

October 23, 2008

MEMORANDUM FOR: Brooke Poole, Director
Office of Commission Appellate Adjudication
FROM: Annette L. Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS – AFFIRMATION SESSION, 9:25 A.M., THURSDAY, OCTOBER 23, 2008,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-08-0120 – Pacific Gas and Electric Co. (Diablo Canyon ISFSI), Docket No. 72-26-ISFSI, Decision on the Merits of San Luis Obispo Mothers for Peace's Contention 2

The Commission¹ approved a Memorandum and Order resolving on the merits Contention 2 of the San Luis Obispo Mothers for Peace, as admitted by the Commission in CLI-08-01. The Memorandum and Order rejects Contention 2 on the merits and declines to require the NRC staff to prepare an environmental impact statement. Commissioner Jaczko disapproved the Memorandum and Order.

(Subsequently, on October 23, 2008, the Secretary signed the Memorandum and Order.)

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, 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 Klein and Commissioners Lyons and Svinicki were present in the Conference Room. Commissioner Jaczko participated in the meeting via speakerphone.