

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
Monday, September 8, 2003

The Commission met in open session, pursuant to notice, at 1:25 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

JOSEPH R. GRAY, Office of the General Counsel

DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on September 8, 2003 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.

[1:25 p.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good afternoon. Madame Secretary, I guess we have an issue for affirmation? Please proceed.

ANNETTE VIETTI-COOK: There are two items. The first item the Commission is being asked to act on a Memorandum and Order responding to requests by California Public Utilities Commission and San Luis Obispo County for a stay of the effectiveness of the license transfer order related to the Diablo Canyon Power Plant. Pacific Gas & Electric, with California Public Utilities Commission's support, has requested that the Commission hold the license transfer proceeding in abeyance while the County has renewed its application for a stay. The Commission has voted to approve a Memorandum and Order which grants PG&E's motion to hold the case in abeyance and defers until later a formal ruling on the stay application. Would you please affirm your votes?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MS. VIETTI-COOK: The second item the Commission is being asked to act on a Memorandum and Order directing the Licensing Board to inform the Commission when it intends to issue a pending decision on whether the intervenors, the Blue Ridge Environmental Defense League and the Nuclear Information and Resource Service, have submitted an admissible contention. The Board should also explain to the Commission why there has been a delay and what measures it will take to restore the proceeding to the original schedule. This is on the Duke Energy Corporation McGuire Nuclear Station. The Commission has voted to

approve a Memorandum and Order which directs the Licensing Board to approve the requested information within three business days. 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: Madame Secretary, is there anything else?

MS. VIETTI-COOK: No. That's it.

CHAIRMAN DIAZ: My fellow Commissioners, any comments? No? 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 8, 2003

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)