

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland  
April 3, 2006

The Commission met in open session, pursuant to notice, at 3:55 pm,  
Nils J. Diaz, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

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 (via TELECON)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN D. CYR, General Counsel

ANNETTE VIETTI-COOK, Secretary of the Commission

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[3:55 pm]

P R O C E E D I N G S

CHAIRMAN DIAZ: Madam Secretary?

ANNETTE VIETTI-COOK: We have three items for affirmation. Commission Lyons, can you hear me?

COMMISSIONER LYONS: Yes, I can.

ANNETTE VIETTI-COOK: The first one is on USEC American Centrifuge Plant Jeffrey Sea Appeal of LBP-05-28. The Commission is being asked to act on a Memorandum and Order responding to an appeal from petitioner Geoffrey Sea of LBP-05-28 and his motion for leave to file a reply brief. The Commission has voted to approve a Memorandum and Order which affirms the Board's decision that Mr. Sea's contentions are inadmissible and grants, in part, his motion for leave to reply. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: The second item is USEC American Centrifuge Plant Appeal of LBP-05-28 by Portsmouth/Piketon Residents for Environmental Safety and Security. The Commission is being asked to act on a Memorandum and Order responding to an appeal from Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS) of LBP-

05-28. The Commission has voted to approve a Memorandum and Order which affirms the Board's decision that found PRESS's contentions inadmissible. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your vote?

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: The third item is on HYDRO Resources, Inc. - Petition for Review of Partial Initial Decision on Phase II Cultural Resource Challenges. The Commission is being asked to act on a Memorandum and Order responding to a petition for review of LBP-05-26, from Eastern Navajo Diné Against Uranium Mining, Southwest Research and Information Center, Grace Sam, and Marilyn Morris of a partial Initial Decision on Phase II Cultural Resource Challenges to the *in situ* leach uranium mining license granted to Hydro Resources, Inc. The Commission has voted to approve a Memorandum and Order which denies the petition, declining review of the Presiding Officer's decision. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

ANNETTE VIETTI-COOK: Commissioner Lyons, would you please affirm your  
vote?

COMMISSIONER LYONS: Aye.

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

CHAIRMAN DIAZ: Any other issues? If not, we are adjourned.

