

March 6, 2001

MEMORANDUM John F. Cordes, Acting Director  
FOR: Office of Commission Appellate Adjudication  
FROM: Annette L. Vietti-Cook, Secretary /RA/  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 10:00 A.M., TUESDAY, MARCH 6, 2001,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

**I. SECY-01-0031 - Consolidated Edison Co. of New York & Entergy Companies. Transfer of Licenses for Indian Point 1 & 2 Nuclear Plants. Petitions to Intervene; Request for Suspension of Proceeding; Requests for Access to Confidential Documents and for Additional Time to Submit Issues**

The Commission<sup>(1)</sup> approved a Memorandum and Order responding to motions by the Citizens Awareness Network (CAN) and the Town of Cortlandt filing jointly with the Hendrick Hudson School District related to the unavailability of the full license transfer application seeking the Commission's authorization for Consolidated Edison Company of New York (ConEd) to transfer the licenses for two nuclear power plants, the Indian Point Nuclear Generating Unit Nos. 1 and 2, to Entergy companies. The Memorandum and Order declines to suspend or terminate the proceeding, but directs ConEd and Entergy to give CAN and Cortlandt access to an unredacted version of the transfer application and grants CAN and Cortlandt an additional 20 days, after obtaining the unredacted application, to submit (or revise) issues challenging the Entergy companies financial or technical qualifications to own and/or operate the Indian Point 1 and 2 facilities.

(Subsequently, on March 6, 2001, the Secretary signed the Memorandum and Order.)

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

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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 Merrifield was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Merrifield, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.