

September 29, 2010

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 12:55 P.M.,
WEDNESDAY, SEPTEMBER 29, 2010, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-10-0065 – South Texas Project Nuclear Operating Co. NRC Staff Notice of Appeal, Brief on Appeal, and Request for Stay of LBP-10-2, Order (Rulings on the Admissibility of New Contentions and on Intervenors' Challenge to Staff Denial of Documentary Access)

The Commission¹ approved a Memorandum and Order responding to an NRC staff appeal and request for stay of LBP-10-2. The Memorandum and Order reverses the Board's ruling regarding access to draft ISG-016, remands the matter to the Board for further proceedings, and denies the staff's stay application as moot.

(Subsequently, on September 29, 2010, the Secretary signed the Memorandum and Order.)

II. SECY-10-0071 – Luminant Generation Company LLC (Comanche Peak Nuclear Power Plant, Units 3 and 4), NRC Staff Notice of Appeal, Brief on Appeal, and Request for Stay of Sections IV And V.B of LBP-10-5, Order (Ruling on Intervenors' Access to ISG-016) (Mar. 22, 2010)

The Commission¹ approved a Memorandum and Order responding to an NRC staff appeal and request for stay of LBP-10-5. The Memorandum and Order reverses the Board's ruling regarding access to draft ISG-016, remands the matter to the Board for further proceedings, and denies the staff's stay application as moot. Chairman Jaczko dissented in part.

(Subsequently, on September 29, 2010, the Secretary signed the Memorandum and Order.)

¹ Commissioner Magwood did not participate in this matter.

III. SECY-10-0087 – Tennessee Valley Authority (Bellefonte Nuclear Plant, Units 1 and 2), LBP-10-7 (Apr. 2, 2010), Docket Nos. 50-438-CP & 50-439-CP

The Commission approved a Memorandum and Order responding to an appeal by the Southern Alliance for Clean Energy, the Blue Ridge Environmental Defense League (BREDL), and BREDL's Bellefonte Efficiency and Sustainability Team chapter (together, Petitioners) of LBP-10-7, as well as Petitioners' motion for additional time in which to file the appeal. The Memorandum and Order denies Petitioners' motion for extension of time and dismisses their appeal.

(Subsequently, on September 29, 2010, the Secretary signed the Memorandum and Order.)

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