

September 3, 2004

MEMORANDUM FOR: Karen D. Cyr
General Counsel
FROM: Annette L. Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 10 A.M., FRIDAY, SEPTEMBER 3, 2004, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-04-0153 - PUBLIC CITIZEN'S REQUEST FOR HEARING ON THE COMMISSION'S JULY 2, 2004, SPENT FUEL SECURITY ORDER AND PROPOSED ORDER HOLDING PROCEEDING IN ABEYANCE

The Commission¹ approved an Order responding to a request for hearing from Public Citizen, Inc. on an NRC security order issued July 2, 2004 and published in the *Federal Register* on July 13, 2004. The Order holds in abeyance Public Citizen's hearing request pending the D.C Circuit's upcoming decision in *Public Citizen v. NRC*.

(Subsequently, on September 3, 2004, the Secretary signed the Order.)

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
CFO
OCAA
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 Diaz was present in the Conference Room. Commissioners McGaffigan and Merrifield participated in the meeting via speakerphone.