

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  
September 9, 2011

The Commission met in open session, pursuant to notice, at 11:30 a.m.,  
Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

GEORGE APOSTOLAKIS, Member of the Commission

WILLIAM D. MAGWOOD, IV, Member of the Commission

WILLIAM C. OSTENDORFF, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEVE BURNS, General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on September 9, 2011, 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.

[11:30 a.m.]

## P R O C E E D I N G S

CHAIRMAN JACZKO: Annette do you want to go forward with the Affirmation items?

ANNETTE VIETTI – COOK: We have 3 items for affirmation; the first item is Petitions requesting relief related to the March 11, 2011, Earthquake and Tsunami events in Fukushima Japan. The Commission is being asked to act on a Memorandum and Order responding to a series of petitions received in the aftermath of the Great East Japan Earthquake and Tsunami of March 11, 2011, and the subsequent events at the Fukushima Dai-ichi Nuclear Power Plant. The petitions request, among other things, the suspension of various licensing and rulemaking decisions and adjudicatory proceedings. The Commission has voted to approve a Memorandum and Order, which grants in part, and denies in part, the requests for relief. Commissioner Apostolakis' approval does not pertain to the Pilgrim and Indian Point license renewal proceedings, in which he is not participating. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

ANNETTE VIETTI –COOK: The second item is on Nuclear Innovation North America (South Texas Project, Units 3 & 4). The Commission is being asked to act on a Memorandum and Order responding to a petition for review of LBP-11-7 by the NRC Staff. The Commission has voted to approve a Memorandum and Order, which denies the NRC Staff's petition for review as premature. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

ANNETTE VIETTI –COOK: The last item is on the U.S. Department of Energy (High-Level Waste ) Review of LBP-10-11. The Commission is being asked to act on a Memorandum and Order on the question whether the Commission should review, and reverse or uphold, the Construction Authorization Board's decision denying the Department of Energy's motion to withdraw its construction authorization application.

The Commission has voted to approve a Memorandum and Order, which states that the Commission is evenly divided on whether to take the affirmative action of overturning or upholding the Board's decision. The Memorandum and Order also directs the Board to complete all necessary and appropriate case management activities, including disposal of all matters pending before it, by the end of the fiscal year. Commissioner Apostolakis did not participate in this matter. Would Chairman Jaczko, Commissioner Svinicki, Magwood and Ostendorff please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

CHAIRMAN JACZKO: Thank you.

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: September 9, 2011

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: Natalie Mitchell-Funderburk

Reporter: (TAPE RECORDING)