

June 21, 2001

MEMORANDUM FOR: John F. Cordes, Director
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 Commission¹ 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

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.