

August 17, 2004

MEMORANDUM FOR: Luis A. Reyes
Executive Director for Operations

John F. Cordes, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M.,
TUESDAY, AUGUST 17, 2004, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-04-0105 - Private Fuel Storage (Independent Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI

The Commission approved a Memorandum and Order responding to CLI-04-04, which granted review under 10 CFR 2.786 of the Board's decision not to admit for adjudication three of Utah's proposed contentions known as "Utah U," "Utah CC," and "Utah SS." The Memorandum and Order affirms the Board's rulings related to these contentions.

(Subsequently, on August 17, 2004, the Secretary signed the Memorandum and Order.)

II. SECY-04-0127 - Final Rule: Medical Use of Byproduct Material - Minor Amendments:
Extending Expiration Date For Subpart J of Part 35

The Commission approved a final rule amending 10 CFR Part 35, "Medical Use of Byproduct Material," to extend the expiration date for Subpart J by one year moving it from October 24, 2004 to October 24, 2005. The staff should forward the Federal Register notice via the Rules Review and Directives Branch in the Office of Administration and to the Office of the Secretary for signature and publication.

(EDO)

(SECY Suspense:

9/3/04)

III. SECY-04-0142 - FirstEnergy Nuclear Operating Co. (Davis-besse Nuclear Power
Station, Unit 1); Petitioners' Appeal of LBP-04-11

The Commission approved a Memorandum and Order responding to Michael Keegan, Joanne DiRando, Paul Gunter of the Nuclear Information and Resource Service, and Donna Lueke's (collectively, "the Petitioners") appeal of the Licensing Board's denial of the Petitioners' request for a hearing. This proceeding arose from a challenge to a confirmatory order modifying the

operating license of FirstEnergy Nuclear Operating Company for the Davis-Besse Nuclear Power Station, Unit 1. The Memorandum and Order affirms the Board's decision to deny the Petitioners' hearing request.

(Subsequently, on August 17, 2004, the Secretary signed the Memorandum and Order.)

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR