

December 5, 2001

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:25 A.M., WEDNESDAY, DECEMBER 5,
2001, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE,
MARYLAND (OPEN TO PUBLIC ATTENDANCE)⁽¹⁾

I. SECY-01-0198 - Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3)

The Commission approved a Memorandum and Order responding to an appeal by the Connecticut Coalition Against Millstone and the Standing for Truth About Radiation (STAR) Foundation of the Atomic Safety and Licensing Board's decision in LBP-01-10 which found the petitioners' sole contention to be inadmissible. The Memorandum and Order affirms the Board's decision in LBP-01-10.

(Subsequently, on December 5, 2001, the Secretary signed the Memorandum and Order.)

II. SECY-01-0200 - Connecticut Yankee Atomic Power Company (Haddam Neck Plant): Docket 50-213-OLA

The Commission approved a Memorandum and Order responding to Connecticut Yankee Atomic Power Company's request for Commission review of the Licensing Board's decision in LBP-01-21. The Memorandum and Order concludes that the request does not meet our standards for interlocutory review and denies the petition for directed certification.

(Subsequently, on December 5, 2001, the 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

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