

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
April 3, 2006

The Commission met in open session, pursuant to notice, at 3:55 pm,
Nils J. Diaz, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission (via TELECON)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN D. CYR, General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on April 3, 2006 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.

[3:55 pm]

P R O C E E D I N G S

CHAIRMAN DIAZ: Madam Secretary?

ANNETTE VIETTI-COOK: We have three items for affirmation. Commission Lyons, can you hear me?

COMMISSIONER LYONS: Yes, I can.

ANNETTE VIETTI-COOK: The first one is on USEC American Centrifuge Plant Jeffrey Sea Appeal of LBP-05-28. The Commission is being asked to act on a Memorandum and Order responding to an appeal from petitioner Geoffrey Sea of LBP-05-28 and his motion for leave to file a reply brief. The Commission has voted to approve a Memorandum and Order which affirms the Board's decision that Mr. Sea's contentions are inadmissible and grants, in part, his motion for leave to reply. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: The second item is USEC American Centrifuge Plant Appeal of LBP-05-28 by Portsmouth/Piketon Residents for Environmental Safety and Security. The Commission is being asked to act on a Memorandum and Order responding to an appeal from Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS) of LBP-05-28. The Commission has voted to approve a Memorandum and Order which affirms the

Board's decision that found PRESS's contentions inadmissible. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: The third item is on HYDRO Resources, Inc. - Petition for Review of Partial Initial Decision on Phase II Cultural Resource Challenges. The Commission is being asked to act on a Memorandum and Order responding to a petition for review of LBP-05-26, from Eastern Navajo Diné Against Uranium Mining, Southwest Research and Information Center, Grace Sam, and Marilyn Morris of a partial Initial Decision on Phase II Cultural Resource Challenges to the *in situ* leach uranium mining license granted to Hydro Resources, Inc. The Commission has voted to approve a Memorandum and Order which denies the petition, declining review of the Presiding Officer's decision. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

-5-

ANNETTE VIETTI-COOK: That's all I have.

CHAIRMAN DIAZ: Any other issues? If not, we are adjourned.