

February 14, 2003

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:30 A.M., FRIDAY, FEBRUARY 14, 2003,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-03-0014 - Pacific Gas and Electric Co. (Diablo Canyon Power Nuclear Plant, Units 1 and 2), Docket Nos. 50-275-LT, 50-323-LT

The Commission⁽¹⁾ approved a Memorandum and Order responding to petitioners' technical, financial and antitrust claims related to the license transfer application submitted by Pacific Gas and Electric Company to transfer the operating licenses of the two-unit Diablo Canyon Nuclear Power Plant to newly created entities. The Memorandum and Order rejects the petitioners' claims and terminates the proceeding.

(Subsequently, on February 14, 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." Chairman Meserve and Commissioners McGaffigan and Merrifield were present in the Conference Room. Commissioner Dicus participated in the meeting via speakerphone. Commissioner Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Diaz, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.