

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

* * * * *

AFFIRMATION SESSION

* * *

PUBLIC MEETING

* * *

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
June 30, 2009

The Commission met in open session, pursuant to notice, at 1:00 p.m.,

Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

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 June 30, 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.

[1:00 p.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: Madam Secretary, we have one item for affirmation today.

MS. VIETTI-COOK: This is on the U.S. Department of Energy's High Level Waste Repository. The Commission is being asked to act on a Memorandum and Order responding to appeals by Clark County, Nevada, and the NRC Staff of the First Prehearing Conference Order issued by the three Construction Authorization Boards in this proceeding. The Commission has voted to approve a Memorandum and Order which affirms in part and reverses in part the appealed contention admissibility rulings of the Construction Authorization Boards. 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. Thank you.

CHAIRMAN JACZKO: Well thanks. I had just two quick comments I wanted to make. One, I wanted to thank the contingent of staff, sitting to our left, who worked very hard to put together and complete this action today to keep the Commission on its schedule, which is an extremely aggressive schedule for dealing with this particular matter, and I think it certainly is a testament to their work, the work of the Licensing Boards to have done the first order which we are responding to to complete that all in a timely manner. I think I certainly want to express my appreciation to them. The second thing I want to say, this is our last opportunity to embarrass Commissioner Lyons. So I want to just take a few moments. I know we don't have a large number of people here in attendance, but this will be recorded with the official transcript and I think I just want to again express my appreciation for the work that he's done as we've served together for nearly four and half years. We came together to the Commission, as he reminded me yesterday, four days apart, and I have certainly personally appreciated my opportunity to work with him. And when he came I would like to say we were colleagues and as he leaves I'd like say that that we're friends. And that's something that I think I will certainly miss his presence here and I think the Agency is a better place now than it was when he came and I know the staff certainly appreciates his time here and I just wanted to say thanks for all your hard work and good luck with your future endeavors.

COMMISSIONER LYONS: Thank you.

CHAIRMAN JACZKO: Any other Commissioners have any comments?

COMMISSIONER KLEIN: I'd like to also add my thanks for Pete's long public service, not only at the NRC but with Senator Domenici for all those years and also for Los Alamos, and I don't think this will be the last chance we have to embarrass Commissioner Lyons. I think we'll probably see him in energy areas for the future and his fifth career, whatever it may be, but it's been a pleasure. I've worked with Pete for a number of years and I've enjoyed all of them, including the last about three years here at the NRC.

COMMISSIONER SVINICKI: And I'd certainly like to join in and say that I've had a couple of different capacities where I've been very honored to call Pete my colleague and my friend and this is just the latest iteration, but it's been wonderful to serve along side you. Thank you for all the assistance that you provided me over the course of the last year, Pete, and I look forward to working with you in the future. Thank you.

CHAIRMAN JACZKO: We are 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: June 30, 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)**