

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  
October 19, 2005

The Commission met in open session, pursuant to notice, at 2:15 p.m., 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 (VIA TELECON)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

TRIP ROTHSCHILD, Acting General Counsel

ANNETTE L. VIETTI-COOK, Secretary of the Commission

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on October 19, 2005 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.

[2:15 pm]

P R O C E E D I N G S

CHAIRMAN DIAZ: Madam Secretary?

MS. VIETTI-COOK: This is on Louisiana Energy Services National Enrichment Facility. The Commission is being asked to act on a Memorandum and Order affirming in part and reversing in part the Board decision in LBP-05-13 rejecting an amended contention of the Nuclear Information and Resource Service and Public Citizen on the environmental impacts of waste disposal. The Commission has voted to approve a Memorandum and Order remanding the contention to the Board for further consideration and appropriate action. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

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

COMMISSIONER LYONS: Aye.

MS. VIETTI-COOK: The second item is in Louisiana Energy Services as well. The Commission is being asked to act on a Licensing Board referral of its decision rejecting two late-filed contentions and one late-filed supplemental contention filed by intervenors Nuclear Information and Resource Service and Public Citizen. The Commission has voted to approve a Memorandum and Order declining review of the Board's August 4, 2005 ruling which rejects Nuclear Information and Resource Service and Public Citizen's motion. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

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

COMMISSIONER LYONS: Aye.

MS. VIETTI-COOK: The third item is on Private Fuel Storage Independent Spent Fuel Storage Installation. The Commission is being asked to act on a Memorandum and Order responding to a September 28, 2005 NRC Staff filing Motion for Directed Certification. The Motion asks the Commission to take immediate review and stay the effect of a Licensing Board Order establishing a process for reviewing safeguards redactions to a decision on aircraft crashes that the Board had issued earlier this year. The Commission has voted to approve a Memorandum and Order which denies the NRC Staff's motion as moot and vacates the Licensing Board's September 15 redaction Order. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

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

COMMISSIONER LYONS: Aye.

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

CHAIRMAN DIAZ: Thank you, Madam Secretary. Any 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: October 19, 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)