

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, August 17, 2004

The Commission met in open session, pursuant to notice, at 9:25 a.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

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.

[9:30 a.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good morning, Madam Secretary, I believe that before we proceed with the main part of the morning I have an affirmation?

MS. VIETTI-COOK: Yes. We have three items for affirmation. The first item is on Private Fuel Storage (Independent Spent Fuel Storage Installation). The Commission is being asked to act on a Memorandum and Order responding to CLI-04-04, which granted review under 10 CFR 2.786 of the Board's decision not to admit for adjudication three of Utah's proposed contentions known as "Utah U," "Utah CC," and "Utah SS." The Commission has voted to approve a Memorandum and Order which affirms the Board's rulings related to these contentions. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item is a Final Rule: Medical Use of Byproduct Material - Minor Amendments: Extending Expiration Date for Subpart J of Part 35. The Commission is being asked to act on a final rule amending 10 CFR Part 35, "Medical Use of Byproduct Material," to extend the expiration date for Subpart J by one year moving it from October 24, 2004 to October 24, 2005. The Commission has voted to approve the publication and implementation of this final rule. Would you please affirm your votes?

CHAIRMAN Diaz: Aye

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The third item is on FirstEnergy Nuclear Operating Co. (Davis-Besse Nuclear Power Station, Unit 1). The Commission is being asked to act on a Memorandum and Order responding to Michael Keegan, Joanne DiRando, Paul Gunter of the Nuclear Information and Resource Service, and Donna Lueke's (Collectively, "the Petitioners") appeal of the Licensing Board's denial of the Petitioners' request for a hearing. The proceeding arose from a challenge to a confirmatory order modifying the operating license of FirstEnergy Nuclear Operating Company for the Davis-Besse Nuclear Power Station, Unit 1. The Commission has voted to approve a Memorandum and Order which affirms the Board's decision to deny the Petitioners' hearing request. 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 Madam Secretary.

#### 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:	August 17, 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: NANCY S. GREATHEAD

Reporter: (TAPE RECORDING)