

June 21, 2001

MEMORANDUM John F. Cordes, Director  
FOR: Office of Commission Appellate Adjudication  
FROM: Andrew L. Bates, Acting Secretary **/RA/**  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 2:30 P.M., THURSDAY, JUNE 21, 2001,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

**I. SECY-01-0089 - Power Authority of the State of New York Entergy Companies; Applications to Transfer Licenses for Indian Point 3 and FitzPatrick Nuclear Plants; Merits Decision**

The Commission<sup>(1)</sup> approved a Memorandum and Order responding to challenges raised by the Citizens Awareness Network (CAN) related to the license transfers for the Indian Point 3 and FitzPatrick nuclear power plants. The Memorandum and Order rejects CAN's challenges and does not disturb the NRC staff's approval of the license transfers in this case.

(Subsequently, on June 21, 2001, the Acting Secretary signed the Memorandum and Order.)

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

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