

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
February 2, 2006

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

EDWARD MCGAFFIGAN, JR., Member of the Commission

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

GREGORY B. JACZKO, Member of the Commission (VIA TELECON)_

PETER B. LYONS, Member of the Commission (VIA TELECON)

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

STEPHEN G. BURNS, Acting 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 p.m.]

PROCEEDINGS

MS. VIETTI-COOK: There are two items for affirmation. The first item is on the U.S. Department of Energy High Level Waste Repository. The Commission is being asked to act on a Memorandum and Order responding to appeals by the NRC staff and the Department of Energy of the Pre-License Application Presiding Officer Board ruling in LBP-05-27 which granted the State of Nevada's motion to compel production of the Department of Energy's July 2004 draft license application, as well as the September 2004 revision to that document. The Commission has voted to approve a Memorandum and Order which holds the Department of Energy's draft license application is not Class 1, Class 2, or Class 3 "documentary material" under our regulations and therefore reverses the Board's decision in LBP-05-27.

Commissioner Jaczko did not participate in this item. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER LYONS: Aye.

MS. VIETTI-COOK: The second item is on Nuclear Management Company Monticello Nuclear Generating Plant. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the North American Water Office of the Atomic Safety and Licensing Board's ruling on standing and admissibility in LBP-05-31 which denied the North American Water Office's petition to intervene in the license renewal proceeding for the Monticello Nuclear Generating Plant. The Commission voted to approve a

Memorandum and Order which rejects the North American Water Office's appeal and affirms the Board's decision in LBP-05-31. 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: February 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: DARLENE K. WRIGHT

Reporter: (TAPE RECORDING)