

Revised

November 30, 2000

MEMORANDUM FOR: Karen D. Cyr
General Counsel

John F. Cordes, Director
Office of Commission Appellate Adjudication

G. Paul Bollwerk III
Chief Administrative Judge, ASLBP

FROM: Annette Vietti-Cook, Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 8:55 A.M.,
MONDAY, NOVEMBER 27, 2000, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)¹

I. SECY-00-0208 - Power Authority of the State of New York Entergy Companies Transfer of Licenses for Indian Point 3 and FitzPatrick Nuclear Plants Petitions to Intervene

The Commission approved a Memorandum and Order granting in part and denying in part various aspects of three petitions to intervene and one petition to participate as a governmental entity in the license transfer proceeding for the Indian Point 3 and FitzPatrick nuclear plants. Petitions to intervene were received from the Citizens Awareness Network (CAN), the Nuclear Generation Employees Association, along with three individual members of the Association, Local 1-2 of the Utility Workers of America, and the Town of Cortlandt and the Hendrick Hudson School District (filing together). The Union subsequently withdrew its petition to intervene. Also, Westchester County's petition for governmental participant status was granted. All remaining petitioners have demonstrated standing and each has advanced at least one admissible issue. The Memorandum and Order sets the case for hearing.

The Chief Administrative Judge should request efficiency in every aspect of the process without affecting due process.

(Subsequently, on November 27, 2000, the Secretary signed the Memorandum and Order.)

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 these items were affirmed. Accordingly, the formal vote of the Commission was 4-0 in favor of these decisions. Commissioner Dicus however, had previously indicated that she would approve these papers and had she been present she would have affirmed her prior votes.

III. COMSECY-00-0039 - Florida Power & Light Co. License Renewal Application for Turkey Point Units 3 and 4; Licensing Board Referral and Scheduling Order

The Commission approved an Order which refers petitions to intervene and request for hearing submitted by Mr. Mark Oncavage and Ms. Joette Lorion to the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel for assignment of an Atomic Safety and Licensing Board to rule on these and any additional requests for a hearing and petitions for leave to intervene and, if a hearing is granted, to conduct the proceeding. The Order provided the Licensing Board with guidance for the conduct of any proceeding if a hearing is granted, and a suggested schedule for any such proceeding.

In future license renewal cases, the staff is directed to set a deadline for filing petitions to intervene and hearing requests that is at least 60 days after the date that the staff makes the license renewal application available for public review (on the NRC website and in the PDR).

(Subsequently, on November 27, 2000, the Secretary signed the Memorandum and Order.)

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