

February 4, 1998

COMMISSION VOTING RECORD

DECISION        SECY-97-251

ITEM:

TITLE:            PROPOSED RULE ON NUCLEAR POWER REACTOR DECOMMISSIONING COSTS

The Commission (with Commissioners Dicus approving and Chairman Jackson and Commissioners Diaz and McGaffigan disapproving) did not support revision of NRC's financial assurance requirements for the decommissioning of nuclear power reactors at this time. Consequently, the NRC staff will incorporate the issues addressed in this paper in the staff's consideration of a comprehensive rulemaking addressing the generic formula for calculating decommissioning costs contained in 10 CFR 50.75 after certain data from plants being decommissioned are available. This result is reflected in the Staff Requirements Memorandum (SRM) of February 4, 1998.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the SRM of February 4, 1998.

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John C. Hoyle  
Secretary of the Commission

Attachments:    1. Voting Summary  
                  2. Commissioner Vote Sheets  
                  3. Final SRM

cc:     Chairman Jackson  
       Commissioner Dicus  
       Commissioner Diaz  
       Commissioner McGaffigan  
       OGC  
       EDO  
       PDR  
       DCS

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VOTING SUMMARY - SECY-97-251

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON		X			X	1/05/98
COMR. DICUS	X				X	11/10/97
COMR. DIAZ		X			X	1/13/98
COMR. MCGAFFIGAN		X			X	1/9/98

COMMENT RESOLUTION

In their vote sheets, Commissioners Dicus and Diaz initially approved the staff's recommendation to publish a rule that would increase applicants' and licensees' flexibility by allowing them to submit site-specific decommissioning cost estimates that may be lower than the generic values contained in 10 CFR 50.75(c). Chairman Jackson and Commissioner McGaffigan disapproved the staff's recommendation on the grounds that under the current rules, licensees have the option of seeking an exemption to 10 CFR 50.75 if they believe that the site specific decommissioning cost estimate is lower than that required by the generic formula, and that the lack of decommissioning cost data from the Trojan plant and other plants undergoing decommissioning

makes it prudent to address the issues raised in this paper in the context of a more comprehensive rulemaking, particularly since recently acquired information on actual decommissioning costs seems to be in conflict with the cost assumptions upon which SECY-97-251 had been based. Chairman Jackson and Commissioner McGaffigan also expressed the view that publishing the rule at this time, given the large uncertainties, could mislead Federal and State rate-setting authorities in reaching decisions with respect to recovery of decommissioning costs. Subsequently, Commissioner Díaz changed his vote and disapproved the rule, joining Chairman Jackson and Commissioner McGaffigan in delaying rulemaking in this area until additional information is available. The NRC staff was advised of this decision in the SRM issued on February 4, 1998.