

March 27, 2008

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

FROM: Andrew L. Bates, Acting Secretary /RA/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M., THURSDAY, MARCH 27, 2008,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

**I. SECY-08-0021 – Pa'ina Hawaii, LLC (Materials License Application) Atomic Safety and Licensing Board's Decision on Environmental Contentions (Dec. 21, 2007)**

The Commission approved a Memorandum and Order taking *sua sponte* review of one legal issue in the Pa'ina Hawaii materials license application proceeding. The Memorandum and Order takes review of the question concerning NRC jurisdiction of the food safety issue and sets deadlines for initial and reply briefs.

(Subsequently, on March 27, 2008, the Acting Secretary signed the Memorandum and Order.)

**II. SECY-08-0025 - Pacific Gas and Electric Co. (Diablo Canyon ISFSI), Docket No. 72-26-ISFSI, San Luis Obispo Mothers for Peace's Response to NRC Staff's Vaughn Index, Request for Leave to Conduct Discovery Against the NRC Staff, Request for Access to Unredacted Reference Documents, and Request for Procedures to Protect Submission of Sensitive Information**

The Commission approved an Order responding to San Luis Obispo Mothers For Peace's (SLOMFP) response to the NRC staff's Vaughn index. The Order directs the previously-designated presiding officer to resolve the issues raised regarding Contention 1(b), and denies SLOMFP's request for reconsideration of the Commission's earlier decision to deny access to documents exempt from disclosure under FOIA. Commissioner Jaczko disagreed in part.

(Subsequently, on March 27, 2008, the Acting Secretary signed the Memorandum and Order.)

**III. SECY-08-0030 – Motion to Quash OI Subpoena Filed by Daryl Shapiro**

The Commission approved a Memorandum and Order responding to a Motion to Quash a subpoena issued by the Office of Investigations from Nuclear Fuel Services, Inc., and Mr. Daryl Shapiro, related to an investigation conducted in response to an allegation regarding the Nuclear Fuel Services facility. The Memorandum and Order denies the Motion to Quash.

(Subsequently, on March 27, 2008, the Acting Secretary signed the Memorandum and Order.)

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