

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
September 9, 2011

The Commission met in open session, pursuant to notice, at 11:30 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 L. VIETTI-COOK, Secretary of the Commission

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[11:30 a.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: Annette do you want to go forward with the Affirmation items?

ANNETTE VIETTI – COOK: We have 3 items for affirmation; the first item is Petitions requesting relief related to the March 11, 2011, Earthquake and Tsunami events in Fukushima Japan. The Commission is being asked to act on a Memorandum and Order responding to a series of petitions received in the aftermath of the Great East Japan Earthquake and Tsunami of March 11, 2011, and the subsequent events at the Fukushima Dai-ichi Nuclear Power Plant. The petitions request, among other things, the suspension of various licensing and rulemaking decisions and adjudicatory proceedings. The Commission has voted to approve a Memorandum and Order, which grants in part, and denies in part, the requests for relief. Commissioner Apostolakis' approval does not pertain to the Pilgrim and Indian Point license renewal proceedings, in which he is not participating. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

ANNETTE VIETTI –COOK: The second item is on Nuclear Innovation North America (South Texas Project, Units 3 & 4). The Commission is being asked to act on a Memorandum and Order responding to a petition for review of LBP-11-7 by the NRC Staff. The Commission has voted to approve a Memorandum and Order, which denies the NRC Staff's petition for review as premature. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

ANNETTE VIETTI –COOK: The last item is on the U.S. Department of Energy (High-Level Waste) Review of LBP-10-11. The Commission is being asked to act on a Memorandum and Order on the question whether the Commission should review, and reverse or uphold, the Construction Authorization Board's decision denying the Department of Energy's motion to withdraw its construction authorization application.

The Commission has voted to approve a Memorandum and Order, which states that the Commission is evenly divided on whether to take the affirmative action of overturning or upholding the Board's decision. The Memorandum and Order also directs the Board to complete all necessary and appropriate case management activities, including disposal of all matters pending before it, by the end of the fiscal year. Commissioner Apostolakis did not participate in this matter. Would Chairman Jaczko, Commissioner Svinicki, Magwood and Ostendorff please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

CHAIRMAN JACZKO: Thank you.

