

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 23, 2009

The Commission met in open session, pursuant to notice, at 11:20 a.m.,

Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

DALE E. KLEIN, Member of the Commission (VIA TELECON)

KRISTINE L. SVINICKI, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

TRIP ROTHSCHILD, 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 September 23, 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.

[11:20 a.m.]

P R O C E E D I N G S

CHAIRMAN JACZKO: OK, I think we're ready to go.

MS. VIETTI-COOK: The first item is on South Texas Project Nuclear Operating Company, South Texas Project Units

3 and 4 request for extension of time to file appeal. The Commission is being asked to act on a Memorandum and Order addressing the request of applicant South Texas Project Nuclear Operating Company to extend the time for filing an appeal, pursuant to 10 C.F.R. § 2.311(d), of the Board's decision in LBP-09-21, partially ruling on an intervention petition in this combined license proceeding. The Commission has voted to approve a Memorandum and Order, denying South Texas Project's request as unnecessary, because LBP-09-21 is not yet ripe for review. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. Dr. Klein, would you please affirm your vote?

COMMISSIONER KLEIN: Aye.

MS. VIETTI-COOK. The second item is Pa'ina Hawaii materials license application, Applicant's motion to transfer case to the Commission. The Commission is being asked to act on a Memorandum and Order addressing the motion of applicant Pa'ina Hawaii to remove the proceeding from the Board and transfer the case to the Commission. The Commission has voted to approve an Order, denying Pa'ina's request to transfer the case to the Commission. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

MS. VIETTI-COOK. Dr. Klein, would you please affirm your vote?

COMMISSIONER KLEIN: Aye.

MS. VIETTI-COOK. Thank you for calling in.

CHAIRMAN JACZKO: Great. We're 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 23, 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)**