

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
January 18, 2005

The Commission met in open session, pursuant to notice, at 9:55am,
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

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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.

[9:55am]

P R O C E E D I N G S

CHAIRMAN DIAZ: Madam Secretary, "in haste".

MS. VIETTI-COOK: The first item is on System Energy Resources Inc. (Early Site Permit for Grand Gulf Nuclear Site). The Commission is being asked to act on a Memorandum and Order responding to an appeal of the Licensing Board's decision in LBP-04-19 by the National Association for the Advancement of Colored People (Claiborne County, Mississippi Branch), Nuclear Information and Resource service, Public Citizen, and Mississippi Chapter of the Sierra Club. The petitioners challenge one Board ruling only - its rejection of an "environmental justice" claim.

The Commission has voted to approve a Memorandum and Order which affirms the Board's ruling in LBP-04-19.

Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. ANNETTE VIETTI-COOK: The second item is on Louisiana Energy Services (National Enrichment Facility) The Commission is being asked to act on a Memorandum and Order responding to CLI-04-25 in which the Commission accepted for review the issue of whether depleted uranium from a uranium enrichment facility appropriately may be categorized

as a "low-level radioactive waste," for purposes of determining a plausible strategy for waste disposal.

The Commission has voted to approve a Memorandum and Order which concludes that depleted uranium is properly considered a low-level radioactive waste. The Commission therefore reverses the admission to this proceeding of the portion of the intervenors' plausible strategy contention that challenges the categorization of depleted uranium as low level waste for purposes of the DOE disposal option. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

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

CHAIRMAN DIAZ: Thank you so much.

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 18, 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)