

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
April 26, 2007

The Commission met in open session, pursuant to notice, at 10:50 a.m.,

Dale E. Klein, Chairman, 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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

DISCLAIMER

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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.

[10:50 a.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: Good morning. Madam Secretary, I think we have some items to affirm today. Would you like to proceed?

ANNETTE VIETTI-COOK: Yes. We have two items. The first one is on Consumers Energy Company Palisades Nuclear Plant License Transfer Application. The Commission is being asked to act on a Memorandum and Order pertaining to the application by Consumers Energy Company and other named entities for authorization to transfer, and for the amendment of, the NRC operating license associated with the Palisades plant and Independent Spent Fuel Storage Installation. This initial Order defines the proceeding's scope and decides whether two groups of petitioners to intervene have standing. The Commission has voted to approve a Memorandum and Order which grants standing to Van Buren County and Covert Township and denies standing to the Michigan Environmental Council, the Public Interest Research Group in Michigan, Covert Public Schools, Van Buren County Intermediate School District, Van Buren County District Library, Lake Michigan College, and South Haven Hospital. In addition, the Memorandum and Order grants Van Buren County's and Covert Township's request for an extension of time to file revised contentions and access to the redacted material in the license transfer application, but denies their request for discovery. The Memorandum and Order also requires the appointment of a presiding officer and addresses several minor administrative matters. Commissioner Jaczko dissented in part from this Order. Would you please affirm your vote on the attached Order?

CHAIRMAN KLEIN: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons had previously voted to approve this Order and had he been present he would have affirmed his prior vote. The second item is Consumers Energy Company Big Rock Point Independent Spent Fuel Storage Installation License Transfer Application. The Commission is being asked to act on a Memorandum and Order responding to a joint Request for hearing and Petition to Intervene from The Nuclear Information and Resource Service, Don't Waste Michigan, and Mr. Victor McManemy.

The Commission has voted to approve a Memorandum and Order which denies the petitioners' Petition to Intervene and dismisses this adjudicatory proceeding. Would you please affirm your votes on the attached Order?

CHAIRMAN KLEIN: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons had previously voted to approve this Order and had he been present he would have affirmed his prior vote. That's all I have.

CHAIRMAN KLEIN: Any other comments? Meeting's adjourned.

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: April 26, 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: DARLENE WRIGHT

Reporter: (TAPE RECORDING)