

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



SECRETARY

January 9, 2008

COMMISSION VOTING RECORD

DECISION ITEM: SECY-07-0197

TITLE: REACTOR DECOMMISSIONING TRUST FUND
OVERSIGHT BY OTHER AGENCIES AND
RECOMMENDATIONS REGARDING FURTHER
COMMISSION ACTION

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of January 9, 2008.

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

A handwritten signature in cursive script, appearing to read "A. L. Vietti-Cook".

Annette L. Vietti-Cook
Secretary of the Commission

Attachments:

1. Voting Summary
2. Commissioner Vote Sheets

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
OGC
EDO
PDR

VOTING SUMMARY - SECY-07-0197

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. KLEIN	X				X	12/30/07
COMR. JACZKO	X				X	12/13/07
COMR. LYONS	X				X	12/17/07

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on January 9, 2008.

NOTATION VOTE


RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN KLEIN
SUBJECT: SECY-07-0197 – REACTOR DECOMMISSIONING
TRUST FUND OVERSIGHT BY OTHER AGENCIES
AND RECOMMENDATIONS REGARDING
FURTHER COMMISSION ACTION

Approved Disapproved Abstain

Not Participating

COMMENTS: Below Attached None



SIGNATURE

12/30 /2007


DATE

Entered on "STARS" Yes No

**Chairman Klein's Comments on SECY-07-0197,
Reactor Decommissioning Trust Fund Oversight by Other Agencies and
Recommendations Regarding Further Commission Action**

I approve the recommendation concerning verification of trust fund balances as described in Option 2 of this paper. In addition, I agree with Commissioner Lyons that the spot-checks would be best performed by headquarters staff who are experienced in decommissioning financial reviews, and that the staff should develop a means of doing these checks while minimizing, or eliminating, the expense of staff travel.

My approval of this recommendation does not mean that I question the veracity of the biennial decommissioning trust fund reports submitted by our licensees. I firmly support the good-faith presumption that underlies our regulatory structure, and the staff's statement in this paper that the NRC is aware of no previous cases where a licensee filed false trust fund balance information validates this presumption. It is therefore appropriate that the agency institute limited spot-checks to address the Inspector General's concern that licensees could provide false information in their biennial trust fund balance reports. These spot-checks should be selected and performed in a manner consistent with the NRC's longstanding sampling-based methods for conducting oversight inspections. Finally, in communicating this decision to stakeholders and the general public, the staff should emphasize that this action is being taken to address a process-oriented observation by the Inspector General, and that there is no evidence of licensees falsifying decommissioning trust fund reports to the NRC.



Dale E. Klein 12/10/2007

NOTATION VOTE

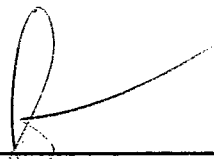
RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: COMMISSIONER JACZKO
SUBJECT: SECY-07-0197 – REACTOR DECOMMISSIONING
TRUST FUND OVERSIGHT BY OTHER AGENCIES
AND RECOMMENDATIONS REGARDING
FURTHER COMMISSION ACTION

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE

12/13/20

DATE


Entered on "STARS" Yes X No

**Commissioner Jaczko's Comments on SECY-07-0197
Reactor Decommissioning Trust Fund Oversight by other Agencies
And Recommendations Regarding Further Commission Action**

I approve of the staff's recommendation concerning verification of trust fund balances in accordance with Option 2 of this paper. Option 2 would require the staff to periodically spot-check licensee original statements and other related documents sent to the licensee by the trustee that disclose the trust fund balance.

Conducting spot-checks of a sample of licensees trust balances on an annual basis would ensure that these funds do not go unverified prior to plant decommissioning. Thus, the Commission can assure itself that licensees have adequate funds to decommission or take additional steps to ensure the availability of adequate financial assurance in the event discrepancies are found.

In the first year the staff conducts these spot-checks, the staff should provide the Commission with an information paper discussing its findings. After the first year the staff should include its findings of its verification activities within the Commission paper summarizing decommissioning funding status reports for nuclear power reactors. I agree with staff that if significant discrepancies are found, the staff should recommend further revisions to the decommissioning funding assurance program.



Gregory B. Jaczko 12/13/07
Date

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: COMMISSIONER LYONS

SUBJECT: SECY-07-0197 – REACTOR DECOMMISSIONING
TRUST FUND OVERSIGHT BY OTHER AGENCIES
AND RECOMMENDATIONS REGARDING
FURTHER COMMISSION ACTION

Approved X Disapproved _____ Abstain _____

Not Participating _____

COMMENTS: Below _____ Attached X None _____



Peter B. Lyons

SIGNATURE

12/17/07

DATE

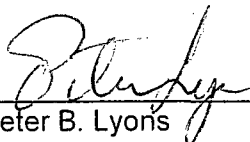
Entered on "STARS" Yes X No _____

Commissioner Lyons' Comments on SECY-07-0197

I approve the staff's main recommendation for Option 2, to periodically spot-check original documents sent to a licensee from its trustee that disclose the trust fund balance, conditioned by the following comments.

I recognize the importance of ensuring the integrity of trust fund reporting and the value of an independent check of source documents by the NRC staff. I would note, however, that the periodic licensee decommissioning trust fund financial reports to the NRC, required by our regulations, are sent to us under oath and affirmation and under penalty of perjury. This already provides strong assurance that such reports will be accurate, and as such provides opportunities for staff flexibility as I suggest below.

In approving the staff's recommendation, I also want to ensure that such spot checks do not become an 'unfunded mandate' to be added to the existing workload in the Regional offices. The financial reviews under discussion here and the proposed periodic spot-checks are best performed by headquarters staff who are experienced in such reviews. I would also support developing a means, if that is possible without rulemaking, to accomplish the proposed spot-checks while minimizing or eliminating the expense of staff travel to licensee or trustee offices to review any non-public financial documents.

 12/17/07
Peter B. Lyons Date