UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SECRETARY

October 29, 2004

COMMISSION VOTING RECORD

DECISION ITEM: SECY-04-0176

TITLE: EXEMPTION REQUESTS TO REDUCE LIABILITY INSURANCE COVERAGE FOR DECOMMISSIONING REACTORS AFTER TRANSFER OF ALL SPENT FUEL FROM A SPENT FUEL POOL TO DRY CASK STORAGE

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of October 29, 2004.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission.

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:
1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR

VOTING SUMMARY - SECY-04-0176

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. DIAZ	X				X	10/13/04
COMR. McGAFFIGAN	X					10/18/04
COMR. MERRIFIELD	X				X	10/26/04

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on October 29, 2004.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: CHAIRMAN DIAZ

SUBJECT: **SECY-04-0176 - EXEMPTION REQUESTS TO REDUCE LIABILITY INSURANCE COVERAGE FOR DECOMMISSIONING REACTORS AFTER TRANSFER OF ALL SPENT FUEL FROM A SPENT FUEL POOL TO DRY CASK STORAGE**

Approved w/comments xx Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

SIGNATURE

Oct 13, 04

DATE

Entered on "STARS" Yes ___ No ___

Chairman Diaz's comment on SECY-04-0176
Exemption Requests to Reduce Liability Insurance Coverage for
Decommissioning Reactors after Transfer of Spent Fuel to Dry Storage Casks

I approve staff's recommendation to deny the exemption requests and maintain the current level of liability insurance requirements. This should only be an interim measure until staff completes the risk studies and the vulnerability analyses (VAs) and can recommend a generic approach to liability insurance coverage for decommissioning reactors.

In addition, to the degree that there are available resources, staff should work with stakeholders to encourage industry development of appropriate methodology for assessing financial risk that could be applied to the storage of spent fuel in either a spent fuel pool or an ISFSI. This methodology in conjunction with the results from the staff's risk studies and VAs can assist the staff in preparing well-developed recommendations that can be presented to the Commission. One year ater completion of the risk studies and VAs, staff should present its recommendation to the Commission.

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MCGAFFIGAN

SUBJECT: **SECY-04-0176 - EXEMPTION REQUESTS TO REDUCE LIABILITY INSURANCE COVERAGE FOR DECOMMISSIONING REACTORS AFTER TRANSFER OF ALL SPENT FUEL FROM A SPENT FUEL POOL TO DRY CASK STORAGE**

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

Edward McGaffigan Jr.
SIGNATURE

October 18, 2004
DATE

Entered on "STARS" Yes X No ___

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER MERRIFIELD

SUBJECT: **SECY-04-0176 - EXEMPTION REQUESTS TO REDUCE LIABILITY INSURANCE COVERAGE FOR DECOMMISSIONING REACTORS AFTER TRANSFER OF ALL SPENT FUEL FROM A SPENT FUEL POOL TO DRY CASK STORAGE**

Approved ✓ Disapproved _____ Abstain _____

Not Participating _____

COMMENTS:

See attached comments.

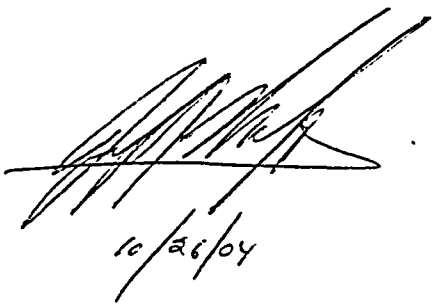
SIGNATURE

10/26/04

DATE

Entered on "STARS" Yes ✓ No ___

Commissioner Merrifield's Comments on SECY-04-0176

It is with some reservations that I approve the staff's recommendation that the level of commercial liability insurance coverage for decommissioning reactors not be changed based on the transfer of all spent fuel from the spent fuel pool to an interim spent nuclear fuel storage installation (ISFSI).

Intuitively, I believe that a decommissioned reactor site with the entirety of its spent fuel in a ISFSI should not be required to have as much liability insurance coverage as a decommissioned reactor site with its spent fuel remaining in its spent fuel pool. However, the appropriate amount of coverage is not patently obvious to me and absent further financial information with a sufficient technical basis for changing the current level of insurance coverage, I cannot support an exemption request at this time. I challenge the industry to submit this information in order to provide a sufficient basis for a future request.