

IN RESPONSE, PLEASE  
REFER TO: M060726

July 26, 2006

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:50 P.M.,  
WEDNESDAY, JULY 26, 2006, COMMISSIONERS'  
CONFERENCE ROOM, ONE WHITE FLINT NORTH,  
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-06-0140 - Pa'ina Hawaii, LLC, Unpublished April 27, 2006 Memorandum and Order (Accepting the Intervenor's and NRC Staff's Joint Stipulation Regarding Two Admitted Environmental Contentions)

The Commission approved a Memorandum and Order responding to an appeal and request for dismissal of the admitted contentions by the applicant, Pa'ina Hawaii, LLC. More specifically, Pa'ina's appeal challenges the Atomic Safety and Licensing Board's unpublished April 27, 2006 Order which accepted the Joint Stipulation of the intervenor Concerned Citizens of Honolulu and the NRC Staff regarding two environmental contentions. The Memorandum and Order denies both the applicant's appeal of the Board's April 27<sup>th</sup> Order and the applicant's request for dismissal of the admitted contentions.

(Subsequently, on July 26, 2006, the Secretary signed the Memorandum and Order.)

II. SECY-06-0147 - David Geisen, LBP-06-13 (May 19, 2006)

The Commission approved a Memorandum and Order responding to a petition by the NRC staff for interlocutory review of the Atomic Safety and Licensing Board Order LBP-06-13 which denied the staff's motion to hold this enforcement proceeding in abeyance pending outcome of a parallel criminal proceeding against Mr. David Geisen. The Memorandum and Order denies the staff's petition and affirms the Board's decision in LBP-06-13.

(Subsequently, on July 26, 2006, the Secretary signed the Memorandum and Order.)

III. SECY-06-0148 - Exelon Generation Company, LLC (Early Site Permit for Clinton ESP), System Energy Resources, Inc. (Early Site Permit for Grand Gulf ESP)

The Commission approved a Memorandum and Order responding to the NRC staff's petitions for review in two early site permit licensing proceedings. In both cases, the staff challenges an Atomic Safety and Licensing Board Order requiring the staff to produce certain written

documents. The Memorandum and Order grants the petition for review and directs the Board to modify its order to reflect the Commission's clarification of its expectations regarding the conduct of mandatory hearings.

(Subsequently, on July 26, 2006, the Secretary signed the Memorandum and Order.)

IV. SECY-06-0154 - Florida Power & Light Co., et al., Docket Nos. 50-250-LT, et al., International Brotherhood of Electrical Workers' "Petition to File Motion to Intervene and Protest Out-of-time" and "Motion for Hearing and Right to Intervene and Protest"

The Commission approved a Memorandum and Order responding to a petition by the International Brotherhood of Electrical Workers, Local 97 (the Union) to intervene and request for hearing in the subject license transfer applications. The Memorandum and Order denies the Union's hearing and intervention requests.

(Subsequently, on July 26, 2006, the Secretary signed the Memorandum and Order.)

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