

August 1, 2002

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 12:55
P.M., THURSDAY, AUGUST 1, 2002, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-02-0129 - Pacific Gas & Electric Co. (Diablo Canyon Power Plant, Units 1 and 2);
Multiple Petitions to Intervene

The Commission¹ approved a Memorandum and Order related to the Pacific Gas & Electric Co. (PG&E) application to transfer its licenses for the Diablo Canyon Power Plant, Units 1 and 2, to a newly established generating company. The Memorandum and Order 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.

(Subsequently, on August 1, 2002, the Secretary signed the Memorandum and Order.)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
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 present in the Conference Room. Chairman Meserve and Commissioners Diaz and McGaffigan participated in the meeting via speakerphone.