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 4, 2009

The Commission met in open session, pursuant to notice, at 1:25 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:

STEPHEN G. BURNS, Acting 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 4, 2009 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.

[1:25 p.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: Good afternoon. Before we begin with our meeting I believe we have one affirmation? Madam Secretary, would you proceed?

MS. VIETTI-COOK: This is on Shaw Areva MOX Services Mixed Oxide Fuel Fabrications Facility possession and use license. The Commission is being asked to act on a Memorandum and Order responding to a request from the NRC Staff for interlocutory review of a portion of the Atomic Safety and Licensing Board's June 27, 2008 Memorandum and Order. The Commission has voted to approve a Memorandum and Order which grants the NRC Staff's request for interlocutory appeal, affirms the Board's dismissal of Contention 7, (although without prejudice to resubmission consistent with the terms of this decision), and reverses the Board's imposition of conditions and a potential sanction. 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. Thank you.

CHAIRMAN KLEIN: Thank you.

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 4, 2009

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)