

IN RESPONSE, PLEASE  
REFER TO: M040729A

July 29, 2004

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M.,  
THURSDAY, JULY 29, 2004, COMMISSIONERS' CONFERENCE  
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-04-0120 - Duke Energy Corp. (Catawba Nuclear Station, Units 1 and 2); NRC Staff's Petition for Interlocutory Review of the Licensing Board's June 25, 2004 Oral Order (Finding the Intervenor's Witness Qualified as an Expert in the Area of Nuclear Security)

The Commission approved a Memorandum and Order responding to the NRC Staff's petition for interlocutory review of a Licensing Board ruling accepting Dr. Edwin Lyman as an expert witness. The Memorandum and Order accepts review of the Staff's petition, affirms the Board's evidentiary ruling, and directs the Staff to complete the outstanding need-to-know determinations in this case. The Memorandum and Order also terminates the housekeeping stay entered in this case on July 1, 2004.

(Subsequently, on July 29, 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