

IN RESPONSE, PLEASE
REFER TO: M050118

January 18, 2005

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:55 A.M.,
TUESDAY, JANUARY 18, 2005, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-05-0004 - System Energy Resources Inc. (Early Site Permit for Grand Gulf Nuclear Site) Docket No. 52-0009 Appeal by NAACP-Claiborne Co. Mississippi Branch, Nuclear Informaiton Service, Public Citizen and Mississippi Chapter of Sierra Club from LBP-04-19

The Commission approved a Memorandum and Order responding to an appeal of the Licensing Board's decision in LBP-04-19 by the National Association for the Advancement of Colored People (Claiborne County, Mississippi Branch), Nuclear Information and Resource service, Public Citizen, and Mississippi Chapter of the Sierra Club (collectively, "petitioners"). The petitioners challenge one Board ruling only - its rejection of an "environmental justice" claim. The Memorandum and Order affirms the Board's ruling in LBP-04-19.

(Subsequently, on January 18, 2005, the Secretary signed the Memorandum and Order.)

II. SECY-05-0011 - Louisiana Energy Services, L.P. (National Enrichment Facility) DOE "Plausible Strategy for Disposal" -- Status of Depleted Uranium as Low-level Waste

The Commission approved a Memorandum and Order responding to CLI-04-25 in which the Commission accepted for review the issue of whether depleted uranium from a uranium enrichment facility appropriately may be categorized as a "low-level radioactive waste," for purposes of determining a plausible strategy for waste disposal. The Memorandum and Order concludes that depleted uranium is properly considered a low-level radioactive waste. The Commission therefore reverses the admission to this proceeding of the portion of the intervenors' plausible strategy contention that challenges the categorization of depleted uranium as low level waste for purposes of the DOE disposal option.

(Subsequently, on January 18, 2005, the Secretary signed the Memorandum and Order.)

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