

From: [Miller, Elizabeth](#)
To: [Smith, Jacob \(Sanders\)](#)
Cc: [Justin Kolber](#); [Recchia, Chris](#); [Mears, David](#); [London, Sarah](#); [Kline, Scott](#); [Kyle Landis-Marinello](#)
Subject: Re: CONF & PRIV: Memo on Nuclear Issues
Date: Wednesday, January 29, 2014 3:47:30 PM

Hi there - I shared with the team your email yesterday with a few questions in prep for Thursday hearing and related issues and here is a response; sorry to reply on this chain rather than that one, but I wanted the team to have the response and also get it to you right away, even though I am mobile - hope this helps and thanks again for everything: Liz

(1) The Recommendations at Section I.C of our 1/28/14 Memo address the same overall goal of giving States more of a role in decommissioning before the NRC. In addition, Section II.C (pp.7-8) of our Memo lists other issues that may be worth raising with the NRC on Thursday. Recommendation 1 is probably best left for a sit-down meeting with the NRC. But Recommendations 2 and 3 could be raised on Thursday. Recommendation 3 (requiring the expedited transfer of spent fuel from densely packed pools to dry cask storage) is particularly pressing given the proceeding currently pending at the NRC about whether to require expedited transfer. The January 3, 2014 multi-state letter (around 7 pages long) addresses that issue and the NRC's current plan to fast-track a decision that densely packed pools are safe and that *no* further studies are needed on the storage issue, even though the NRC recognizes that dry cask storage is safer.

(2) Relatedly, we have looked at the high burnup fuel issue. The multi-state letter notes that the NRC has never studied the environmental impacts of high burnup fuel. Similarly, the multi-state Comments have an expanded discussion of this issue at pages 95-100. Our focus in both of those documents has been on the fact that high burnup fuel is more radioactive and less stable, so the NRC should (in addition to banning its use until further studies are done) require the expedited transfer of spent fuel from densely packed pools to the safer storage method of dry casks. We have not focused on the cost aspect of dealing with the high burnup fuel, though it seems as though those costs would be minimized if Entergy transferred all of its fuel to dry casks as soon as possible.

(3) With regard to Entergy/DOE negotiations, we should probably try to get DOE to put forward a reasonable offer to Entergy just on VY. Now that VY is closing, and given that Entergy has already been through a full round of litigation specific to VY costs, it seems as though a negotiation on VY could avoid a number of the issues raised by Entergy's other plants. In terms of the best method for kickstarting this, a meeting between the Fed Del, the Governor, the AG, and DOE (but not Entergy at this point) would probably be the best way to go—that would provide an opportunity for Vermont to show a unified front on letting DOE know we want them to talk in earnest with Entergy about settling the VY case so that the fuel can get transferred without fights over who pays for what.

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On Jan 29, 2014, at 2:16 PM, "Smith, Jacob (Sanders)" <Jacob_Smith@sanders.senate.gov>

wrote:

Thanks Justin and everyone else – this is extremely helpful. I forwarded to Adrienne (Leahy) and Glynna (Welch).

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From: Justin Kolber [<mailto:jkolber@atg.state.vt.us>]
Sent: Tuesday, January 28, 2014 6:43 PM
To: Smith, Jacob (Sanders)
Cc: Chris.Recchia@state.vt.us; david.mears@state.vt.us; Elizabeth.Miller@state.vt.us;
Sarah London; Scot Kline; Kyle Landis-Marinello
Subject: CONF & PRIV: Memo on Nuclear Issues

Hi, Jacob,

Attached is a Memo discussing nuclear decommissioning issues, with recommendations for state-federal improvement.

• We thought this might be useful in advance of Thursday's senate hearing (Environment & Public Works) with the NRC. For instance, Section II.C.3 discusses some of the post-Fukushima safety issues and dry cask storage.

• We also can provide more information on Entergy-specific issues, if requested.

Also attached are the following additional background materials, some of which are referenced in the memo:

1. Vermont's settlement agreement with Entergy;
2. January 2014 multi-state letter from VT, NY, MA, and CT to the NRC regarding expedited transfer of spent fuel;
3. December 2013 multi-state Comments on the NRC's draft environmental impact statement on the long-term storage of spent fuel;
4. December 2013 additional Comments from VT and CT regarding the methodology the NRC used in its environmental analysis; and

<!--[if !supportLists]-->5. <!--[endif]-->Our last email and memo on S.1240
(reattached for convenience).

As usual, please let us know how we can assist further. Thank you.

All the best,
Justin

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