

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