

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
Tuesday, July 7, 2004

The Commission met in open session, pursuant to notice, at 1:55 p.m., Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman (VIA TELECOM)

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.

[1:55 p.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good afternoon, Madame Secretary. Will you lead us through it?

MS. VIETTI-COOK: We have three items for affirmation today. The first item is in the matter of Pacific Gas & Electric. The Commission is being asked to act on a Memorandum and Order responding to a motion by Pacific Gas & Electric Co. to terminate the NRC proceeding and a request by the City of Santa Clara that the Commission vacate CLI-03-02. The Commission has voted to approve a Memorandum and Order terminating the NRC proceeding and denying Santa Clara's request to vacate CLI-03-02. Would you please affirm your votes?

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: Chairman, I need you to affirm separately, would you please affirm your vote?

CHAIRMAN Diaz: Aye.

MS. VIETTI-COOK: Okay, on the second item, Duke Energy Corporation. The Commission is being asked to act on a Memorandum and Order responding to the Atomic Safety and Licensing Board's certified questions regarding admissibility of a security contention and related questions. The Commission has voted to approve a Memorandum and Order holding that the Blue Ridge Environmental Defense League's Security Contention 1 is inadmissible and declining to reconsider the Commission's prior "need to know" decision in CLI-04-06. Would you please affirm your votes?

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

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

CHAIRMAN Diaz: Aye.

MS. VIETTI-COOK: The last item is the appointment of a Pre-license Application Presiding Officer for the high-level waste repository. The Commission is being asked to act on a Memorandum and Order designating an official to serve as the Pre-License Application Presiding Officer to rule on disputes among the participants over the electronic availability of documents during the pre-license application phase for high-level radioactive waste repository licensing. The Commission has voted to approve a Memorandum and Order designating the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, Judge Bollwerk, to serve as the Pre-License Application Presiding Officer, and authorize him to delegate that authority. Would you please affirm your votes?

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

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

CHAIRMAN Diaz: Aye.

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

CHAIRMAN DIAZ: All right, thank you so much.

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:	July 7, 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)