

June 2, 2006

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 3:30 P.M.,
FRIDAY, JUNE 2, 2006, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)¹

I. SECY-06-0116 - Louisiana Energy Services, L.P. (National Enrichment Facility)
Intervenors' Petition for Review of LBP-06-08 and LBP-06-09

The Commission approved a Memorandum and Order responding to a petition for review filed by intervenors Nuclear Information and Resource Service and Public Citizen of the Atomic Safety and Licensing Board decisions in LBP-06-08 and LBP-06-09. At issue is the adequacy of the NRC staff's analysis, under the National Environmental Policy Act, of the impacts of disposing of depleted uranium associated with the proposed National Enrichment Facility. The Memorandum and Order affirms the Board decisions in LBP-06-08 and LBP-06-09.

(Subsequently, on June 2, 2006, the Secretary signed the Memorandum and Order.)

II. SECY-06-0120 - Andrew Siemaszko, Docket No. IA-05-021, Unpublished Licensing
Board Order (Dec. 22, 2005)

The Commission approved a Memorandum and Order responding to an appeal by the NRC staff of the unpublished Licensing Board Order dated December 22, 2005 in which the Board granted discretionary intervention to the petitioners, Union of Concerned Scientists and Ohio Citizen Action. The Memorandum and Order vacates the "discretionary intervention" portion of the Board's December 22, 2005 order, remands the discretionary intervention issue to the Board, and directs the Board to reconsider the issue in light of the views expressed in today's decision. Commissioner Jaczko has offered a separate dissenting opinion.

(Subsequently, on June 2, 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." Commissioners McGaffigan, Jaczko and Lyons were present in the Conference Room. Chairman Diaz and Commissioner Merrifield participated in the meeting via speakerphone.

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