

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 26, 2007

The Commission met in open session, pursuant to notice, at 1:05 p.m.,

Dale E. Klein, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission (VIA TELEPHONE)

JEFFREY S. MERRIFIELD, Member of the Commission

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission (VIA TELEPHONE)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, 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.

[1:05 p.m.]

P R O C E E D I N G S

ANNETTE VIETTI-COOK: Chairman, I'm here with Commissioner Merrifield and Commissioner Jaczko and I have you and Commissioner Lyons on the telephone.

CHAIRMAN KLEIN: Okay, well, good afternoon to those in Rockville and also to Pete Lyons stuck in Colorado. Well, Madam Secretary I understand that we have four matters for affirmation. Would you like to proceed with the statements?

ANNETTE VIETTI-COOK: Yes. Commissioner Lyons, can you hear me?

COMMISSIONER LYONS: Yes, I can.

ANNETTE VIETTI-COOK: The first matter is on AmerGen Energy Company license renewal for Oyster Creek nuclear generating station. The Commission is being asked to act on a Memorandum and Order responding to issues postponed in a prior Commission decision (CLI-06-24) related to legal challenges to LBP-06-07 concerning the license renewal application filed by AmerGen Energy Company for its Oyster Creek nuclear generating station. The Commission has voted to approve a Memorandum and Order which affirms the Licensing Board's decision in LBP-06-07 with respect to New Jersey's appeal of the rejection of its NEPA-terrorism contention. The Memorandum and Order also dismisses as moot the appeals from LBP-06-07 filed by AmerGen and the NRC staff. Commissioner Jaczko dissented from the Memorandum and Order and Commissioner Merrifield filed a concurring opinion. Would you please affirm your votes?

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Chairman, would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan had previously voted to approve this order, and had he been present he would have affirmed his prior vote.

ANNETTE VIETTI-COOK: The second item is Nuclear Management Company Palisades Nuclear Plant license renewal application. The Commission is being asked to act on a Memorandum and Order responding to a June 22, 2006, "Notice" filed by a group of environmental and public interest organizations requesting that NRC redraft the supplemental environmental impact statement for the Palisades Nuclear Plant license renewal, and also requesting an extension of time to submit late-filed proposed contentions on the environmental impacts of terrorist attacks on the plant during the license renewal period. The Commission has voted to approve a Memorandum and Order which rejects the request that the Environmental Impact Statement be redrafted to consider terrorism and for an extension of time for filing contentions. Commissioner Jaczko offered a separate dissenting opinion. Would you please affirm your votes?

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Chairman, would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan had previously voted to approve this order, and had he been present he would have affirmed his prior vote.

ANNETTE VIETTI-COOK: The third item is System Energy Resources early site permit for Grand Gulf Early Site Permit site. The Commission is being asked to act on a Memorandum and Order resolving the issue of whether to admit for hearing a contention claiming the Environmental Impact Statement for the proposed Grand Gulf Early Site Permit must analyze impacts of a terrorist attack on the proposed facility. The Commission has voted to approve a Memorandum and Order which rejects the contention. Commissioner Jaczko offered a separate dissenting opinion. Would you please affirm your votes?

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Chairman, would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan had previously voted to approve this order, and had he been present he would have affirmed his prior vote.

ANNETTE VIETTI-COOK: The fourth and final item is Pacific Gas & Electric Company Diablo Canyon Independent Spent Fuel Storage Installation. The Commission is being asked to act on a Memorandum and Order responding to the Ninth Circuit's remand related to the Diablo Canyon Independent Spent Fuel Storage Installation proceeding. The Commission has voted to approve a Memorandum and Order that establishes a schedule for further proceedings in response to the Ninth Circuit's remand. Would you please affirm your votes?

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Chairman, would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Commissioner McGaffigan had previously voted to approve this order, and had he been present he would have affirmed his prior vote. That's all I have, Chairman.

CHAIRMAN KLEIN: Okay, thank you, Madam Secretary. Any Commissioners have any further comments? If not, we are adjourned. Thank you very much.

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 26, 2007

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: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)