

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
September 8, 2008

The Commission met in open session, pursuant to notice, at 9:30 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

KRISTINE L. SVINICKI, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, 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.

[9:30 a.m.]

P R O C E E D I N G S

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

MS. VIETTI-COOK: Yes. Both of these are on the U.S. Department of Energy High Level Waste Repository. The Commission is being asked to act on a Memorandum and Order responding to a motion by the Department of Energy for a protective order that would govern access to classified information contained in DOE's application for authorization to construct a geologic repository at Yucca Mountain, Nevada. The Commission has voted to approve a Memorandum and Order which delegates to the Pre-Application Presiding Officer Board the authority to work with the Department of Energy, Nevada, the staff, and other potential parties and interested governmental participants, if practicable, to approve a Protective Order for use by the Presiding Officer in the Yucca Mountain proceeding, should such a proceeding commence. Would you please affirm your votes?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. The second item the Commission is being asked to act on a Memorandum and Order responding to an appeal by the Department of Energy of the Pre-License Application Presiding Officer Board's denial of DOE's motion to strike the State of Nevada's Licensing Support Network certification, and Nye County's motion to file an amicus curiae brief in connection with this appeal. The Commission has voted to approve a Memorandum and Order which affirms the Pre-License Application Presiding Officer Board's denial of DOE's motion to strike and denies Nye County's motion for leave to file an amicus curiae brief. 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: Okay. 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: September 8, 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)