

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
Wednesday, April 21, 2004

The Commission met in open session, pursuant to notice, at 9:00 a.m.,

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman (VIA TELECON)

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary of the Commission

KAREN D. CYR, General Counsel

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.

[9:00 a.m.]

P R O C E E D I N G S

COMMISSIONER MERRIFIELD: Chairman Diaz, you're on the line?

CHAIRMAN DIAZ: Yes, I'm here.

COMMISSIONER MERRIFIELD: We're assembled this morning for one item coming before the Commission on affirmation. Madame Secretary?

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to an appeal by Duke Energy Corporation of the Atomic Safety and Licensing Board's decision in LBP-04-04 which granted the Blue Ridge Environmental Defense League's hearing request. In a subsequent decision, the Board also certified questions to the Commission related to the Blue Ridge Environmental Defense League's Security Contention 1. The Commission has voted to approve a Memorandum and Order which dismisses Duke's appeal without prejudice, accepts the Board's certified questions, and invites the parties to submit briefs. Would

you please affirm your votes?

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

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

CHAIRMAN DIAZ: Aye.

COMMISSIONER MERRIFIELD: Madame Chairman, I think unless we have any other comments by the Commission, we are 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: April 21, 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)