

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  
November 29, 2011

The Commission met in open session, pursuant to notice, at 8:55 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 VIETTI-COOK, Secretary of the Commission

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on November 29, 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.

[8:55 a.m.]

## PROCEEDINGS

CHAIRMAN JACZKO: We have 2 items for affirmation.

ANNETTE VIETTI- COOK: The Commission is being asked to act on a Memorandum and Order responding to a petition from the NRC Staff challenging the Construction Authorization Board's April 11, 2011, and June 9, 2011, case management orders, and seeking a stay of those orders. The Commission, with Chairman Jaczko concurring has voted to approve a Memorandum and Order which denies the Staff's petition, and denies the Staff's stay request as moot. Commissioner Apostolakis did not participate in this matter. Would Chairman Jaczko, Commissioners Svinicki, Magwood and Ostendorff please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

The second item is on a final rule: The commission is being asked to act on a final rule amending Title 10 of the *Code of Federal Regulations* (10 CFR) 73.57, "Requirements for Criminal History Records Checks of Individuals Granted Unescorted Access to a Nuclear Power Facility or Access to Safeguards Information." This amendment adds nonpower reactor (NPR) licensees to the scope of those subject to fingerprinting requirements for unescorted access. The Commission has voted to approve the publication and implementation of this final rule, subject to the changes noted in the attachment. Would you please affirm your votes? That is all I have. Thank you.

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

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: November 29, 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)