

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
May 18, 2009

The Commission met in open session, pursuant to notice, at 10:00 a.m.,
Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

PETER B. LYONS, Member of the Commission

DALE E. KLEIN, Member of the Commission

KRISTINE L. SVINICKI, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEPHEN G. BURNS, 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 May 18, 2009 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.

[10:00 a.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: Madam Secretary, would you like to read the notice?

MS. VIETTI-COOK: Yes. I have two items for affirmation. The first one is on SECY-09-0046, Progress Energy Carolinas Shearon Harris Nuclear Power Plant, Units 2 and 3. The Commission is being asked to act on a Memorandum and Order responding to appeals by Progress Energy and the NRC staff from the Atomic Safety and Licensing Board's decision to admit one contention proposed by North Carolina Waste Awareness and Reduction Network (NC WARN) and to respond to motions by NC WARN to hold the proceeding in abeyance pending the completion of the NRC's rulemaking on the Westinghouse Electric Corporation's AP1000 advanced pressurized water power reactor certified design and for reconsideration of CLI-08-15. The Commission has voted to approve a Memorandum and Order which grants the appeals from Progress Energy and the NRC staff and remands the proceeding to the Board for reassessment of the admissibility of NC WARN's contention. The Memorandum and Order also denies the motion to hold the proceeding in abeyance and declines to reconsider CLI-08-15.

Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. The second item is on SECY-09-0058, Crow Butte Resources Inc. License Renewal. The Commission is being asked to act on a Memorandum and Order responding to appeals of the NRC staff and Crow Butte Resources, Inc. of the Atomic Safety and Licensing Board's decision in LBP-08-24 to grant the hearing requests of the Oglala Sioux Tribe and a group of organizational and individual petitioners (the Consolidated Petitioners), and in LBP-08-27 to admit a late-filed contention. The Memorandum and Order also addresses an appeal by the Consolidated Petitioners on the Board's refusal to admit several proposed contentions. The Commission has voted to approve a Memorandum and Order which affirms in part, and reverses in part, the Board's decision in LBP-08-24; reverses the Board's decision in LBP-08-27; and rejects the Consolidated Petitioners' appeal, without prejudice to their ability to file a petition for review following the issuance of the Board's final initial decision in this matter.

Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER LYONS: Aye.

COMMISSIONER KLEIN: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. That's all I have.

CHAIRMAN JACZKO: Any comments? OK, we're adjourned. 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: May 18, 2009

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)**