

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
January 31, 2006

The Commission met in open session, pursuant to notice, at 9:25am,
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.

[9:25am]

PROCEEDINGS

DR. BATES: Mr. Chairman, Commissioners, we have three items for affirmation this morning. The first one is SECY-05-0230 in the matter of FirstEnergy Nuclear Operating Co., (Beaver Valley, Davis Besse, and Perry). The Commission is being asked to act on a Memorandum and Order responding to petitions to intervene by American Municipal Power-Ohio, Inc., and the City of Cleveland related to FirstEnergy Nuclear Operating Company's license transfers. The Commission has voted to approve a Memorandum and Order which finds the petitioners lack standing, denies their petitions to intervene, and terminates this adjudicatory proceeding. May I have your vote please?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

DR. BATES: The second item is SECY-06-0002, Private Fuel Storage (Independent Spent Fuel Storage Installation). The Commission is being asked to act on a Memorandum and Order responding to a motion by the State of Utah to reopen the adjudicatory record to litigate its proposed Contention Utah UU on the ramifications of DOE's refusal to accept fuel in welded canisters from the PFS Site. The Commission has voted to approve a Memorandum and Order which denies Utah's motion in its entirety. Commissioner Jaczko abstained in this matter.

May I have your votes please?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER LYONS: Aye.

Dr. BATES: The third item is SECY-06-0005, Motion to Reopen the Millstone License Renewal Proceeding filed by the Connecticut Coalition Against Millstone. The Commission is being asked to act on a Memorandum and Order responding to a motion by the Connecticut Coalition Against Millstone to reopen the Millstone license renewal proceeding. The Commission has voted to approve a Memorandum and Order which denies the Connecticut Coalition Against Millstone's motion and renders moot their request for leave to submit an amended petition to intervene. Commissioner Jaczko voted to approve a different version of the order. In addition, the Memorandum and Order directs the Office of the Secretary not to accept for filing or docketing any pleading signed by Ms. Nancy Burton that does not conform to the NRC's rules of practice. May I have your vote please?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

DR. BATES: Thank you. That's all I have.

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 31, 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: NANCY GREATHEAD

Reporter: (TAPE RECORDING)