

April 26, 2007

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 10:50 A.M., THURSDAY, APRIL 26, 2007,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN  
TO PUBLIC ATTENDANCE)

**I. SECY-07-0040 - Consumers Energy Company, et al. (Palisades Nuclear Plant); License Transfer Application**

The Commission<sup>(1)</sup> approved a Memorandum and Order pertaining to the application by Consumers Energy Company and other named entities for authorization to transfer, and for the amendment of, the NRC operating license associated with the Palisades plant and ISFSI. This initial Order defines the proceeding's scope and decides whether two groups<sup>(2)</sup> of petitioners to intervene have standing. The Memorandum and Order grants standing to Van Buren County and Covert Township and denies standing to the Michigan Environmental Council, the Public Interest Research Group in Michigan, Covert Public Schools, Van Buren County Intermediate School District, Van Buren County District Library, Lake Michigan College, and South Haven Hospital. In addition, the Memorandum and Order grants Van Buren County's and Covert Township's request for an extension of time to file revised contentions and access to the redacted material in the license transfer application, but denies their request for discovery. The Memorandum and Order also requires the appointment of a presiding officer and addresses several minor administrative matters. Commissioner Jaczko dissented in part from this Order.

(Subsequently, on April 26, 2007, the Secretary signed the Memorandum and Order.)

**II. SECY-07-0071 - Consumers Energy Co. (Big Rock Point ISFSI); License Transfer Application**

The Commission<sup>(3)</sup> approved a Memorandum and Order responding to a joint Request for Hearing and Petition to Intervene from The Nuclear Information and Resource Service, Don't Waste Michigan, and Mr. Victor McManemy. The Memorandum and Order denies the petitioners' Petition to Intervene and dismisses this adjudicatory proceeding.

(Subsequently, on April 26, 2007, the Secretary signed the Memorandum and Order.)

cc: cc: Chairman Klein  
Commissioner McGaffigan  
Commissioner Merrifield  
Commissioner Jaczko  
Commissioner Lyons  
EDO  
OGC  
CFO  
OCAA  
OCA

1. 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." Commissioner Lyons was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-1 in favor of the decision. Commissioner Lyons, however, had previously indicated that he would approve this item and had he been present he would have affirmed his prior vote.

2. Van Buren County, Covert Township, Covert Public Schools, Van Buren County Intermediate School District, Van Buren County District Library, Lake Michigan College, and South Haven Hospital (collectively "Local Units") and the Michigan Environmental Council and the Public Interest Research Group in Michigan (collectively "Environmental Petitioners").

3. 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." Commissioner Lyons was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Lyons, however, had previously indicated that he would approve this item and had he been present he would have affirmed his prior vote.