

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
April 23, 2010

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

Gregory B. Jaczko, Chairman, presiding.

COMMISSIONERS PRESENT:

GREGORY B. JACZKO, Chairman of the Commission

KRISTINE L. SVINICKI, Member of the Commission

WILLIAM D. MAGWOOD, IV, Member of the Commission via telecom

WILLIAM C. OSTENDORFF, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEPHEN BURNS, General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

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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 JACZKO: We have one item for affirmation?

MS. VIETTI-COOK: Commissioner Magwood can you hear me ok?

COMMISSIONER MAGWOOD: Yes, I can

MS. VIETTI-COOK: Ok this is the U.S. Department of Energy's (High-Level Waste Repository). The Commission is being asked to act on the U.S. Department of Energy's petition for interlocutory review of the Construction Authorization Board's decision to suspend briefing and consideration of DOE's motion to withdraw its request for authorization to construct a high-level waste repository at Yucca Mountain, Nevada. The Commission has voted to approve a memorandum and order vacating the Board's Suspension Order and remanding the matter to the Board for prompt resolution of DOE's motion to withdraw. The Board is directed to establish a briefing schedule on DOE's motion to withdraw and to issue a decision on that motion no later than June 1, 2010. The Board also is directed to continue case management activities, and to resolve all remaining issues promptly. Would you please affirm your votes?

CHAIRMAN JACZKO: Aye.

COMMISSIONER SVINICKI: Aye.

COMMISSIONER OSTENDORFF: Aye.

MS. VIETTI-COOK: Commissioner Magwood would you please affirm your vote?

COMMISSIONER MAGWOOD: Aye.

MS. VIETTI-COOK: We are done.

CHAIRMAN JACZKO: We are adjourned.

CHAIRMAN JACZKO: Thank you.

MS. VIETTI-COOK: Thank you.

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

COMMISSIONER MAGWOOD: 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: April 23, 2010

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)**