UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

*****

AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
June 25, 2009

The Commission met in open session, pursuant to notice, at 1:25 p.m., Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

PETER B. LYONS, Member of the Commission

DALE E. KLEIN, Member of the Commission

KRISTINE L. SVINICKI, 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

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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.

[1:25 p.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: We will begin with two affirmation items.

MS. VIETTI-COOK: The first item is on Crow Butte Resources. The Commission is being asked to act on a Memorandum and Order responding to appeals by the NRC staff and the applicant, Crow Butte Resources, Inc. (Crow Butte) of the Atomic Safety and Licensing Board decisions in LBP-08-6 and LBP-09-1. The Commission has voted to approve a Memorandum and Order which affirms in part and reverses in part the Board's decisions. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. The second item is on Southern Nuclear Operating Company (Vogtle Electric Generating Station, Units 3 and 4). The Commission is being asked to act on a Memorandum and Order addressing two contention admissibility rulings referred by the Licensing Board. The referral concerns potential uncertainties associated with future treatment, under the Commission's rules of practice, of design-related contentions in combined license application proceedings. The Commission has voted to approve a Memorandum and Order which declines to review the rulings referred by the Board. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. 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: June 25, 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)