

September 13, 2000

MEMORANDUM William D. Travers
FOR: Executive Director for Operations
John F. Cordes, Director
Office of Commission Appellate Adjudication
FROM: Annette Vietti-Cook, Secretary */RA/*
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:30 A.M., WEDNESDAY, SEPTEMBER 13, 2000,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC
ATTENDANCE)⁽¹⁾

I. [SECY-00-0179](#) - Final Rule:"Adjustment of Civil Monetary Penalties"; Proposed Revision to the Enforcement Policy to Conform to the Final Rule Adjusting Civil Monetary Penalties and Minor Administrative Changes to Parts 1 and 13

The Commission approved a final rule, with the attached changes, amending [10 CFR 2.205](#) by adjusting the maximum civil penalty per violation under the Atomic Energy Act of 1954, as amended, from \$110,000 to \$120,000 and amending [10 CFR 13.3\(a\)\(1\)](#) and (b)(1) by adjusting the civil monetary penalty for violations of the Program Fraud Civil Remedies Act from \$5,500 to \$6,000. This final rule also makes a minor change to [10 CFR 1.23\(e\)](#) to reflect the long-standing OGC practice of only providing legal advice to NRC staff upon request on agency procurement matters. Finally, the rule amends [10 CFR 13.2](#) by revising the designation of NRC "Reviewing Official" for the purposes of the Program Fraud Civil Remedies Act.

Following incorporation of these changes, the Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO) (SECY Suspense: 10/20/00)

The Commission also approved publication of the revised Enforcement Policy in the Federal Register.

II. [SECY-00-0188](#) - Northeast Nuclear Energy Co. Indirect License Transfer of Millstone Licenses; Petition to Intervene

The Commission approved a Memorandum and Order responding to a petition filed by Connecticut Coalition Against Millstone and the Long Island Coalition Against Millstone seeking a hearing under [10 CFR Part 2](#), Subpart M, on an application for an indirect transfer of the operating licenses for the Millstone Nuclear Power Station, Units 1, 2, and 3, and a request for stay of the NRC staff's August 22 order approving the indirect transfer and for an independent investigation of the circumstances surrounding the staff's decision. The Memorandum and Order denies the petition for hearing, application for stay, and request for an independent investigation, and terminates the proceeding.

(Subsequently, on September 13, 2000, the Secretary signed the Memorandum and Order.)

III. [SECY-00-0189](#) - Northern States Power Company (Monticello Nuclear Generating Plant; Prairie Island Nuclear Generating Plant, Units 1 and 2; and Prairie Island Independent Spent Fuel Storage Installation); Petitioners 8/15/00 Motion for Reconsideration of CLI-00-14

The Commission approved a Memorandum and Order responding to a motion by the North American Water Office and Ms. Carol Overland for reconsideration of [CLI-00-14](#). The Memorandum and Order denies the motion for reconsideration.

(Subsequently, on September 13, 2000, the Secretary signed the Memorandum and Order.)

Attachment: [Changes to the Federal Register Notice in SECY-00-0179](#)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC
CIO
CFO
OCAA
OCA
OIG
OPA

Changes to the Federal Register Notice in SECY-00-0179

1. On page 6, paragraph VI, revise line 4 to read ' ... Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. No. 101-410, 104 stat. 890), as amended by the'
 2. On page 8, paragraph X, revise line 2 to read ' ... as defined in 10 CFR Chapter I ~~50-109(a)(1)~~ ; therefore, a backfit analysis'
 3. On page 9, 1st full paragraph, revise line 2 to read ' ... as amended, the Federal Civil Penalties Inflation Adjustment Act'
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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 these items were affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decisions. Commissioner Dicus, however, had previously indicated that she would approve these papers and had she been present she would have affirmed her prior votes.