

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  
August 13, 2008

The Commission met in open session, pursuant to notice, at 1:30 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.

[1:30 p.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: Madam Secretary, I think we have three affirmations today? Would you proceed, please?

MS. VIETTI-COOK: Yes. The first item is in the matter of Pa'ina Hawaii materials license application. The Commission is being asked to act on a Memorandum and Order taking *sua sponte* review of the National Environmental Policy Act legal question concerning the need for the NRC staff's Environmental Assessment to discuss the potential health impacts of consuming irradiated foods. The Commission has voted to approve a Memorandum and Order which reverses the Atomic Safety and Licensing Board's admission of Concerned Citizens of Honolulu's contention on the need for a NEPA analysis of the potential impacts of increasing the supply of irradiated food. 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 Dominion Nuclear Connecticut Millstone Power Station Unit 3. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the Connecticut Coalition Against Millstone and Nancy Burton of the Atomic Safety and Licensing Board's decision in LBP-08-09 to deny their request for hearing on a power uprate license amendment application for the Millstone Power Station, Unit 3. The Commission has voted to approve a Memorandum and Order which affirms the Board's decision in LBP-08-09 and denies the appeal. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

CHAIRMAN KLEIN: Thank you.

MS. VIETTI-COOK: On the third item, this is on the U.S. Department of Energy high-level waste repository State of Nevada's request for extension of time to file request for hearing. The Commission is being asked to act on a Memorandum and Order responding to the State of Nevada's motion to the Commission for an extension of time to file a petition to intervene on the Department of Energy's construction authorization application for a high-level waste repository at Yucca Mountain. The Commission has voted to approve a Memorandum and Order which denies Nevada's request for a 180-day extension of time but grants a 30-day extension of time to Nevada and all other hearing petitioners. The Commission proposes to double the existing time permitted to file answers and replies, and is allowing any party or potential party participating in the ongoing Preliminary Application Presiding Officer matter to file comments on these proposed extensions no later than ten days from the date of this Order. In addition, the Commission proposes to revise certain Appendix D milestones applicable to the Presiding Officer in any proceeding on a geologic repository and requests that the Atomic Safety and Licensing Board Panel provide comments on the reasonableness of the current and proposed time frames no later than ten days from the date of this Order. 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. 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: August 13, 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)