

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 5, 2008

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:

KAREN CYR, General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on June 5, 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.

[1:25 p.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: Good afternoon. Before we begin our official ACRS meeting, Madam Secretary, will we have an Affirmation?

MS. VIETTI-COOK: Yes. This is on the U.S. Department of Energy High-Level Waste Repository Pre-Application Matters, Advisory Pre-License Application Presiding Officer Board. The Commission is being asked to act on a Memorandum and Order responding to the State of Nevada's motion to disqualify the law firm Morgan, Lewis & Bockius LLP from representing the Department of Energy in the NRC Yucca Mountain proceedings. The Commission has voted to approve a Memorandum and Order which denies the Nevada motion to disqualify Morgan Lewis from participating in NRC proceedings involving Yucca Mountain. 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: 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 5, 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)