

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  
December 14, 2004

The Commission met in open session, pursuant to notice, at 12:55pm,

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

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on December 14, 2004 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

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.

[12:55pm]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good afternoon. Madam Secretary, I believe you have some items for affirmation?

MS. VIETTI-COOK: Yes. This first item is the final amendments to 10 CFR Part 50, Appendix E, relating to the Nuclear Regulatory Commission review of changes to emergency action levels paragraph IV.B and the exercise requirements for co-located licensees paragraph IV.F.2. The Commission is being asked to act on a final rule amending 10 CFR Part 50, Appendix E, to revise current regulations on NRC approval of licensee changes to emergency action levels and clarify exercise requirements for co-located licensees. The Commission has voted to approve the publication and implementation of this final rule subject to the changes noted in the attachment. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. ANNETTE VIETTI-COOK: The second item is the State of Alaska Department of Transportation and Public Facilities confirmatory order modifying the license and intervenor's Motion for Reconsideration of CLI-04-26. The Commission is being asked to act on a Memorandum and Order responding to a Motion for Reconsideration of CLI-04-26 from Robert Farmer. The Commission has voted to approve a Memorandum and Order which denies Mr. Farmer's Motion for Reconsideration of CLI-04-26. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The third item is Hydro Resources, Inc. Petition for Review of LBP-04-23 regarding the final environmental impact statement supplementation. The Commission is being asked to act on a Memorandum and Order responding to Petitions for Review of LBP-04-23 by Eastern Navajo Dine Against Uranium Mining and Southwest Research and Information Center. The Commission has voted to approve a Memorandum and Order which denies the Petitions for Review of LBP-04-23. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: That's it.

CHAIRMAN DIAZ: Thank you Madam 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:	December 14, 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)