

March 26, 2010

MEMORANDUM FOR: Brooke Poole, Director  
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 P.M.,  
FRIDAY, MARCH 26, 2010, COMMISSIONERS' CONFERENCE  
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-09-0147 – Entergy Nuclear Generation Company and Entergy Nuclear Operations, Inc. - (Pilgrim Nuclear Power Station) Review of LBP-07-13 (Ruling on Motion to Dismiss SAMA Contention)

The Commission<sup>1</sup> approved a Memorandum and Order responding to a petition for Review by Pilgrim Watch of the Atomic Safety and Licensing Board's decision in LBP-07-13 (among other Board decisions), which dismissed Contention 3. The Memorandum and Order grants review of the Board decision dismissing Contention 3, reverses in part the decision, and remands Contention 3, as limited by today's ruling, to the Board for hearing.

(Subsequently, on March 26, 2010, the Secretary signed the Memorandum and Order.)

II. SECY-10-0014 – Tennessee Valley Authority (Watts Bar Nuclear Plant, Unit 2), Notice of Appeal, and Brief on Appeal of LBP-09-26 by Sierra Club, Blue Ridge Environmental Defense League, Tennessee Environmental Council, and We The People, Inc. (Dec. 3, 2009)

The Commission<sup>1</sup> approved a Memorandum and Order responding to an appeal by the Sierra Club, Blue Ridge Environmental Defense League, Tennessee Environmental Council, and We the People, Inc. (collectively, Petitioners) of a Board decision in the *Watts Bar* operating license (OL) proceeding. The Memorandum and Order affirms the decision denying Petitioners' motion to permit late intervention, as well as their request for hearing.

(Subsequently, on March 26, 2010, the Secretary signed the Memorandum and Order.)

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<sup>1</sup> 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." Chairman Jaczko and Commissioners Klein were present in the Conference Room. Commissioner Svinicki participated in the meeting via speakerphone.

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