

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
Wednesday, November 10, 2004.

The Commission met in open session, pursuant to notice, at 2:30 p.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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary of the Commission

KAREN D. CYR, General Counsel

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[2:30 p.m]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good afternoon Madam Secretary. I believe we have some items for affirmation.

MS. VIETTI-COOK: Yes. The first item is SECY-04-0186 - Exelon Generating Company (Clinton Early Site Permit). The Commission is being asked to act on a Memorandum and Order responding to a petition by intervenors seeking Commission review of a Licensing Board Order (LBP-04-17) that granted a hearing but refused to admit one of the intervenor's contentions. The Commission has voted to approve a Memorandum and Order which denies the intervenor's petition for interlocutory review.

MS. VIETTI-COOK: Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: The second item is SECY-04-0189 the U.S. Department of Energy's (High Level Waste Repository: Pre-Application Matters); and it's DOE's Appeal of LBP-04-20. The Commission is being asked to act on a Memorandum and Order responding to an appeal by the Department of Energy of one portion of the Board's decision in LBP-04-20. The Commission has voted to approve a Memorandum and Order which holds DOE's appeal in abeyance.

MS. VIETTI-COOK: Would You please affirm your votes?

CHAIRMAN DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye

COMMISSIONER MERRIFIELD: Aye

MS. VIETTI-COOK: That's all I have.

CHAIRMAN DIAZ: Thank you very much. Any comment? If not, we're adjourned.

