

From: [Tallent, Joshua](#)
To: [Smith, Ted](#)
Subject: [External_Sender] RE: Reactor decommissioning financial assurance working group; draft final report
Date: Wednesday, April 22, 2020 12:04:05 PM

Hi Ted,

I like to think our office is a little more nimble than other parts of government, but a three-hour turnaround on comments to a federal agency is a pretty tough turnaround.

That said, I respectfully disagree that the current decommissioning funding regulations are adequate to deal with the asset transfer decommissioning model that appears to be industry's consensus choice. It's risky to transfer shuttered plants to single-asset LLCs with no financial resources other than the plants' NDTs. If decommissioning costs exceed estimates, these LLCs will lack the financial ability to purchase additional financial assurance instruments on the open market. And once a license is transferred, NRC lacks the ability to require a non-licensee corporate parent to meet its subsidiaries' obligations. Current, extreme volatility in the securities markets further supports this view: if we transfer decommissioning, spent fuel management, and site restoration liabilities to LLCs with no assets outside the NDTs, what happens when those invested trust monies lose substantial value? Again, if the licensees have no other assets, how will they comply with NRC rules requiring that they provide other forms of financial assurance?

We're glad staff is looking at these issues, and thanks again for your time.

Take care,

Joshua Tallent
Assistant Attorney General
New York State Office of the Attorney General
The Capitol | Albany, NY 12224
(518) 776-2456

From: Smith, Ted <Theodore.Smith@nrc.gov>
Sent: Wednesday, April 22, 2020 8:58 AM
To: Tallent, Joshua <Joshua.Tallent@ag.ny.gov>
Cc: Watson, Bruce <Bruce.Watson@nrc.gov>
Subject: RE: Reactor decommissioning financial assurance working group; draft final report

4/21. We are meeting at 1 pm today to go over all comments received. If you can get me something by noon, I can include it.

Ted

From: Tallent, Joshua <Joshua.Tallent@ag.ny.gov>
Sent: Wednesday, April 22, 2020 8:33 AM

To: Smith, Ted <Theodore.Smith@nrc.gov>

Subject: [External_Sender] Reactor decommissioning financial assurance working group; draft final report

Hi Ted,

How are you? Hope all's well in these challenging times. I know you mentioned this on the April 14 call, but could you tell me again what your internal deadline is for written feedback on the final draft report?

Thanks,

Joshua Tallent
Assistant Attorney General
New York State Office of the Attorney General
The Capitol | Albany, NY 12224
(518) 776-2456