

IN RESPONSE, PLEASE
REFER TO: M090204A

February 4, 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.,
WEDNESDAY, FEBRUARY 4, 2009, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-08-0123 – Shaw Areva MOX Services (Mixed Oxide Fuel Fabrication Facility: Possession and Use License), LBP-08-11 (June 27, 2008)

The Commission approved a Memorandum and Order responding to a request from the NRC Staff for interlocutory review of a portion of the Atomic Safety and Licensing Board's June 27, 2008 Memorandum and Order (LBP-08-11). The Memorandum and Order grants the NRC Staff's request for interlocutory appeal, affirms the Board's dismissal of Contention 7, (although without prejudice to resubmission consistent with the terms of this decision), and reverses the Board's imposition of conditions and a potential sanction.

(Subsequently, on February 4, 2009, the Secretary signed the Memorandum and Order.)

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