

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
April 21, 2005

The Commission met in open session, pursuant to notice, at 2:55 pm,
Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman of the Commission
EDWARD MCGAFFIGAN, JR., Member of the Commission
JEFFREY S. MERRIFIELD, Member of the Commission
GREGORY B. JACZKO, Member of the Commission
PETER B. LYONS, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary of the Commission
KAREN CYR, General Counsel

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on April 21, 2005 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

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.

[2:55 p.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Madam Secretary.

MS. VIETTI-COOK: This is in the matter of Duke Energy Corporation (Catawba Nuclear Station, Units 1 and 2). On March 10, 2005, the Licensing Board issued its final partial initial decision on the security contention brought by the Blue Ridge Environmental Defense League (BREDL) to challenge certain exemptions Duke Energy Corporation sought for its Catawba facility during testing of mixed oxide (MOX) fuel assemblies.

The Commission is acting on a Memorandum and Order taking *sua sponte* review regarding conditions imposed by the March 10, 2005 Order.

The Commission has voted to approve a Memorandum and Order which takes *sua sponte* review and establishes a filing schedule for the parties to brief the issue of the necessity of the conditions the Board imposed for purposes of receipt of the mixed oxide fuel lead test assemblies. Would you please affirm your vote?

CHAIRMAN DIAZ: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

COMMISSIONER JACZKO: Aye.

COMMISSIONER LYONS: Aye.

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

CHAIRMAN DIAZ: Comments? If not, we're 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, 2005

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: NANCY GREATHEAD

Reporter: (TAPE RECORDING)