

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  
July 26, 2006

The Commission met in open session, pursuant to notice, at 1:50pm,  
Dale E. Klein, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission)

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

JOSEPH R. GRAY, Acting 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.

[1:50pm]

P R O C E E D I N G S

CHAIRMAN KLEIN: Good afternoon. I'm pleased to be joining my fellow Commissioners for my first public meeting. So thank you for all being here. I assume that there's no comments, so Madam Secretary would you proceed.

ANNETTE VIETTI-COOK: The first item is Pa'ina Hawaii. The Commission is being asked to act on a Memorandum and Order responding to an appeal and request for dismissal of the admitted contentions by the applicant, Pa'ina Hawaii. More specifically, Pa'ina's appeal challenges the Atomic Safety and Licensing Board's unpublished April 27, 2006 Order which accepted the Joint Stipulation of the intervenor Concerned Citizens of Honolulu and the NRC Staff regarding two environmental contentions. The Commission has voted to approve a Memorandum and Order which denies both the applicant's appeal of the Board's April 27<sup>th</sup> Order and the applicant's request for dismissal of the admitted contentions.

ANNETTE VIETTI-COOK: Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: On the second item that's on David Geisen. The Commission is being asked to act on a Memorandum and Order responding to a petition by the NRC staff for interlocutory review of the Atomic Safety and Licensing Board Order LBP-06-13 which denied the staff's motion to hold this enforcement proceeding in abeyance pending

outcome of a parallel criminal proceeding against Mr. David Geisen. The Commission has voted to approve a Memorandum and Order which denies the staff's petition and affirms the Board's decision in LBP-06-13.

ANNETTE VIETTI-COOK: Would you please affirm your votes.

CHAIRMAN KLEIN: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: The third item is Exelon Generation Company. This is the early site permit for Clinton and System Energy Resources Early Site Permit for Grand Gulf. The Commission is being asked to act on a Memorandum and Order responding to the NRC staff's petitions for review in two early site permit licensing proceedings. In both cases, the staff challenges an Atomic Safety and Licensing Board Order requiring the staff to produce certain written documents. The Commission has voted to approve a Memorandum and Order which grants the petition for review and directs the Board to modify its order to reflect the Commission's clarification of its expectations regarding the conduct of mandatory proceedings. Commissioner Jaczko wrote a separate dissenting opinion disagreeing with the majority regarding several aspects of the decision.

ANNETTE VIETTI-COOK: Would you please affirm your votes.

COMMISSIONER MERRIFIELD: Mr. Chairman, before we affirm, if I could just make one comment. One of the issues in here and I know I joined with other members of the Commission on this, we set out some expectations for the Atomic Safety and Licensing Board Panel regarding the timing for which we believe that they should be reviewing uncontested

mandatory hearings. I think that there was concern I had, and others had, regarding how long some of these have taken. I think the Commission is well advised in the actions taken to put out some specific expectations for the Board to review those and so I think this is a positive proceeding in that regard.

CHAIRMAN KLEIN: Thank you for your comments. Proceed.

ANNETTE VIETTI-COOK: Would you please affirm your votes.

CHAIRMAN KLEIN: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: On the fourth and last item, this is Florida Power and Light Co. The Commission is being asked to act on a Memorandum and Order responding to a petition by the International Brotherhood of Electrical Workers, Local 97 to intervene and request for hearing in the subject license transfer applications.

The Commission has voted to approve a Memorandum and Order which denies the Union's hearing and intervention requests.

ANNETTE VIETTI-COOK: Would you please affirm your votes.

CHAIRMAN KLEIN: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

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

CHAIRMAN KLEIN: Any other comments? Thank you, the meeting is adjourned.

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:        July 26, 2006

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:   NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)