

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
June 2, 2006

The Commission met in open session, pursuant to notice, at 3:30pm, Nils J. Diaz, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the Commission (VIA TELECON)

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission (VIA TELECON)

GREGORY B. JACZKO, Member of the Commission

PETER B. LYONS, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KAREN D. CYR, General Counsel

ANNETTE 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.

[3:30pm]

P R O C E E D I N G S

ANNETTE VIETTI-COOK: Chairman Diaz, are you on the line?

CHAIRMAN DIAZ: Hello, this is Chairman Diaz.

ANNETTE VIETTI-COOK: Terrific. We have Commissioner Merrifield on the line as well.

ANNETTE VIETTI-COOK: I have two items for affirmation. Can you hear me well Chairman Diaz?

CHAIRMAN DIAZ: Yes. Well.

ANNETTE VIETTI-COOK: Can you hear me Commissioner Merrifield?

COMMISSIONER MERRIFIELD: Yes.

ANNETTE VIETTI-COOK: Ok. Louisiana Energy Services is the first item for affirmation. The Commission is being asked to act on a Memorandum and Order responding to a petition for review filed by intervenors Nuclear Information and Resource Service and Public Citizen of the Atomic Safety and Licensing Board decisions in LBP-06-08 and LBP-06-09. At issue is the adequacy of the NRC staff's analysis, under the National Environmental Policy Act, of the impacts of disposing of depleted uranium associated with the proposed National Enrichment Facility.

The Commission has voted to approve a Memorandum and Order which affirms the Board decisions in LBP-06-08 and LBP-06-09.

ANNETTE VIETTI-COOK: Would you please affirm your votes?

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Chairman Diaz, would you please affirm your vote.

CHAIRMAN DIAZ: Aye.

ANNETTE VIETTI-COOK: Commissioner Merrifield, would you please affirm your vote.

COMMISSIONER MERRIFIELD: Aye.

ANNETTE VIETTI-COOK: Ok. The second item is on Andrew Siemaszko. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the NRC staff of the unpublished Licensing Board Order dated December 22, 2005 in which the Board granted discretionary intervention to the petitioners, Union of Concerned Scientists and Ohio Citizen Action.

The Commission has voted to approve a Memorandum and Order which vacates the "discretionary intervention" portion of the Board's December 22, 2005 order, remands the discretionary intervention issue to the Board, and directs the Board to reconsider the issue in light of the views expressed in today's decision. Commissioner Jaczko has offered a separate dissenting opinion.

ANNETTE VIETTI-COOK: Would you please affirm your votes?

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

ANNETTE VIETTI-COOK: Chairman Diaz, would you please affirm your vote.

CHAIRMAN DIAZ: Aye.

ANNETTE VIETTI-COOK: Commissioner Merrifield, would you please affirm your vote.

COMMISSIONER MERRIFIELD: Aye.

ANNETTE VIETTI-COOK: Thank you very much.

COMMISSIONER MCGAFFIGAN: Mr. Chairman, I just might mention that I previous to this meeting - just previous to the meeting signed a response to a NIRS petition about requesting my recusal and I declined to recuse myself in that matter and that will be part of the record of this meeting as well.

CHAIRMAN DIAZ: Thank you.

ANNETTE VIETTI-COOK: I'll be serving this on the board and parties today.

CHAIRMAN DIAZ: Disconnecting.

ANNETTE VIETTI-COOK: Thank you.

COMMISSIONER MERRIFIELD: Bye.

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: June 2, 2006

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: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)