

September 9, 2011

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:30 A.M.,
FRIDAY, SEPTEMBER 9, 2011, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-11-0082 – Petitions Requesting Relief Related to the March 11, 2011, Earthquake and Tsunami Events in Fukushima, Japan

The Commission approved a Memorandum and Order responding to a series of petitions received in the aftermath of the Great East Japan Earthquake and tsunami of March 11, 2011, and the subsequent events at the Fukushima Dai-ichi Nuclear Power Plant. The petitions requested, among other things, the suspension of various licensing and rulemaking decisions and adjudicatory proceedings. The Memorandum and Order grants in part, and denies in part, the requests for relief. Commissioner Apostolakis' approval does not pertain to the *Pilgrim* and *Indian Point* license renewal proceedings, in which he is not participating.

(Subsequently, on September 9, 2011, the Secretary signed the Memorandum and Order.)

II. SECY-11-0090 – Nuclear Innovation North America LLC (South Texas Project, Units 3 and 4), Staff Petition for Review of LBP-11-7

The Commission approved a Memorandum and Order responding to a petition for review of LBP-11-7 by the NRC Staff. The Memorandum and Order denies the NRC Staff's petition for review as premature.

(Subsequently, on September 9, 2011, the Secretary signed the Memorandum and Order.)

III. SECY-10-0102 – U.S. Department of Energy (High-Level Waste Repository), Review of LBP-10-11, Docket No. 63-001-HLW

The Commission approved a Memorandum and Order on the question whether the Commission should review, and reverse or uphold, the Construction Authorization Board's decision denying the Department of Energy's motion to withdraw its construction authorization application. The Memorandum and Order states that the Commission was evenly divided on whether to take the affirmative action of overturning or upholding the Board's decision and directs the Board to complete all necessary and appropriate case management activities, including disposal of all

matters pending before it, by the end of the fiscal year. Commissioner Apostolakis did not participate in this matter.

(Subsequently, on September 9, 2011, 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