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
June 17, 2008

The Commission met in open session, pursuant to notice, at 12:55 p.m., Dale E. Klein, Chairman, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission

KRISTINE L. SVINICKI, Member of the Commission

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.

[12:55 p.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: Madam Secretary, I think we have an Affirmation today? Would you proceed?

MS. VIETTI-COOK: We have three items for Affirmation. The first is the U.S. Department of Energy High Level Waste Repository Pre-Application Matters. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the State of Nevada of the Pre-Application Presiding Officer Board's denial of Nevada's motion to strike the Department of Energy's initial Licensing Support Network certification, and a motion by the State of Nevada to file a reply brief in connection with this appeal. The Commission has voted to approve a Memorandum and Order which affirms the Pre-Application Presiding Officer Board's decision in LBP-08-01 denying Nevada's motion to strike Department of Energy's initial Licensing Support Network certification and denying Nevada's motion to file a limited reply brief. Commissioner Jaczko offered additional views on this order. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK: The second item 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 the Intervenors' motion that the Commission stay the adjudicatory proceeding and that the Staff's issuance of a renewed license pending resolution of the pending metal fatigue issue, and the Second Circuit's review of the

Commission's decision on a rulemaking petition declining to expand the scope of license renewal review. The Commission has voted to approve a Memorandum and Order which denies the motion. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK: The third and last item is U.S. Department of Energy High-Level Waste Repository Pre-Application Matters Advisory Pre-Application Presiding Officer Board. The Commission is being asked to respond to the request of the Advisory Pre-License Application Presiding Officer Board for additional authority from the Commission to issue binding case management orders, rather than serving solely in an advisory capacity on these matters. The Commission has voted to approve a Memorandum and Order which authorizes the Advisory Pre-Application Presiding Officer Board to issue binding case management orders for specified purposes. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

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

CHAIRMAN KLEIN: Any comments? Meeting's 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: June 17, 2008

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)