

August 13, 2008

MEMORANDUM FOR: John F. Cordes, Director
Office of Commission Appellate Adjudication
FROM: Annette Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:30 P.M., WEDNESDAY, AUGUST 13, 2008,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-08-0091 – In The Matter of Pa'ina Hawaii, LLC, Materials License Application Commission *Sua Sponte* Review of Board Decision to Admit Contention on Potential Health Effects of Irradiated Foods

The Commission approved a Memorandum and Order taking *sua sponte* review of the NEPA legal question concerning the need for the NRC staff's Environmental Assessment (EA) to discuss the potential health impacts of consuming irradiated foods. The Memorandum and Order reverses the Atomic Safety and Licensing Board's admission of Concerned Citizens of Honolulu's contention on the need for a NEPA analysis of the potential impacts of increasing the supply of irradiated food.

(Subsequently, on August 13, 2008, the Secretary signed the Memorandum and Order.)

II. SECY-08-0109 – Dominion Nuclear Connecticut, Inc. (Millstone Power Station, Unit 3), Connecticut Coalition Against Millstone And Nancy Burton Appeal Of LBP-08-09

The Commission approved a Memorandum and Order responding to an appeal by the Connecticut Coalition Against Millstone (CCAM) and Nancy Burton of the Atomic Safety and Licensing Board's decision in LBP-08-09 to deny their request for hearing on a power uprate license amendment application for the Millstone Power Station, Unit 3. The Memorandum and Order affirms the Board's decision in LBP-08-09 and denies the appeal.

(Subsequently, on August 13, 2008, the Secretary signed the Memorandum and Order.)

III. Secy-08-0114 - U.S. Department of Energy (High Level Waste Repository) -- State of Nevada's Request For Extension of Time to File Request For Hearing -- SRM-SECY-08-0072

The Commission approved a Memorandum and Order responding to the State of Nevada's motion to the Commission for an extension of time to file a petition to intervene on the Department of Energy's (DOE) construction authorization application for a high-level waste repository at Yucca Mountain. The Memorandum and Order denies Nevada's request for a 180-day extension of time but grants a 30-day extension of time to Nevada and all other hearing petitioners. The Commission proposes to double the existing time permitted to file answers and replies, and is allowing any party or potential party participating in the ongoing PAPO matter to file comments on these proposed extensions no later than ten days from the date of this Order. In addition, the Commission proposes to revise certain Appendix D milestones applicable to the Presiding Officer in any proceeding on a geologic repository and requests that the Atomic Safety and Licensing Board Panel provide comments on the reasonableness of the current and proposed time frames no later than ten days from the date of this Order.

(Subsequently, on August 13, 2008, the Secretary signed the Memorandum and Order.)

cc: Chairman Klein
Commissioner Jaczko
Commissioner Lyons
Commissioner Svinicki
EDO
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR