

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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Nuclear Information and Resource Service and  
Public Citizen,  
Petitioners,

-against-

Petition for Review

U.S. Nuclear Regulatory Commission and  
the United States of America,  
Respondents.

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**PETITION ON BEHALF OF  
NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC CITIZEN  
FOR REVIEW OF ACTION OF THE NUCLEAR REGULATORY COMMISSION**

The Petitioners herein are Nuclear Information and Resource Service and Public Citizen (collectively, "NIRS/PC"). Petitioners hereby petition the Court for review pursuant to the Hobbs Act, 28 U.S.C. Sec. 2341 *et seq.*, of the order of the Nuclear Regulatory Commission issued on August 17, 2006, specifically, the Memorandum and Order (No. CLI-06-22), issued to resolve safety-related matters in a proceeding to issue a license under the Atomic Energy Act, 42 U.S.C. Sec. 2011 *et seq.* The license, issued on June 23, 2006, authorizes the construction and operation of a uranium enrichment plant by the applicant, Louisiana Energy Services, L.P. ("LES"). Respondent is the U.S. Nuclear Regulatory Commission (the "Commission" or "NRC"). In addition, under 28 U.S.C. Sec. 2344, the United States is also a Respondent. (See Fed. R. App. P. 15(a)(2)(B)).

Petitioners have filed with this Court a petition for review dated August 14, 2006, within the statutory time period to seek judicial review of the issuance of the license. See 28 U.S.C. Sec. 2344. That review proceeding embraces various orders underlying the license. The present petition seeks review of a later order that resolves certain issues that had been determined by the Atomic Safety and Licensing Board, but were on petition for review by the Commission, at the time of the August 14, 2006 petition for review. It is suggested that the Court may wish to consolidate the present petition for review with the August 14, 2006 petition for review.

1. Order under review: The agency order under review is a Memorandum and Order of the Commission (No. CLI-06-22) addressing safety-related issues concerning a license issued by the NRC under the Atomic Energy Act of 1954 to LES, authorizing the construction and operation of a uranium enrichment plant. A copy of the order is attached hereto.

2. Venue is based upon 28 USC Sec. 2343, under which statute venue is proper in this Court.

3. Relief is sought on the grounds that the order under review is arbitrary and capricious, an abuse of discretion, and contrary to the terms of the Atomic Energy Act, 42 USC Sec. 2011 *et seq.*, the National Environmental Policy Act, 42 USC Sec 4321 *et seq.*, the Administrative Procedure Act, 5 USC Sec. 701 *et seq.*, and regulations issued pursuant to those statutes.

4. Petitioners seek an order from this Court, vacating the order and the license which it authorizes and remanding this proceeding to the NRC.

Pursuant to Rule 15(d), Fed. R. App. P., sufficient additional copies of this Petition for Review are included to enable the Clerk to serve each Respondent.

Respectfully submitted,



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August 30, 2006

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**PETITIONERS' CORPORATE DISCLOSURE STATEMENT  
ON BEHALF OF  
NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC CITIZEN**

Pursuant to Rule 26.1, Fed. R. App. P., Petitioners certify that Petitioners Nuclear Information and Resource Service ("NIRS") and Public Citizen ("PC") are non-profit corporations. Neither NIRS nor PC has any parent company or any subsidiary or affiliate that has issued shares to the public.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure, the undersigned attorney of record certifies that on August 30, 2006, the foregoing Petition for Review was served by first class mail upon the following:

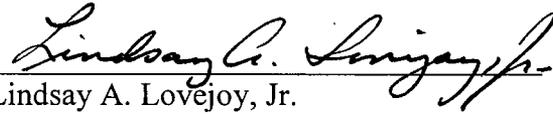
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