

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

* * * * *

AFFIRMATION SESSION

* * *

PUBLIC MEETING

* * *

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
October 23, 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:

Steve Burns, Acting General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on October 23, 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

MS. VIETTI-COOK: The first item is on Entergy Nuclear Operations the Commission is being asked to act on a Memorandum and Order resolving the appeal of joint petitioners Nancy Burton and Connecticut Residents Opposed to Relicensing of Indian Point in the Indian Point license renewal proceeding. The joint petitioners appealed two companion decisions of the Atomic Safety and Licensing Board in this matter: first, the Board's denial of their waiver request, filed pursuant to 10 C.F.R. § 2.335; and second, the Board's denial of their petition to intervene and request for hearing. The Commission has voted to approve a Memorandum and Order which denies the joint petitioners' appeal on the basis that the Board did not err in denying either the waiver request or the intervention petition. 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 AmerGen Energy Company, License Renewal for Oyster Creek Nuclear Generating Station, The Commission is being asked to act on a Memorandum and Order responding to a petition by the Nuclear Information and Resource Service, Jersey Shore Nuclear Watch, Grandmothers, Mothers and More for Energy Safety, New Jersey Public Interest Research Group, New Jersey Sierra Club, and New Jersey Environmental Federation (collectively, called Citizens) for Commission review of the Atomic Safety and Licensing Board's decision in LBP-08-12 which denied Citizens' motion to reopen the record and to add a new contention. The Commission has voted to approve a Memorandum and Order which denies the petition for review.

MS. VIETTI-COOK: Would you please affirm your vote?

CHAIRMAN KLEIN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK: Thank you.

CHAIRMAN KLEIN: Thank you, any comments?

COMMISSIONER JACZKO: Yes, I just want to say in particular on this Oyster Creek proceeding which I know we have other on going matters here but it's been a very complicated one and I think that one of the things that I don't think we often do or say is recognize the work of the people in OCAA, that help us on these things and this has been a very detailed record and in particular the recent Oyster Creek issue was a very complicated technical matter as well and we had the assistance of not only of OCAA but of some other staff and I just want to say that I certainly appreciate it and I think that they are a very hidden part of the work that we do here but they play a very important role and have provided us with very good information on this and other matters. So I just want to say I thank them and appreciate their work.

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: November 6, 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 Lewis

Reporter: (TAPE RECORDING)