

April 3, 2006

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 3:55 P.M.,
MONDAY, APRIL 3, 2006, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)¹

I. SECY-06-0044 - USEC Inc. (American Centrifuge Plant); Geoffrey Sea Appeal of LBP-05-28

The Commission approved a Memorandum and Order responding to an appeal from petitioner Geoffrey Sea of LBP-05-28 and his motion for leave to file a reply brief. The Memorandum and Order affirms the Board's decision that Mr. Sea's contentions are inadmissible and grants, in part, his motion for leave to reply.

(Subsequently, on April 3, 2006, the Secretary signed the Memorandum and Order.)

II. SECY-06-0057 - USEC, Inc. (American Centrifuge Plant) Appeal of LBP-05-28 by Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS)

The Commission approved a Memorandum and Order responding to an appeal from Portsmouth/Piketon Residents for Environmental Safety and Security (PRESS) of LBP-05-28. The Memorandum and Order affirms the Board's decision that found PRESS's contentions inadmissible.

(Subsequently, on April 3, 2006, 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." Chairman Diaz and Commissioners McGaffigan, Merrifield, and Jaczko were present in the Conference Room. Commissioner Lyons participated in the meeting via speakerphone.

III. SECY-06-0061 - Hydro Resources, Inc. – Petition for Review of Partial Initial Decision on Phase II Cultural Resource Challenges

The Commission approved a Memorandum and Order responding to a petition for review of LBP-05-26, from Eastern Navajo Diné Against Uranium Mining, Southwest Research and Information Center, Grace Sam, and Marilyn Morris of a partial Initial Decision on Phase II Cultural Resource Challenges to the *in situ* leach uranium mining license granted to Hydro Resources, Inc. The Memorandum and Order denies the petition, declining review of the Presiding Officer's decision.

(Subsequently, on April 3, 2006, the Secretary signed the Memorandum and Order.)

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