

December 22, 1999

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

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:30 A.M., WEDNESDAY, DECEMBER 22, 1999, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)<sup>(1)</sup>

**I. SECY-99-286 - GPU Nuclear Corporation, Docket No. 50-219-OLA-2, Memorandum and Order (Terminating Proceeding), LBP-99-45 (Dec. 15, 1999)**

The Commission approved a Memorandum and Order which vacates LBP-99-45, grants GPU's request to withdraw without prejudice its license amendment application, and terminates the proceeding.

(Subsequently, on December 22, 1999, the Secretary signed the Memorandum and Order.)

**III. SECY-99-287 - Niagara Mohawk Power Corp. et al. (Nine Mile Point, Units 1 and 2), Docket Nos. 50-220 and 50-410**

The Commission approved a Memorandum and Order which grants standing to the co-owners of Nine Mile Point, Unit 2, permits the New York Attorney General to participate in a manner analogous to a participating government under 10 CFR 2.715(c) should a hearing be granted, rejects co-owners' "suggestion" that formal hearing procedures be applied in this case, and provides a short suspension of the proceeding.

(Subsequently, on December 22, 1999, the Secretary signed the Memorandum and Order.)

cc: Chairman Meserve  
Commissioner Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
EDO  
OGC  
CIO  
CFO  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR - Advance  
DCS - P1-17

---

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 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 these papers and had he been present he would have affirmed his prior votes.