

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
June 07, 2012

The Commission met in open session, pursuant to notice, at 9:25 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:

MARIAN ZOBLER, Acting General Counsel

ANNETTE 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.

[9:25 a.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: Annette, we have four items for affirmation? Do you want to begin?

MS. VIETTI-COOK: Yes, the first item is SECY-12-0009 – Final Rule 10 CFR 73.37, “Physical Protection of Irradiated Fuel in Transit.” The Commission is being asked to act on a final rule amending the security requirements for irradiated fuel in transit in Title 10 of the *Code of Federal Regulations*, Part 73.

This rule establishes generically applicable security requirements similar to the requirements currently imposed by NRC Order EA-02-109, “Issuance of Order for Interim Safeguards and Security Compensatory Measures for the Transportation of Spent Nuclear Fuel Greater than 100 Grams.” This rule also establishes acceptable performance standards and objectives for the protection of spent nuclear fuel shipments from theft, diversion, or radiological sabotage. Additionally, this rule addresses, in part, a 1999 petition for rulemaking from the State of Nevada, Petition for Rulemaking-73-10, that requested the NRC strengthen its regulations governing the security of spent nuclear fuel shipments against malevolent acts.

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.

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: The second item is SECY-12-0026 – Pacific Gas and Electric Company, Diablo Canyon Nuclear Power Plant, Units 1 and 2. The Commission is being asked to act on a Memorandum and Order responding to both the Licensing Board's referral of a portion of its decision that rejected a proposed new contention filed by the San Luis Obispo Mothers for Peace, as well as to a petition for interlocutory review of the remaining portion of the Board's decision.

The Commission (with Chairman Jaczko concurring in part and dissenting in part) has voted to approve a Memorandum and Order, which declines review of the Board's referred ruling and denies the petition for interlocutory review without prejudice. Would you please affirm your votes:

CHAIRMAN JACZKO: *Aye.*

COMMISSIONER SVINICKI: *Aye.*

COMMISSIONER APOSTOLAKIS: *Aye.*

COMMISSIONER MAGWOOD: *Aye.*

COMMISSIONER OSTENDORFF: *Aye.*

MS. VIETTI-COOK: The Third item is SECY-12-0058 – Virginia Electric and Power Company, Dominion Virginia Power and Old Dominion Electric Cooperative, Combined License Application for North Anna Unit 3. The Commission is being asked to act on a Memorandum and Order taking review of the Atomic Safety and Licensing Board's order denying Virginia Electric and Power Company's motion to terminate the contested proceeding on its combined license application for North Anna Unit 3.

The Commission has voted to approve a Memorandum and Order, which reverses the Board's decision in LBP-11-22 to keep the adjudicatory record open and to retain jurisdiction, and remands the case to the Board for further proceedings. Would you please affirm your votes.

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: The last item SECY-12-0067 – Entergy Nuclear Generation Company and Entergy Nuclear Operations, Incorporated, Pilgrim Nuclear Power Station. The Commission is being asked to act on a Memorandum and Order responding to a petition for review by Pilgrim Watch of the Atomic Safety and Licensing Board's decision in LBP-12-1 to deny its request for hearing on a new contention based on the Fukushima Dai-ichi accident.

The Commission with Chairman Jaczko dissenting has voted to approve a Memorandum and Order, which denies Pilgrim Watch's petition for review. 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.

MS. VIETTI-COOK: That's all I have, thank you.

CHAIRMAN JACZKO: 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: June 7, 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: Clara I. Sola

Reporter: (TAPE RECORDING)