REVISED
IN RESPONSE, PLEASE
REFER TO: M040520B

May 24, 2004

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

Karen D. Cyr
General Counsel

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 3:30 P.M., THURSDAY, MAY 20, 2004, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-04-0075 - NUCLEAR FUEL SERVICES, INC. (ERWIN, TENNESSEE); APPEAL OF LBP-04-05, THE PRESIDING OFFICER'S RULING ON HEARING REQUESTS

The Commission approved a Memorandum and Order which resolves the procedural question to treat the Helms-Hughes motion as an appeal under 10 CFR § 2.1205(o) and, on the merits, affirms the Presiding Officer's decision to deny Helms-Hughes standing in this proceeding.

(Subsequently, on May 20, 2004, the Secretary signed the Memorandum and Order.)

II. SECY-04-0079 - HYDRO RESOURCES, INC. (RIO RANCHO, NEW MEXICO) PETITIONS FOR REVIEW OF LBP-04-03 (FINANCIAL ASSURANCE)

The Commission approved a Memorandum and Order which grants the petitions for review of LBP-04-03 filed by Hydro Resources, Inc. and intervenors Eastern Navajo Dine Against Mining (ENDAUM) and the Southwest Research and Information Center.

(Subsequently, on May 20, 2004, the Secretary signed the Memorandum and Order.)

III. SECY-04-0082 - LOUISIANA ENERGY SERVICES, L.P. (NATIONAL ENRICHMENT CENTER)

The Commission approved a Memorandum and Order which: 1) acknowledges that none of the requests for hearing and petition to intervene in this case involves environmental justice issues; and 2) finds that the petitioners, Nuclear Information and Resource Service (NIRS) and Public Citizen, have established organizational standing to intervene and refers the petitioners' hearing request to the Atomic Safety and Licensing Board for further appropriate action.

(Subsequently, on May 20, 2004, the Secretary signed the Memorandum and Order.)

IV. SECY-04-0069 - FINAL RULE TO AMEND 10 CFR PART 2, SUBPART J, IN REGARD TO THE LICENSING SUPPORT NETWORK

The Commission approved a final rule, subject to the attached changes, amending 10 CFR Part 2 to change the U. S. Nuclear Regulatory Commission's Rules of Practice applicable to the use of the Licensing Support Network (LSN) for the licensing proceeding on the disposal of high-level waste (HLW) at a geologic repository. The amendments addressed five aspects of the current rules:

1) The requirements and standards for a party's submissions to the electronic docket for the HLW licensing proceeding (technical standards);

2) Those provisions that result in the loading of duplicate documents on individual participant LSN document collection servers (duplication);

3) Those provisions related to the continuing obligation of LSN participants to update their documentary material (updating documentary material);

4) The provisions related to my determination that the DOE license application is electronically accessible (docketing); and

5) The provisions on material that may be excluded from the LSN (exclusions).

Following incorporation of these changes, the Federal Register notice should be reviewed by the Rules Review and Directives Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

(OGC) (SECY Suspense: 6/25/04)

Attachment: Changes to the Final Rule in SECY-04-0069

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

Attachment

Changes to the Final Rule in SECY-04-0069

The staff should make the following changes to the *Federal Register* notice:

1. Page 8, penultimate line, delete “s” at end of “results”

2. Page 9, line 9, delete comma after “2004"

3. Page 9, line 11, delete semicolon after “2004"

4. Page 16, sixth line under Response section, change “will” to “should”

5. Page 24, *Docketing* section, delete from, “The final revisions will not change ...” to “... all or part of the license application as evidence”, or clarify, as necessary, the discussion of modifications concerning the Secretary’s determination of the electronic accessibility of the application in connection with docketing.

6. Page 24, penultimate line, change “specify” to “clarify”

7. Page 49, section (e), should read, “Each potential party, interested governmental participant or party shall continue to supplement its documentary material made available to other participants via the LSN, with any additional material created after ...”