

January 27, 2009

MEMORANDUM FOR: Brooke Poole, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:25 P.M.,
TUESDAY, JANUARY 27, 2009, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-08-0160 – Shieldalloy Metallurgical Corporation (License Amendment Request for Decommissioning of the Newfield, New Jersey Facility)

The Commission¹ approved a Memorandum and Order responding to the Atomic Safety and Licensing Board Panel's June 2, 2008 Memorandum (LBP-08-08) which brought particular concerns to the Commission's attention.

Commissioner Jaczko in his written vote disapproved the Memorandum and Order, and separately offered a dissenting opinion.

(Subsequently, on January 27, 2009, the Secretary signed the Memorandum and Order.)

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

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." Commissioner Jaczko was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision.