

IN RESPONSE, PLEASE  
REFER TO: M040421

April 21, 2004

MEMORANDUM FOR: John F. Cordes, Director  
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:00 A.M.,  
WEDNESDAY, APRIL 21, 2004, COMMISSIONERS'  
CONFERENCE ROOM, ONE WHITE FLINT NORTH,  
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-04-0061 - Duke Energy Corp. (Catawba Nuclear Station, Units 1 and 2), Duke's Appeal of LBP-04-04 (Board Ruling on Standing and Contentions) and the Board's Certified Questions on a Security Contention

The Commission<sup>1</sup> approved 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 (BREDL) hearing request. In a subsequent decision, the Board also certified questions to the Commission related to BREDL's Security Contention 1. The Memorandum and Order dismisses Duke's appeal without prejudice, accepts the Board's certified questions, and invites the parties to submit briefs.

(Subsequently, on April 21, 2004, the Secretary signed the Memorandum and Order.)

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
EDO  
OGC  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR

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<sup>1</sup> Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioners McGaffigan and Merrifield were present in the Conference Room. Chairman Diaz participated in the meeting via speakerphone.