UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

*****

AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
March 11, 2010

The Commission met in open session, pursuant to notice, at 10:30 a.m., Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

DALE E. KLEIN, Member of the Commission

KRISTINE L. SVINICKI, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

TRIP ROTHSCHILD, Acting 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.

[10:30 a.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: Madam Secretary, we have a couple of items for affirmation?

MS. VIETTI-COOK: We have three items for affirmation. The first item is Progress Energy Carolinas Shearon Harris Nuclear Power Plant Units 2 and 3. The Commission is being asked to act on a Memorandum and Order in this combined license proceeding, responding to the appeal of the North Carolina Waste Awareness and Reduction Network of three Board decisions; its motion for reconsideration of two Commission decisions (including its requests to suspend the proceeding); and its request for oral argument. The Commission, with Chairman Jaczko dissenting in part, has voted to approve a Memorandum and Order which affirms the three Board decisions and denies North Carolina Waste Awareness and Reduction Network's requests for oral argument and to suspend the proceeding. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK: The second item is a Final Rule 10 CFR 51.22 criterion for categorical exclusion identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review. The Commission is being asked to act on a final rule that amends the categorical exclusions in Section 51.22 of Title 10 of the *Code of Federal Regulations*. The Commission has voted to approve the publication and implementation of this final rule subject to the attached changes. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK: The third item is the U.S. Department of Energy high level waste repository appeal of William D. Peterson. The Commission is being asked to act on a Memorandum and Order responding to an appeal by Mr. William D. Peterson of the ruling by Construction Authorization Board 4 denying his Petition to Intervene. The Commission has voted to approve a Memorandum and Order which declines to rule on Mr. Peterson's appeal, and disposes of his other motions. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. That's all I have.

CHAIRMAN JACZKO: Okay. We're adjourned. Thanks.

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: March 11, 2010

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 K. Wright

Reporter: (TAPE RECORDING)