

January 7, 2010

MEMORANDUM FOR: Stephen G. Burns  
General Counsel

Brooke Poole, Director  
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 12:15 P.M.,  
THURSDAY, JANUARY 7, 2010, COMMISSIONERS'  
CONFERENCE ROOM, ONE WHITE FLINT NORTH,  
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-09-0117 – South Carolina Electric and Gas Co. and South Carolina Public Service Authority (also Referred to as Santee Cooper) (Virgil C. Summer Nuclear Station, Units 2 & 3), LBP-09-2 (Ruling on Standing and Contention Admissibility)

The Commission approved a Memorandum and Order responding to appeals by the Sierra Club and Friends of the Earth, petitioning jointly, and Mr. Joseph Wojcicki, petitioning individually, of the Atomic Safety and Licensing Board's decision in LBP-09-2 to reject their intervention petitions in this combined license proceeding. The Memorandum and Order affirms in part and reverses in part the Board's decision and remands the case to the Board for further proceedings. Chairman Jaczko dissented in part to the Memorandum and Order.

(Subsequently, on January 7, 2010, the Secretary signed the Memorandum and Order.)

II. SECY-09-0135 – Progress Energy Florida, Inc. (Combined License Application for Levy County Nuclear Power Plant, Units 1 and 2), LBP-09-10

The Commission approved a Memorandum and Order responding to an appeal by Progress Energy Florida, Inc. of the Atomic Safety and Licensing Board decision in LBP-09-10 to admit three contentions for hearing. The Memorandum and Order affirms the Board's ruling admitting Contention 4, as reformulated, and affirms in part and reverses in part the Board's decision to admit Contentions 7 and 8.

(Subsequently, on January 7, 2010, the Secretary signed the Memorandum and Order.)

III. SECY-09-0139 – Detroit Edison Co. (Fermi Power Plant Independent Spent Fuel Storage Installation), LBP-09-20 (Aug. 21, 2009), Docket No. 72-72-EA

The Commission approved a Memorandum and Order responding to a joint appeal filed by Beyond Nuclear and eight named individuals of the Atomic Safety and Licensing Board's decision in LBP-09-20, in which the Board found that no petitioner had demonstrated standing and terminated the proceeding. The Memorandum and Order affirms the Board's decision in LBP-09-20.

(Subsequently, on January 7, 2010, the Secretary signed the Memorandum and Order.)

IV. SECY-09-0141 – Draft Notice and Order for GE-Hitachi Global Laser Enrichment LLC

The Commission approved a Notice and Order responding to an application from GE-Hitachi Global Laser Enrichment LLC for a license to possess and use source, byproduct and special nuclear material and to enrich natural uranium to a maximum of 8 percent U-235 utilizing a laser-based isotope separation process. The Notice and Order provides a notice of hearing, guidance on issues, and a milestone schedule to be followed in the proceeding. Chairman Jaczko disapproved, in part, the Notice and Order.

(Subsequently, on January 7, 2010, the Secretary signed the Notice and Order.)

V. SECY-09-0142 – Southern Nuclear Operating Co. (Early Site Permit for Vogtle ESP Site), Docket No. 52-011-ESP, Petition for Review of LBP-09-7

The Commission approved a Memorandum and Order responding to a petition for review filed by Center for a Sustainable Coast, Savannah Riverkeeper, Southern Alliance for Clean Energy, Atlanta Women's Action for New Directions, and Blue Ridge Environmental Defense League (collectively, Joint Intervenors), of the Atomic Safety and Licensing Board's First Partial Initial Decision in the contested portion of this proceeding – LBP-09-7. The Memorandum and Order denies the petition for review.

(Subsequently, on January 7, 2010, the Secretary signed the Memorandum and Order.)

VI. SECY-09-0145 – Tennessee Valley Authority (Bellefonte Nuclear Power Plant Units 1 and 2) (Statutory Authority to Reinstate Construction Permits)

The Commission approved a Memorandum and Order responding to two contentions in a petition for hearing and intervention by the Blue Ridge Environmental Defense League (BREDL), its chapter the Bellefonte Efficiency and Sustainability Team (BEST), and the Southern Alliance for Clean Energy (SACE). The contentions claim that the Nuclear Regulatory Commission lacks the statutory authority under the Atomic Energy Act to reinstate TVA's construction permits for the Bellefonte Nuclear Power Plant Units 1 and 2 after TVA voluntarily surrendered these permits. The Memorandum and Order concludes that the Commission does have the statutory authority to reinstate the Bellefonte Construction Permits for Units 1 and 2. Accordingly, petitioners' Contentions 1 and 2 are denied and the remainder of the petition to intervene is referred to the Atomic Safety and Licensing Board Panel pursuant to 10 C.F.R. Part 2. Chairman Jaczko disapproved the Memorandum and Order.

(Subsequently, on January 7, 2010, the Secretary signed the Memorandum and Order.)

VII. SECY-09-0158 – PPL Bell Bend, LLC (Combined License Application for Bell Bend Nuclear Power Plant), LBP-09-18 (Ruling on Standing and Contention Admissibility)

The Commission approved a Memorandum and Order responding to an appeal by Mr. Eric Joseph Epstein of the Atomic Safety and Licensing Board's decision in LBP-09-18 to deny his petition to intervene and request for hearing in this combined license proceeding. The Memorandum and Order affirms the Board's decision to deny Mr. Epstein's petition for intervention in this proceeding.

(Subsequently, on January 7, 2010, the Secretary signed the Memorandum and Order.)

VIII. SECY-09-0171 – Shieldalloy Metallurgical Corp. (License Amendment Request for Decommissioning the Newfield Site), Shieldalloy's Amended Motion for Stay Pending Judicial Review of Commission Action Transferring Regulatory Authority Over Newfield, New Jersey Site to the State of New Jersey (Oct. 14, 2009)

The Commission approved a Memorandum and Order responding to a request by Shieldalloy Metallurgical Corp. for a stay pending judicial review of the transfer of regulatory authority over the Newfield, New Jersey site to the State of New Jersey. The Memorandum and Order denies Shieldalloy's request.

(Subsequently, on January 7, 2010, the Secretary signed the Memorandum and Order.)

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