

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
February 9, 2012

The Commission met in open session, pursuant to notice, at 12:00 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

WILLIAM C. OSTENDORFF, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEPHEN G. 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 February 9, 2012 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.

[12:00 p.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: We'll now begin our Affirmation Session. We have two items for affirmation. Annette, do you want to proceed?

MS. VIETTI-COOK: The first item is on Entergy Nuclear Generation Company and Entergy Nuclear Operations, Pilgrim Nuclear Power Station. The Commission is being asked to act on a Memorandum and Order responding to Pilgrim Watch's Petition for review of LBP-11-18 and several related interlocutory Board orders in the Pilgrim License Renewal proceeding. The Commission has voted to approve a Memorandum and Order, which denies Pilgrim Watch's petition. Commissioner Apostolakis did not participate in this matter. Would Chairman Jaczko, Commissioner Svinicki, Commissioner Magwood and Commissioner Ostendorff please affirm your vote?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: The second item is on Southern Nuclear Operating Company, Vogtle Electric Generating Plant, Units 3 and 4. The Commission is being asked to act on a Memorandum and Order concluding the uncontested portion of this proceeding conducted pursuant to § 189(a) of the Atomic Energy Act of 1954, as amended. The Commission, with Chairman Jaczko dissenting, has voted to approve a Memorandum and Order, which concludes that the staff's review has been adequate to support the findings set forth in 10 CFR §§ 52.97, 51.107(a) and (d), and 50.10. The Memorandum and Order authorizes the Director of the Office of New Reactors to issue the limited work authorizations

and appropriate licenses authorizing construction and operation of Vogtle, Units 3 and 4. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER APOSTOLAKIS: Aye.

COMMISSIONER MAGWOOD: Aye.

COMMISSIONER OSTENDORFF: Aye.

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

CHAIRMAN JACZKO: Thank you. I'll just make a brief statement and then I believe each of my colleagues will make some statements as well. It was approximately four years ago that Southern submitted their COL application for two combined licenses at the Vogtle site in Georgia. Since that time the NRC staff, the Advisory Committee on Reactor Safeguards, the Commission and many other people have spent hundreds of hours reviewing the safety, security, and environmental information in that application. The Vogtle COL is a significant action for this Agency and the staff has done a tremendous job in reviewing the license application and ensuring it meets our existing requirements, and I especially want to thank my colleagues on the Commission for their efforts to hold and complete the first mandatory hearing on a Part 52 license and we did that generally in the time that we intended to do it and with a large number of other activities ongoing at the same time, namely, reviews of the Fukushima accident and other very important initiatives. Personally, I'm not supportive of issuing this license. I believe it requires some type of binding commitment that the Fukushima enhancements that are currently projected and currently planned to be made would be made before the operation of the facility. There are significant safety enhancements that already been recommended as a result of learning the lessons from Fukushima, and there's still more work ahead of us. Knowing this I cannot support issuing this license as if Fukushima had never

happened. But without this license condition, in my view, that is what we are doing. So therefore I've respectfully dissented from this decision. Thank you. Commissioner Svinicki?

COMMISSIONER SVINICKI: Thank you, Chairman Jaczko. I would as a member of the Commission like to thank you for the orderly manner in which you have conducted the Commission through the mandatory hearing process and I want to thank you for scheduling this affirmation today. I'm part of the Commission majority supporting issuance of this decision, making the necessary regulatory findings and authorizing the issuance of this license. There is no amnesia, individually or collectively, regarding the events of March 11 and the ensuing nuclear accident at Fukushima. The NRC's consideration of and response to these events is established and well underway. The NRC staff did not recommend, and the Commission majority did not support, the Chairman's proposed license condition because we found that it would not improve our systematic regulatory approach to these events at Fukushima, nor would it make, in our view, any difference in the operational safety of new reactors. We have further elaborated on our view and conclusion in pages 81-84 of the decision that the majority will issue today. I am confident in my support as part of the majority for the issuance of this decision today. I believe the staff's review is complete. The record we have built in this proceeding is thorough and complete and my support for the regulatory findings we make today is rooted in that record. I thank all of my colleagues for the collegial process that we have pursued in reaching this point. Thank you.

CHAIRMAN JACZKO: Commissioner Apostolakis?

COMMISSIONER APOSTOLAKIS: Thank you, Mr. Chairman. I am pleased that the Commission itself conducted the mandatory hearing for the Vogtle application and is able to issue today its decision on this uncontested portion of the proceeding. Achieving this major milestone is a credit to many people and organizations. I was impressed by the breadth and depth of the staff's review as I said at the conclusion of the two hearings in late September. I

respectfully disagree with the Chairman's dissenting view. This Commission is not ignoring Fukushima. This is quite evident by the multiple Commission meetings and decisions and huge Agency effort to assess and implement lessons learned. For those who wish to explore the Commission's reasoning in this regard, the Commission's decision includes a distinct section entitled "Fukushima Dai-ichi" that directly precedes the conclusion of the order. Thank you, Mr. Chairman.

CHAIRMAN JACZKO: Commissioner Magwood?

COMMISSIONER MAGWOOD: Thank you. Well first let me congratulate the staff. I think the staff has done a fantastic job of preparing and analyzing this application. I understand they spent 7,000 hours simply preparing for participating in the mandatory hearing we held last year. It's a great accomplishment and a great tribute to them that this work was done in such a professional manner. The Chairman and I actually discussed the issues he raised in his statement before final action was taken on the order we affirmed. I found that we shared a strong commitment to assuring that the lessons of Fukushima are captured and our regulatory processes have been implemented by all U.S. plants on a timely basis. However, it is my view and the view of the majority, that the processes we have in place already allow this work to occur on a systematic and well-defined basis. Further, the more the staff's work advances towards implementing the Commission direction with regard to the Fukushima response, the more confident I am that the Agency's already on course to assure that all plants, both those currently operating and those that will operate in the future, will implement the required regulatory enhancements. As the Commission unanimously agreed just a few months ago, there's nothing gained by stopping any of our regulatory work as we proceed to enhance nuclear safety in a post-Fukushima era. If they are built, as proposed, in accordance with NRC requirements, Vogtle's Units 3 and 4 will represent a new era of enhanced nuclear safety. I

believe the advanced technologies applied in these designs for these reactors dramatically increase the safety of any nuclear plant built today or tomorrow. Thank you.

CHAIRMAN JACZKO: Commissioner Ostendorff?

COMMISSIONER OSTENDORFF: I do want to thank the Chairman and all my colleagues for what I think has been a very collegial process for many months to go through from the time period to the mandatory hearing back in September, reviewing questions for the record and getting to this date so I think this process has worked very well and I think our discussions and communications have been fulsome, complete, and very helpful and informative. So I thank all of you for that. This is a historic decision. As the Chairman mentioned, it's been almost four years since the staff started to review this license application submitted by Southern. I join every one of my colleagues in thanking the NRC staff for their diligent, hard work in pursuing this very tough project and I'll tell you the results of their hard work have given me great confidence that their review has been sufficient and has allowed me to support the findings and therefore I have approved issuance of the Vogtle license. I also must add that I have complete confidence that our well-established processes here at the NRC will result in us adding to not only our operating reactors but to new reactors any additional requirements as a result of the Fukushima review. Thank you.

CHAIRMAN JACZKO: Well with that, we are adjourned. Thank you.

