

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
January 11, 2006

The Commission met in open session, pursuant to notice, at 1:55 p.m.,

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the Commission

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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN CYR, General Counsel

ANDREW L. BATES, Acting Secretary of the Commission

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.

[1:55 p.m.]

PROCEEDINGS

CHAIRMAN DIAZ: Good afternoon, Mr. Secretary, I believe we are going to conduct an Affirmation first?

MR. BATES: Yes, Mr. Chairman and Commissioners, we have one affirmation item today, SECY-05-0220, Hydro Resources, Inc. (Crown Point, New Mexico) petition for review of LBP-05-17 on groundwater issues. The Commission is being asked to act on a Memorandum and Order responding to a petition by Eastern Navajo Diné Against Uranium Mining, the Southwest Research Information Center, Grace Sam, and Marilyn Morris for review of LBP-05-17, which was the Presiding Officer's Partial Initial Decision on groundwater protection, groundwater restoration, and surety estimates in Phase II of the Hydro Resources, Inc., proceeding. The Commission has voted to approve a Memorandum and Order which denies review of the Licensing Board decision. May I have your affirmation please?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

MR. BATES: Thank you.

CHAIRMAN DIAZ: Thank you, Mr. Secretary.

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 11, 2006

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: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)