

August 22, 2008

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:35 A.M.,
FRIDAY, AUGUST 22, 2008, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)¹

I. SECY-08-0081 – Entergy Nuclear Operations, Inc. (Pilgrim Nuclear Power Station),
Application for Order Approving Indirect Transfer of Control of Licenses (Filed July 30,
2007)

The Commission approved a Memorandum and Order responding to two petitions to intervene in Entergy Nuclear Operations' Application for Approval of the indirect transfer of control of licenses for the Pilgrim, Palisades, FitzPatrick, Vermont Yankee, Indian Point, and Big Rock Point facilities. Petitions were submitted by Union Locals 369 and 590 of the Utility Workers of America, AFL-CIO, representing workers at the Pilgrim Nuclear Power Station and by Westchester Citizen's Awareness Network (WestCAN), Rockland County Conservation Association (RCCA), Promoting Health and Sustainable Energy (PHASE), Sierra Club – North East Chapter (Sierra Club), and State Representative Richard Brodsky, representing the Indian Point Nuclear Generating Units. Subsequently, Union Local 369 withdrew from the proceeding. The Memorandum and Order denies the petitions to intervene and their associated requests and terminates this adjudication. Commissioner Jaczko disapproved the Order in part.

(Subsequently, on August 22, 2008, the Secretary signed the Memorandum and Order.)

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." Commissioners Jaczko and Svinicki were present in the Conference Room. Chairman Klein and Commissioner Lyons participated in the meeting via speakerphone.

II. SECY-08-0087 – U.S. Department of Energy (High Level Waste Repository) – Petitions of the State of Nevada and Dr. Jacob Paz to Reject the Department of Energy's (DOE) Application to Construct a Geologic Repository at Yucca Mountain, Nevada

The Commission approved a Memorandum and Order responding to petitions by the State of Nevada and Dr. Jacob Paz requesting that the Commission reject DOE's license application seeking authorization to construct a geologic repository at Yucca Mountain, Nevada. The Memorandum and Order rejects the petitions without prejudice to the petitioners' right to pursue identical claims as proposed contentions if and when the application is docketed and a notice of hearing issues. Commissioner Jaczko voted to approve the Memorandum and Order, but would have provided the staff with guidance not to docket DOE's Yucca Mountain application until the Environmental Protection Agency issues its final rule regarding radiation protection standards at the proposed facility.

(Subsequently, on August 22, 2008, the Secretary signed the Memorandum and Order.)

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