August 4, 2005

 MEMORANDUM FOR:
 John F. Cordes, Director

 Office of Commission Appellate Adjudication

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

 SUBJECT:
 STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:30 P.M., THURSDAY, AUGUST 4, 2005, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO

PUBLIC ATTENDANCE)

I. COMSECY-05-0027 - Dominion Nuclear Connecticut, Inc. (Millstone Nuclear Power Station, Units 2 and 3), Docket Nos. 50-336-LR & 50-423-LR

The Commission¹ approved a Memorandum and Order responding to the Atomic Safety and Licensing Board's submission of a certified question to the Commission. The Memorandum and Order grants review of the certified question and expresses the Commission intention to consider, *sua sponte*, three other questions related to Suffolk County's late-filed contention. The Memorandum and Order establishes a filing schedule for briefs and responses.

(Subsequently, on August 4, 2005, the Secretary signed the Memorandum and Order.)

cc: Chairman Diaz Commissioner Merrifield Commissioner Jaczko Commissioner Lyons EDO DOC 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." Chairman Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Chairman Diaz, however, had previously indicated that he would approve this Memorandum and Order and had he been present he would have affirmed his prior vote.