

No. 06-1301
No. 06-1310
consolidated

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

NUCLEAR INFORMATION AND RESOURCE SERVICE and PUBLIC
CITIZEN,
Petitioners,

-against-

UNITED STATES NUCLEAR REGULATORY COMMISSION and the UNITED
STATES OF AMERICA,
Respondents

LOUISIANA ENERGY SERVICES, L.P.
Intervenor.

On Petition for Review of an Order of the
United States Nuclear Regulatory Commission

BRIEF FOR PETITIONERS

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April 2, 2007

**CERTIFICATE OF COUNSEL FOR
NUCLEAR INFORMATION AND RESOURCE SERVICE AND PUBLIC
CITIZEN PURSUANT TO CIRCUIT RULE 28(a)(1)**

Pursuant to Circuit Rule 28(a)(1), counsel for petitioners Nuclear Information and Resource Service and Public Citizen (collectively, “NIRS/PC”) make the following certificate as to parties, rulings, and related cases:

(A) Parties and Amici: The parties who have appeared in the proceedings before the Nuclear Regulatory Commission (the “Commission”) or in this Court are as follows:

1. Louisiana Energy Services, L.P., the applicant before the Commission, intervenor herein.
2. Nuclear Information and Resource Service, intervenor before the Commission, petitioner herein.
3. Public Citizen, intervenor before the Commission, petitioner herein.
4. New Mexico Environment Department, intervenor before the Commission.
5. New Mexico Attorney General’s Office, intervenor before the Commission.
6. The Commission appeared by its Staff counsel in the agency proceedings and is a respondent herein.

7. The United States is a respondent herein.

(B)Rulings under review: The rulings under review are those that underlie the license issued by the Commission on June 23, 2006, including:

1. The Commission's decision on review of the rulings of the Board concerning environmental issues, CLI-05-28 (Nov. 21, 2005),
2. The Commission's decision on review of the rulings of the Board concerning environmental impacts of disposal of depleted uranium and on summary disposition cross-motions, CLI-06-15 (June 2, 2006),
3. The Commission's decision by the Board in its Final Partial Initial Decision (Mandatory Hearing/Uncontested Issues), LBP-06-17 (June 23, 2006), and
4. The Commission's decision on review of rulings of the Board concerning safety-related issues, CLI-06-22 (Aug. 17, 2006).

(C)Related cases: This case has not previously come before this Court. Two petitions for review concerning the licensing proceeding in issue are pending before this Court under docket Nos. 06-1301 and 06-1310 and were consolidated by order of this Court dated October 27, 2006.

Respectfully submitted,

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PETITIONERS' CORPORATE DISCLOSURE STATEMENT

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.

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GLOSSARY

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| AEA: | Atomic Energy Act |
| APA: | Administrative Procedure Act |
| Board: | Atomic Safety and Licensing Board |
| Commission: | Nuclear Regulatory Commission |
| DOE: | U.S. Department of Energy |
| DRC: | Utah Division of Radiological Control |
| Envirocare: | Envirocare of Utah |
| FFCL: | Findings of fact and conclusions of law |
| Final Decision | Board Decision LBP-06-17, 63 N.R.C. 747 (June 23, 2006) |
| First Decision: | Board Decision LBP-05-13 (June 8, 2005) |
| GTCC: | Greater than Class C LLW |
| LES: | Louisiana Energy Services, L.P. |
| LLW: | Low-level radioactive waste |
| NEF: | National Enrichment Facility |
| NEPA: | National Environmental Policy Act |
| NRC: | Nuclear Regulatory Commission |
| NTS: | Nevada Test Site |
| PEIS: | Programmatic Environmental Impact Statement |
| Second Decision: | Board Decision LBP-06-08 (March 3, 2006) |

Third Decision: Board Decision LBP-06-15 (May 31, 2006)

WCS: Waste Control Specialists

§3113: Sec. 3113 of the USEC Privatization Act, 42 U.S.C. §2297h-11