

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

AFFIRMATION SESSION

PUBLIC MEETING

Nuclear Regulatory Commission
Commission Hearing Room
11555 Rockville Pike
Rockville, Maryland
Wednesday, October 15, 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:

ANDREW L. BATES, Acting Secretary of the Commission

JOSEPH R. GRAY, Office of the 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.

[1:25 p.m.]

P R O C E E D I N G S

CHAIRMAN DIAZ: Good afternoon. I believe before we proceed with today's briefing that we have an item of affirmation? Mr. Secretary?

MR. BATES: Mr. Chairman, Commissioners, the item today for affirmation is SECY-03-0170 in the matter of Pacific Gas & Electric Co. on Diablo Canyon Power Plant in the Independent Spent Fuel Storage Installation. It concerns petitions for review of Licensing Board decision 02-23 and 03-11. The Commission is being asked to act on a Memorandum and Order that responds to the County of San Luis Obispo and six intervenors led by San Luis Obispo Mothers for Peace petitions for review of the Atomic Safety and Licensing Board decisions in LBP-02-23 and LBP-03-11 that, cumulatively, rejected challenges to an application by Pacific Gas & Electric to construct and operate an independent spent fuel storage installation in San Luis Obispo, California. The Commission has voted to approve a memorandum and order which denied the petitions for review. May I have your votes please?

CHAIRMAN DIAZ: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

MR. BATES: Thank you. That's all I have.

CHAIRMAN DIAZ: All you have? Thank you so very 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: October 15, 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)