

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  
Thursday, August 1, 2002

The Commission met in open session, pursuant to notice, at 12:55 p.m.,

Richard A. Meserve, Chairman, presiding.

COMMISSIONERS PRESENT:

RICHARD A. MESERVE, Chairman (VIA TELECON)

GRETA J. DICUS, Member of the Commission

NILS J. DIAZ, Member of the Commission (VIA TELECON)

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

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

KENNETH R. HART, Acting Secretary

KAREN D. CYR, Office of the General Counsel

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P R O C E E D I N G S

COMMISSIONER DICUS: Good afternoon. Of course this is an affirmation session and we have one item for affirmation. And I also note that we have the Chairman and two Commissioners participating by phone, so if the Secretary now would please lead us through the affirmation and acknowledge the Commissioners that we have on the line and the Chairman. If anyone would like to make an opening statement, do so when you're acknowledged. Okay, thank you.

MR. HART: We have one item for affirmation.

COMMISSIONER DICUS: Well let's be sure who we have on the line, okay, would you...

MR. HART: Chairman Meserve?

CHAIRMAN MESERVE: I'm here.

MR. HART: Commissioner Diaz?

COMMISSIONER DIAZ: I'm here.

MR. HART: Commissioner McGaffigan?

COMMISSIONER MCGAFFIGAN: I'm here.

COMMISSIONER DICUS: Okay.

MR. HART: We have one item today, SECY-02-0129, Pacific Gas & Electric Co. (Diablo Canyon Power Plant, Units 1 and 2) multiple petitions to intervene. The Commission is being asked to act on a Memorandum and Order related to the Pacific Gas & Electric Co. application to transfer its licenses for the Diablo Canyon Power Plant, Units 1 and 2, to a newly established generating company. The Commission has voted to approve a Memorandum and Order which requests the petitioners and the applicant to file briefs addressing the question of whether the Commission has statutory authority to retain or impose antitrust conditions for commercial nuclear power plants licensed under Section 104b. of the Atomic Energy Act.

Chairman Meserve, would you please affirm your vote?

CHAIRMAN MESERVE: Aye.

MR. HART: Commissioner Dicus, would you please affirm your vote?

COMMISSIONER DICUS: Aye.

MR. HART: Commissioner Diaz, would you please affirm your vote?

COMMISSIONER DIAZ: Aye.

MR. HART: Commissioner McGaffigan, would you please affirm your vote?

COMMISSIONER MCGAFFIGAN: Aye.

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

COMMISSIONER DICUS: Okay. Having nothing else, then this meeting is 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:	August 1, 2002

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)