

February 12, 2014

MEMORANDUM FOR: Andrew Averbach, Acting Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 3:00 P.M.,
WEDNESDAY, FEBRUARY 12, 2014, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-13-0098 – Crow Butte Resources, Inc. (Marsland Expansion Area). Appeal by NRC Staff and Crow Butte of LBP-13-6 (May 10, 2013)

The Commission (with Commissioner Svinicki dissenting in part) approved a Memorandum and Order responding to an appeal by the NRC Staff and the applicant, Crow Butte Resources, Inc., of the Atomic Safety and Licensing Board's decision in LBP-13-6 to grant the hearing request of the Oglala Sioux Tribe on Crow Butte's application to expand its *in situ* uranium recovery operation in Dawes County, Nebraska. The Memorandum and Order affirms the Board's decision that the Tribe demonstrated standing, as well as its decision to admit Contention 1 and 2.

(Subsequently, on February 12, 2014, the Secretary signed the Memorandum and Order.)

II. SECY-13-0120 – Tennessee Valley Authority (Sequoyah Nuclear Plant, Units 1 and 2), Tennessee Valley Authority's Appeal of LBP-13-8 (July 30, 2013) and Blue Ridge Environmental Defense League's Petition for Interlocutory Review of LBP-13-8 (July 30, 2013)

The Commission approved a Memorandum and Order responding to appeals of LBP-13-8 by the Tennessee Valley Authority and the Blue Ridge Environmental Defense League. The Memorandum and Order dismisses without prejudice the appeals of both parties as premature. The Order also includes guidance informing the litigants that the Commission intends to hold waste confidence contentions in abeyance until the issuance of a final waste confidence rule and generic environmental impact statement.

(Subsequently, on February 12, 2014, the Secretary signed the Memorandum and Order.)

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