP & RELATED
DECOMMISSIONING ISSUES**

June 8, 2011

State of New York

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Previous Comments

- November 29, 2010 State of New York Comments ML103350167
- March 2, 2011 Workshop at NRC Headquarters
- April 7, 2011 State of New York Comments ML111030522



Risks Associated with Merchant Plants

- At-risk subsidiaries

- Corporate re-organization
- Bankruptcy (e.g., General Motors)
- No plant that has undergone decommissioning has been a merchant plant
- Merchants cannot turn to ratepayers for additional funds
- Uncertainty regarding whether reported decommissioning fund amounts are net or gross of taxes
 - See, e.g., Request for Additional Information to Support the Review of 2011 Decommissioning Status Report, Entergy Plants (May 25, 2011) MLI 11440234
- No continuing contributions coupled with undue and unrealistic reliance on fund growth and cost inflation during the SAFSTOR and relicensing periods



Site-Specific Contamination

The Indian Point site contains 4 million cubic feet of contaminated soil:

- 1.26 million cubic feet associated with Unit 1
- 379 thousand cubic feet associated with Unit 2
- 2.4 million cubic feet associated with Unit 3

- Attachment I to NL-11-029 (April 1, 2011) ML111020400



License Transfer Orders

- Millstone (March 9, 2001)
- Nine Mile Point (June 22, 2001)
- Beaver Valley / Perry (November 15, 2005)
- No analysis by NRC Staff in SER of:
 - regulatory basis for net present value re parent guarantees
 - consequences of net present value re parent guarantees



Conversion of Funds & Depletion of Accounts

- Radiological and non-radiological cleanup funds
- State-regulated site restoration funding commingled
 - NRC Regulatory Issue Summary 2001-7 (February 23, 2001)
 - NRC Regulatory Issue Summary 2001-7, Rev. 1, Draft (November 18, 2008)
- Use of Decommissioning Trust Funds for spent fuel maintenance

