

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
January 11, 2007

The Commission met in open session, pursuant to notice, at 1:25pm.,

Dale E. Klein, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on January 11, 2007 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[1:25pm]

P R O C E E D I N G S

CHAIRMAN KLEIN: Good afternoon. Any comments before we start? Madam Secretary.

ANNETTE VIETTI-COOK: Commissioner McGaffigan, can you hear me?

COMMISSIONER MCGAFFIGAN: I can.

ANNETTE VIETTI-COOK: This first item is on Vermont Yankee Nuclear Power Station. The Commission is being asked to act on a

Memorandum and Order responding to requests by Entergy Nuclear Vermont Yankee, and Entergy Nuclear Operations, for interlocutory review of the Atomic Safety and Licensing Board's Memorandum and Order, LBP-06-20, in the license renewal proceeding regarding Vermont Yankee Nuclear Power Station. The Commission has voted to approve a Memorandum and Order in which the Commission has decided to take *sua sponte* review of Board's decision to admit the New England Coalition's Contention 1 for adjudication in LBP-06-20. The Memorandum and Order sets a schedule for filing of briefs. Commissioners Jaczko and Lyons provided a dissenting opinion and would have preferred to deny the petition. Commissioners Merrifield and McGaffigan provided a concurring opinion agreeing with the majority opinion to take review.

Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan, I want to call you out separately. Would you please affirm your vote?

COMMISSIONER MCGAFFIGAN: Aye.

ANNETTE VIETTI-COOK: Okay. The second item is on Pilgrim Nuclear Power Station. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the Intervenor Pilgrim Watch of the Presiding Officer's decision in LBP-06-23. By its appeal, Pilgrim Watch seeks to have the Commission admit for hearing one of its rejected contentions, Pilgrim Watch Contention 4, which alleged that the Pilgrim Environmental Report is deficient because it fails to discuss mitigation alternatives for the spent fuel pool. The Commission has voted to approve a Memorandum and Order which affirms the Presiding Officer's decision in LBP-06-23. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan, would you please affirm your vote?

COMMISSIONER MCGAFFIGAN: Aye.

ANNETTE VIETTI-COOK: That's all I have.

CHAIRMAN KLEIN: Any other comments?

VOICE: No, thank you.

CHAIRMAN KLEIN: The meeting is adjourned. Thanks Ed.

CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear Regulatory Commission entitled:

TITLE OF MEETING:	Affirmation Session (PUBLIC MEETING)
PLACE OF MEETING:	Rockville, Maryland
DATE OF MEETING:	January 11, 2007

was held as herein appears, is a true and accurate record of the meeting, and that this is the original transcript thereof taken stenographically by me, thereafter reduced to typewriting by me or under the direction of the court reporting company.

Transcriber: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)