

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
March 16, 2012

The Commission met in open session, pursuant to notice, at 3:30 p.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 (VIA TELECON)

WILLIAM C. OSTENDORFF, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

TRIP ROTHSCCHILD, Acting General Counsel

ANDREW L. BATES, Acting 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.

[3:30 p.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: We have two items for affirmation. Are you ready to go through them?

MR. BATES: Commissioner Magwood, you're on the line?

COMMISSIONER MAGWOOD: Yes, I am.

MR. BATES: The first item we have today is in the matter of the Luminant Generation Company LLC in the Comanche Peak Nuclear Power Plant Units 3 and 4, Energy Northwest Columbia Generating Station, Southern Nuclear Operating Company, Vogtle Units 3 and 4, Duke Energy Carolinas LLC, William States Lee III Nuclear Station Units 1 and 2. The Commission is being asked to act on a Memorandum and Order responding to four substantively identical petitions for review of LBP-11-27, a Board decision declining to admit a NEPA contention arising from the report of the Fukushima Near-Term Task Force. The Commission has voted to approve a Memorandum and Order, as we circulated, which denies the petitions for review. Commissioner Magwood's approval did not pertain to the *Comanche Peak* COL proceeding, in which he is not participating. Will you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER OSTENDORFF: Aye.

MR. BATES: Commissioner Magwood?

COMMISSIONER MAGWOOD: Aye.

MR. BATES: The second item is SECY-11-0170. It's a final rule on physical protection of byproduct material. The Commission is being asked to act on a Final Rule that adds a new Part 37 to Title 10 of the Code of Federal Regulations and making conforming changes to Parts

20, 30, 32, 33, 34, 35, 36, 39, 51, 71, and 73. The rule amends the regulations to establish security requirements for the use of Category I and Category II quantities of radioactive material and for the transportation of small quantities of irradiated fuel. The Commission has approved the publication and implementation of this final rule subject to changes that we circulated. Will you approve your votes please?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER OSTENDORFF: Aye.

MR. BATES: Commissioner Magwood?

COMMISSIONER MAGWOOD: Aye.

CHAIRMAN JACZKO: I would note for the record that Josie Piccone gave this two thumbs up and this is a very significant rule and we'll make sure we do our press release on Monday. Or do you want to do it today? Congratulations, this is a significant milestone. I appreciate everybody's hard work on that and getting it done. It's a really good rule and a lot of good effort went into it. So, thank you. We are 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: March 16, 2012

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)