

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
February 17, 2009

The Commission met in open session, pursuant to notice, at 1:25 p.m.,

Dale E. Klein, Chairman, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission

KRISTINE L. SVINICKI, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, 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.

[1:25 p.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: Well Madam Secretary. I believe we have almost a record four affirmations today. Would

you please proceed?

MS. VIETTI-COOK: Yes, the first item is on the Final Rule – Consideration of Aircraft Impacts for New Nuclear Power Reactors. The Commission is being asked to act on a final rule amending certain requirements in 10 CFR Parts 50 and Part 52 for consideration of aircraft impacts for new nuclear power reactors. The Commission has voted to approve the publication and implementation of this final rule, subject to the comments and changes noted in the attachment. Commissioner Svinicki has voted to approve the final rule as presented by the staff, and without the specific acceptance criteria approved by the Commission. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. The second item is on the Final Rule: 10 CFR Part 63, "Implementation of a Dose Standard after 10,000 Years." The Commission is being asked to act on a final rule amending 10 CFR Part 63 to include licensing criteria applicable after 10,000 years for a proposed repository at Yucca Mountain, and to specify the use of current methods of dosimetry for calculating radiation exposures. The Commission has voted to approve the publication and implementation of this final rule, subject to the changes noted in the attachment. The Commission's revisions to the Federal Register notice are being made to emphasize the statutory primacy of EPA's role in setting the dose standard. These revisions should not be construed as casting doubt or judgment on the adequacy or protectiveness of EPA's final standards. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. The third item is Tennessee Valley Authority (Bellefonte Nuclear Power Plant Units 3 and 4). The Commission is being asked to act on a Memorandum and Order responding to two referred rulings and a Board suggestion that the Commission initiate a low-level waste confidence rulemaking. The Commission (with Commissioner Jaczko disapproving) has voted to approve a Memorandum and Order which reverses the Board's admission of the referred safety and environmental contentions, and declines to accept the Board's suggestion that the Commission conduct a "low-level waste confidence" rulemaking proceeding. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. On the fourth item Detroit Edison (Fermi Unit 3). The Commission is being asked to act on a Memorandum and Order responding to two motions filed by the Michigan Chapter of the Sierra Club, Beyond Nuclear, Citizens for Alternatives to Chemical Contamination, Citizens Resistance at Fermi 2, Coalition for a Nuclear-Free Great Lakes, Don't Waste Michigan, Toledo Coalition for Safe Energy, and several individuals collectively, referred to as Petitioners. The Commission (with Commissioner Jaczko disapproving, in part) has voted to approve a Memorandum and

Order which grants the Petitioners a 10-day extension from the date of this Order to the deadline for filing requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) and Safeguards Information (SGI), and denies the Petitioners remaining requests. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

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

CHAIRMAN KLEIN: Thank you very much. Busy day.

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: February 17, 2009

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: Antoinette Lewis

Reporter: (TAPE RECORDING)