

March 17, 2008

MEMORANDUM FOR: Karen D. Cyr  
General Counsel  
John F. Cordes, Jr., Director  
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 12:55 P.M., MONDAY, MARCH 17, 2008,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

**I. SECY-07-0131 – Final Rule - 10 CFR Part 73 "Safeguards Information Protection Requirements" (RIN 3150 - AH57)**

The Commission approved a final rule amending the Safeguards Information (SGI) protection requirements in 10 CFR Part 73 and making conforming changes to other provisions of the regulations. The rule utilizes the flexibility of Section 147 of the Atomic Energy Act of 1954, as amended, including the amendments in the Energy Policy Act of 2005, regarding the protection of SGI. In addition, the rule reflects the practices of the Commission in various orders and advisories issued since September 11, 2001. The Commission has approved the publication and implementation of this final rule, subject to the comments and changes noted in the attachment.

Following incorporation of these changes, the **Federal Register** notice should be reviewed by the Rulemaking, Directives, and Editing Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspend: 4/18/08)

**II. SECY-07-0219 – Pa'ina Hawaii, LLC (Materials License Application)**

The Commission approved a Memorandum and Order addressing two questions that the Atomic Safety and Licensing Board certified to the Commission in the Pa'ina Hawaii, LLC Materials License Application proceeding. The Memorandum and Order addresses the Board's questions and rules that: (1) Contentions calling for an irradiator siting analysis are not barred as a matter of law, but must meet all contention admissibility standards, including having an adequately supported basis; and (2) there is no need at this phase of the proceeding to establish a "probability threshold" for irradiators.

(Subsequently, on March 17, 2008, the Secretary signed the Memorandum and Order.)

Attachment: [Comments and Changes to the Final Rule in SECY-07-0131](#) 

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