

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
March 26, 2010

The Commission met in open session, pursuant to notice, at 1:00 p.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 via telecom

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEPHEN BURNS, General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on March 26, 2010 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.

[1:00 p.m.]

P R O C E E D I N G S

MS. VIETTI-COOK: Commissioner Svinicki?

COMMISSIONER SVINICKI: Yes, is that Annette?

MS. VIETTI-COOK: Yes, can you hear me ok?

COMMISSIONER SVINICKI: Yes, I can hear you very clear.

MS. VIETTI-COOK: Chairman shall I go?

CHAIRMAN JACZKO: Yes go ahead.

MS. VIETTI-COOK: The first item is 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-07-13 (among other Board decisions), which dismissed Contention 3. The Commission, with Commissioner Svinicki filing additional views, has voted to approve a Memorandum and Order, which grants review of the Board decision dismissing Contention 3, reverses in part the decision, and remands Contention 3, as limited by today's ruling, to the Board for hearing. Would the Commissioners in the room please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER KLEIN: Aye.

MS. VIETTI-COOK: Commissioner Svinicki would you please affirm your vote?

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK: The second item is on the Tennessee Valley Authority (Watts Bar Nuclear Power Plant, Unit 2). The Commission is being asked to act on a Memorandum and Order responding to an appeal by the Sierra Club, Blue Ridge Environmental Defense League, Tennessee Environmental Council, and We the People, Incorporated (collectively, referred to as Petitioners) of a Board decision in the *Watts Bar* operating license proceeding. The Commission has voted to approve a Memorandum and Order which affirms the decision denying Petitioners' motion to permit late intervention, as well as their request for hearing. Would the Commissioners in the room please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER KLEIN: Aye.

MS. VIETTI-COOK: Commissioner Svinicki would you please affirm your vote?

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK: Okay. Thank you very much for calling in.

CHAIRMAN JACZKO: Thank you.

COMMISSIONER KLEIN: Thank you.

COMMISSIONER SVINICKI: Thank you.

CHAIRMAN JACZKO: Any comments from any of the Commissioners? Okay. Thank you.

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 26, 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: **Antoinette Lewis**

Reporter: **(TAPE RECORDING)**

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Thursday, September 09, 2010