

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
June 20, 2005

The Commission met in open session, pursuant to notice, at 3:00 pm,
Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

GREGORY B. JACZKO, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary of the Commission

KAREN CYR, General Counsel

DISCLAIMER

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[3:00 pm]

P R O C E E D I N G S

CHAIRMAN DIAZ: Madam Secretary.

MS. VIETTI-COOK: The first item is SECY-05-0076, Private Fuel Storage Independent Spent Fuel Storage Installation. The Commission is being asked to act on a Memorandum and Order responding to a petition for review by the State of Utah of the Licensing Board's February 24 order rejecting its proposed new contention, Utah UU (Ramifications of DOE's Refusal to Accept Fuel in Welded Canisters from the Private Fuel Storage Site). The Commission has voted to approve a Memorandum and Order which denies Utah's petition for review. Out of an abundance of caution, Commissioner Jaczko elected to abstain from voting on this order in light of his decision not to make public statements regarding Yucca Mountain for one-year from January 21, 2005. His participation in this Affirmation Session should not be construed as setting a precedent regarding his constituting a quorum on matters pertaining to his recusal. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

Commissioners McGaffigan and Lyons had previously voted to approve this Memorandum and Order and had they been present they would have affirmed their prior votes.

ANNETTE VIETTI-COOK: On the second item, SECY-05-0079, this is U.S. Army Jefferson Proving Grounds Site, possession only license for depleted uranium munitions. The Commission is being asked to act on a Memorandum and Order involving the application for a possession only license by the U.S. Army for depleted uranium munitions at its Jefferson Proving Grounds site. The Commission has voted to approve a Memorandum and Order which

directs the licensee to report to the Commission on past and present efforts to provide the information necessary for the staff to complete its technical and environmental reviews. The Memorandum and Order also directs the staff to provide a report to the Commission regarding the steps it plans to take to complete its reviews in light of the information provided by the licensee. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Again, Commissioners McGaffigan and Lyons had previously voted to approve this Memorandum and Order and had they been present they would have affirmed their prior vote.

ANNETTE VIETTI-COOK: On the third item, SECY-05-0088, this is on Duke Energy Corporation, Catawba Nuclear Station, Units 1 and 2, Commission sua sponte review of the Licensing Board's March 10, 2005 final decision on security contention. The Commission is acting on a Memorandum and Order responding to briefs filed in response to the Commission's Memorandum and Order (CLI-05-10 dated April 21, 2005) which took review of the Licensing Board's March 10, 2005 final decision on the security contention. The Commission has voted to approve a Memorandum and Order which disapproves the four license conditions imposed by the Board in its March 10, 2005 final decision on the security contention. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioners McGaffigan and Lyons had previously voted to approve this Memorandum and Order and had they been present they would have affirmed their prior votes. That's all I have.

CHAIRMAN DIAZ: Thank you Madam Secretary. My fellow Commissioners, any comments? No? If not, we're adjourned.

