

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
November 21, 2005

The Commission met in open session, pursuant to notice, at 9:30am,
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

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.

[9:30am]

PROCEEDINGS

CHAIRMAN DIAZ: Before we begin our meeting, Madam Secretary you have an item of business for us?

MS. VIETTI-COOK: Yes, I have two items for affirmation. The first item is on the U. S. Department of Energy High Level Waste Repository: Pre-application Matters. The Commission is being asked to act on a Memorandum and Order responding to the NRC staff request for a stay of the Licensing Board's ruling in LBP-05-27 requiring the Department of Energy (DOE) to make available on the Licensing Support Network two drafts of DOE's license application for a high-level waste repository at Yucca Mountain.

The Commission has voted to approve a Memorandum and Order which denies the stay. Commissioner Jaczko did not participate in this matter. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER LYONS: Aye.

MS. VIETTI-COOK: On the second item Louisiana Energy Services, the Commission is being asked to act on a Memorandum and Order responding to a petition from intervenors Nuclear Information and Resource Service (NIRS) and Public Citizen (PC) which alleges seven Licensing Board errors. In CLI-05-21, the Commission addressed one of those

alleged errors (regarding waste disposal impacts) and remanded an environmental contention on disposal impacts to the Board.

The Commission has voted to approve a Memorandum and Order which denies review of the pending issues raised in the intervenor's petition for review of LBP-05-13.

Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

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

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: November 21, 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: NANCY GREATHEAD

Reporter: (TAPE RECORDING)