

January 23, 2003

MEMORANDUM FOR: John F. Cordes, Director
Office of Commission Appellate Adjudication

FROM: Annette L. Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:55 P.M., THURSDAY, JANUARY 23, 2003,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-02-0222 - Pacific Gas & Electric Co. (Diablo Canyon Power Plant Independent Spent Fuel Storage Installation); Licensing Board's Referral in LBP-02-23 of its Denial to Admit Terrorism Contentions/Issues

The Commission⁽¹⁾ approved a Memorandum and Order responding to the Licensing Board's referral of terrorism contentions in the matter of Pacific Gas & Electric's application to build a dry cask independent spent fuel storage installation. The Memorandum and Order accepts the Board's referral and affirms its rejection of the terrorism contentions for different reasons than those the Board expressed.

(Subsequently, on January 23, 2003, the Secretary signed the Memorandum and Order.)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR

1. Section 201 of the Energy Reorganization Act, 42 U.S.C. Section 5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Dicus was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Dicus, however, had previously indicated that she would approve this paper and had she been present she would have affirmed her prior vote.