

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
July 28, 2005

The Commission met in open session, pursuant to notice, at 1:25 p.m.,

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman 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

ANNETTE L. VIETTI-COOK, 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.

[1:25 pm]

P R O C E E D I N G S

CHAIRMAN DIAZ: Madam Secretary?

MS. VIETTI-COOK: This is in the matter of Exelon Generation Company, Dominion Nuclear North Anna, System Energy Resources, Louisiana Energy Services, USEC (American Centrifuge Plant). The Commission is being asked to act on a Memorandum and Order responding to certified questions from the Chief Administrative Judge of the Atomic Safety and Licensing Board related to the mandatory hearing requirements in section 189a of the Atomic Energy Act. The Commission has voted to approve a Memorandum and Order which answers the certified questions and provides guidance to the Licensing Board. While in large part Commissioner Jaczko concurs with his fellow Commissioners in this Order, he dissents as to the Commission's decision to determine, at this stage of the proceedings, the extent of an intervenor's ability to participate in the uncontested portions of a mandatory hearing. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

MS. VIETTI-COOK: Commissioner Merrifield had previously voted to approve this item and had he been present he would have affirmed his prior vote. That's all I have.

CHAIRMAN DIAZ: Thank you. Do my fellow Commissioners have any comments? If not, we're 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:	July 28, 2005

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)