

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
March 27, 2008

The Commission met in open session, pursuant to notice, at 9:25 a.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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, General Counsel

ANDY BATES, Acting Secretary of the Commission

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on March 27, 2008 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.

[9:25 a.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: Good morning, even though the sign says Annette, I don't think that's Annette. Welcome. Any comments before we start? Would you proceed with the affirmation?

ANDY BATES: Mr. Chairman and Commissioner's we have three items this morning to affirm. The first item is Pa'ina Hawaii, (Materials License Application). It's response to an Atomic Safety and Licensing Board's Decision on Environmental Contentions. The Commission is being asked to act on a Memorandum and Order taking *sua sponte* review of one legal issue in the Pa'ina Hawaii materials license application proceeding. The Commission voted to approve a Memorandum and Order which takes review of the question concerning whether NRC jurisdiction of the food safety issue and sets deadlines for initial and reply briefs.

ANDY BATES: My I have your votes please?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANDY BATES: The second item is in Pacific Gas and Electric Co. (Diablo Canyon), San Luis Obispo Mothers for Peace's Response to NRC Staff's Vaughn Index, Request for Leave to Conduct Discovery Against the NRC Staff, Request For Access To Unredacted Reference Documents, and Request For Procedures To Protect Submission Of Sensitive Information. The Commission is being asked to act on an Order responding to the Mothers For Peace's response to the NRC staff's Vaughn index. The Commission has voted to approve an Order which directs the previously-designated presiding officer to resolve the issues regarding Contention 1 (b), and denies the Mother for Peace's request for reconsideration of the Commission's earlier decision to deny access to documents exempt from disclosure under FOIA. Commissioner Jaczko disagreed in part.

ANDY BATES: May I have your votes please?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANDY BATES: The last item is a Motion to Quash OI Subpoena Filed by Daryl Shapiro. The Commission is being asked to act on a Memorandum and Order responding to a Motion to Quash a subpoena issued by the Office of Investigations from Nuclear Fuel Services, Inc., and Mr. Daryl Shapiro, related to an investigation conducted in response to an allegation regarding the Nuclear Fuel Services facility. The Commission has voted to approve a Memorandum and Order which denies the Motion to Quash.

ANDY BATES: May I have your votes please?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANDY BATES: That's all I have today.

CHAIRMAN KLEIN: Meeting's adjourned. 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: March 27, 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: ANTOINETTE M. LEWIS

Reporter: (TAPE RECORDING)