

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
Thursday, May 20, 2004

The Commission met in open session, pursuant to notice, at 3:30 p.m.,

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.

[3: 30 p.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good afternoon, Madam Secretary, I believe we have a few items for affirmation.

MS. VIETTI-COOK: Yes. This is in the matter of Nuclear Fuel Services, Inc. The Commission is being asked to act on a Memorandum and Order responding to the Presiding Officer's referral of a Motion for Appeal by petitioner Kathy Helms-Hughes of the Presiding Officer's denial of the Helms-Hughes hearing request. The Commission has voted to approve a Memorandum and Order which resolves the procedural question to treat the Helms-Hughes motion as an appeal under 10 CFR Section 2.1205(o) and on the merits affirms the Presiding Officer's decision to deny Helms-Hughes standing in this proceeding. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item is on Hydro Resources, Inc. In February 2004, the Presiding Officer issued LBP-04-03, a decision on the adequacy of Hydro Resources, Inc. financial plan. The decision rejects various challenges presented by the intervenors, but accepts three of their arguments. The Commission is being asked to act on a Memorandum and Order responding to petitions for review of LBP-04-03 filed by Hydro Resources, Inc. and intervenors Eastern Navajo Dine Against Mining and the Southwest Research and Information Center. The Commission has voted to approve a Memorandum and Order which grants the petitions for review of LBP-04-03. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The third item is in the matter of Louisiana Energy Services. The Commission is being asked to act on a Memorandum and Order responding to the petition to intervene in the Louisiana Energy Services (National Enrichment Center) proceeding filed by Nuclear Information and Resource Service and Public Citizen. The Commission has voted to approve a Memorandum and Order which 1) acknowledges that none of these requests for hearing and petition to intervene in this case involves environmental justice issues; and 2) finds that the petitioners have established organizational standing to intervene and refers the petitioners' hearing request to the Atomic Safety and Licensing Board for further appropriate action. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The last item is a final rule to amend 10 CFR Part 2, subpart J, in regard to the Licensing Support Network. The Commission is being asked to act on a final rule amending 10 CFR Part 2 to change the U. S. Nuclear Regulatory Commission's Rules of Practice applicable to the use of the Licensing Support Network for the licensing proceeding on the disposal of high-level waste at a geologic repository. The amendments address five aspects of the current rules:

- 1) The requirements and standards for a party's submissions to the electronic docket for the HLW licensing proceeding;
- 2) Those provisions that result in the loading of duplicate documents on individual participant Licensing Support Network document collection servers;
- 3) Those provisions related to the continuing obligation of Licensing Support Network participants to update their documentary material;
- 4) The provisions related to determination that the DOE license application is electronically accessible; and
- 5) The provisions on material that may be excluded from the Licensing Support Network.

The Commission has voted to approve the publication and implementation of this final rule, with changes as provided in the attachment. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

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

CHAIRMAN DIAZ: Thank you so very much. My fellow Commissioners, any comments? We are adjourned.

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: May 20, 2004

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)