

August 4, 2005

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:30 P.M.,
THURSDAY, AUGUST 4, 2005, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. COMSECY-05-0027 - Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3), Docket Nos. 50-336-LR & 50-423-LR

The Commission¹ approved a Memorandum and Order responding to the Atomic Safety and Licensing Board's submission of a certified question to the Commission. The Memorandum and Order grants review of the certified question and expresses the Commission intention to consider, *sua sponte*, three other questions related to Suffolk County's late-filed contention. The Memorandum and Order establishes a filing schedule for briefs and responses.

(Subsequently, on August 4, 2005, the Secretary signed the Memorandum and Order.)

cc: Chairman Diaz
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
EDO
DOC
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 Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Chairman Diaz, however, had previously indicated that he would approve this Memorandum and Order and had he been present he would have affirmed his prior vote.