

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  
Friday, January 30, 2004

The Commission met in open session, pursuant to notice, at 9:15 a.m.,

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

EDWARD MCGAFFIGAN, JR., Member of the Commission

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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary of the Commission

JOSEPH R. GRAY, Office of the General Counsel

DISCLAIMER

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[9:15 a.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good morning. Madame Secretary, please proceed.

MS. VIETTI-COOK: Commissioner Merrifield, can you hear me okay?

COMMISSIONER MERRIFIELD: I can hear you.

MS. VIETTI-COOK: Okay. The Commission is being asked to act on a Notice and Order responding to Commission direction in a March 5, 2003, Staff Requirements Memorandum on SECY-02-0219 related to an application filed by Louisiana Energy Services to possess and use source, byproduct, and special nuclear material and to enrich natural uranium to a maximum of 5 percent U-235 by the gaseous centrifuge process. The Notice and Order provides for notice of receipt of application for license, notice of availability of applicant's environmental report, notice of consideration of issuance of license, and notice of hearing and Commission order. Further, the Notice and Order provides guidance and directives on the treatment of issues in the proceeding on the

application and a milestone schedule for conduct of the proceeding. Commissioner McGaffigan would have preferred to impose a 2-year schedule. The Commission has voted to approve the notice and order as attached.

Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

MS. VIETTI-COOK: Commissioner Merrifield, I need you to do it separately. Would you please affirm your vote?

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Thank you.

COMMISSIONER MCGAFFIGAN: Mr. Chairman, could I just ask one clarifying question with regard of one sentence in the order? The sentence says "The Commission recognizes however that legislation currently being considered would require NRC to issue decisions on new enrichment facilities within two years of receipt of the application. Consequently the Commission will endeavor to identify efficiencies and provide the pertinent resources to further reduce the time the agency needs to complete reviews and reach decisions in licensing uranium enrichment facilities." I interpret that sentence to mean that the staff is not going to be budget-limited if they seek to carry out a schedule here.

CHAIRMAN DIAZ: It is my intention, and I'm sure Commissioner Merrifield looks at it that way, that we are not going to restrict the staff capability to conduct this in the most efficient manner by resources that we will provide and they were to provide the resources that they need to conduct these applications in the shortest possible time realizing that there might be other problems that will not allow us to do it in less than 24 or 30 months.

COMMISSIONER MCGAFFIGAN: Thank you for that clarification Mr. Chairman.

COMMISSIONER MERRIFIELD: Mr. Chairman, this is Commissioner Merrifield. I would concur in the remarks of the Chairman.

CHAIRMAN DIAZ: Thank you, Commissioner Merrifield. Madame...

MS. VIETTI-COOK: I have nothing else.

CHAIRMAN DIAZ: If not, we're adjourned. Thank you.

#### 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:	January 30, 2004

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)