

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 22, 2008

The Commission met in open session, pursuant to notice, at 9:35 a.m.,

Dale E. Klein, Chairman, presiding.

COMMISSIONERS PRESENT:

DALE E. KLEIN, Chairman of the Commission (Via Telecon)

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission (Via Telecon)

KRISTINE L. SVINICKI, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, General Counsel

KENNETH HART, for the 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.

[9:35 a.m.]

P R O C E E D I N G S

CHAIRMAN KLEIN: We are ready to start with the affirmation.

MR. HART: The first item for affirmation Entergy Nuclear Operations, Indirect Transfer of Control of Licenses. The Commission is being asked to act on a Memorandum and Order responding to two petitions to intervene in the Entergy Nuclear Operation's application for approval of the indirect transfer of control of licenses for the Pilgrim, Palisades, FitzPatrick, Vermont Yankee, Indian Point and Big Rock Point facilities. Petitions were submitted by the Union Locals 369 and 590 of the Utility Workers of America (AFL-CIO) representing the workers at Pilgrim Nuclear Power Station and by West Chester Citizens Awareness Network, Rockland County Conservation Association, Promoting Health and Sustainable Energy, Sierra Club, North East Chapter and State Representative Richard Brodsky representing the Indian Point Nuclear Generating Units. Subsequently, Union Local 369 withdrew from the proceeding. The Commission has voted to approve a Memorandum and Order which denies the petitions to intervene and their associated requests and terminates this adjudication. Commissioner Jaczko disapproved the order in part. Would the Commissioners in the room please affirm your votes?

COMMISSIONER JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

Chairman Klein would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

Commissioner Lyons would you please affirm your vote?

COMMISSIONER LYONS: Aye.

MR. HART: The second item for affirmation Petitions of the State of Nevada and Dr. Jacob Paz to Reject the Department of Energy's Application to Construct a Geologic Repository at Yucca Mountain, Nevada. The Commission is being asked to act on a Memorandum and Order responding to Petitions by the State of Nevada and Dr. Jacob Paz requesting that the Commission reject the Department of Energy's license application seeking authorization to construct a geologic repository at Yucca Mountain, Nevada. The Commission has voted to approve a Memorandum and Order which rejects the Petitions without prejudice to the Petitioners right to pursue identical claims as proposed contentions if and when the application is docketed and a notice of hearing issues. Commissioner Jaczko voted to approve the Memorandum and Order but would have provided the staff with guidance not to docket the Department of Energy's Yucca Mountain Application until the Environmental Protection Agency issues its final rule regarding radiation protection standards at the proposed facility. Would the Commissioners in the room please affirm your votes?

COMMISSIONER JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

Chairman Klein would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

Commissioner Lyons would you please affirm your vote?

COMMISSIONER LYONS: Aye.

MR HART: 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 22, 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)**