

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  
Friday, September 3, 2004

The Commission met in open session, pursuant to notice, at 10:00 a.m.,

Nils J. Diaz, Chairman, presiding.

COMMISSIONERS PRESENT:

NILS J. DIAZ, Chairman

EDWARD MCGAFFIGAN, JR., Member of the Commission (VIA TELECON)

JEFFREY S. MERRIFIELD, Member of the Commission (VIA TELECON)

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 September 3, 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.

[10:00 a.m.]

P R O C E E D I N G S

MS. VIETTI-COOK: The Commission is being asked to act on an order to hold in abeyance adjudication of a request for hearing from Public Citizen, Inc. on an NRC security order issued July 2, 2004 and published in the *Federal Register* on July 13, 2004. That order modified the licenses of four licensees to require compliance with additional security measures for the transportation of spent nuclear fuel. Public Citizen in its hearing request raises issues analogous to those presently being litigated by Public Citizen and the NRC in the United States Court of Appeals for the District of Columbia Circuit. The Commission has voted to approve the Order which holds in abeyance Public Citizen's hearing request pending the D.C Circuit's upcoming decision in *Public Citizen v. NRC*. The order allows potential parties to file motions requesting the order be lifted. Would you please affirm your vote, Chairman Diaz?

CHAIRMAN Diaz: Aye

MS. VIETTI-COOK: Would you please affirm your vote, Commissioner McGaffigan?

COMMISSIONER MCGAFFIGAN: Aye.

MS. VIETTI-COOK: Would you please affirm your vote, Commissioner Merrifield?

COMMISSIONER MERRIFIELD: Aye.

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

CHAIRMAN DIAZ: Thank you, Madam Secretary. If my fellow Commissioners don't have any additional comments, we are adjourned. Thank you.

#### 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: September 3, 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)