

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
January 5, 2005

The Commission met in open session, pursuant to notice, at 2:00pm,
Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary of the Commission

KAREN D. CYR, General Counsel

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on January 5, 2005 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.

[2:00pm]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good afternoon. Madam Secretary, I understand you have some items for affirmation for us?

MS. VIETTI-COOK: Yes, the first item is Private Fuel Storage. Independent Spent Fuel Storage Installation. The Commission is being asked to act on a Memorandum and Order responding to Petitions for Review from Private Fuel Storage and the State of Utah. These Petitions challenge the Licensing Board's March 31, 2004 Order addressing issues of redaction of information from four previous Board orders and from the administrative record. The Petitions for Review also present similar arguments on the issue of what portions of CLI-04-10 should be redacted prior to that Order's release to the public. The Commission has voted to approve a Memorandum and Order which affirms in part and reverses in part the Board's March 31st Order and rules on the disclosure or redaction of various kinds of information in the record and in the Board's and Commission decisions. The Memorandum and Order further directs the Board and parties to follow specific procedures set forth in the Memorandum and Order regarding preparation of redacted versions of the Board's five orders dated January 5, 2004, March 31, 2004, and May 27, 2003, and likewise regarding preparation of redacted versions of this Memorandum and Order, CLI-04-10, and CLI-04-27. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. ANNETTE VIETTI-COOK: The second item is Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2). The Commission is being asked to act on a

Memorandum and Order responding to a Motion from the NRC Staff for Interlocutory Review of the Licensing Board's December 17th order amending a Protective Order. The Commission has voted to approve a Memorandum and Order which denies the NRC staff's Motion. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The third item is a Motion by Rene Chun for "Clarification and Amendment" of CLI-04-34. The Commission is being asked to act on an Order responding to a Motion for Clarification and Amendment of CLI-04-34 filed by Mr. Chun. The Commission has voted to approve an Order which denies the Motion but accepts the Declaration filed by Mr. Chun as satisfying the requirements established by the Commission. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: That's all we have.

CHAIRMAN DIAZ: Any comments? If not, 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: January 5, 2005

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: NANCY GREATHEAD

Reporter: (TAPE RECORDING)