

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

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on November 10, 2004 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.

[2:30 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.

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:	November 10, 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 GREATHEAD

Reporter: (TAPE RECORDING)