

September 23, 2009

MEMORANDUM FOR: Brooke Poole, Director  
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:20 A.M.,  
WEDNESDAY, SEPTEMBER 23, 2009, COMMISSIONERS'  
CONFERENCE ROOM, ONE WHITE FLINT NORTH,  
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-09-0125 – South Texas Project Nuclear Operating Company (South Texas Project Units 3 and 4), Request for Extension of Time to File Appeal

The Commission<sup>1</sup> approved a Memorandum and Order addressing the request of applicant South Texas Project Nuclear Operating Company (STPNOC) to extend the time for filing an appeal, pursuant to 10 C.F.R. § 2.311(d), of the Board's decision in LBP-09-21, partially ruling on an intervention petition in this combined license proceeding. The Memorandum and Order denies STPNOC's request as unnecessary, because LBP-09-21 is not yet ripe for review

(Subsequently, on September 23, 2009, the Secretary signed the Memorandum and Order.)

II. SECY-09-0127 - Pa'ina Hawaii, LLC (Materials License Application) – Applicant's Motion to Transfer Case to the Commission

The Commission<sup>1</sup> approved a Memorandum and Order addressing the motion of applicant Pa'ina Hawaii, LLC (Pa'ina) to remove the proceeding from the Board and transfer the case to the Commission. The Order denies Pa'ina's request to transfer the case to the Commission.

(Subsequently, on September 23, 2009, the Secretary signed the Memorandum and Order.)

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<sup>1</sup> 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 Jaczko and Commissioner Svinicki were present in the Conference Room. Commissioner Klein participated in the meeting via speakerphone.

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