

IN RESPONSE, PLEASE  
REFER TO: M050105

January 5, 2005

MEMORANDUM FOR: Karen D. Cyr  
General Counsel

John F. Cordes, Director  
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 2:00 P.M.,  
WEDNESDAY, JANUARY 5, 2005, COMMISSIONERS'  
CONFERENCE ROOM, ONE WHITE FLINT NORTH,  
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-04-0184 - Private Fuel Storage (Independent Spent Fuel Storage Installation);  
Docket No. 72-22-ISFSI, Unpublished Licensing Board Order Issued March 31, 2004,  
and CLI-04-10

The Commission approved a Memorandum and Order responding to Petitions for Review from Private Fuel Storage and the State of Utah. These Petitions challenge the Licensing Board's March 31, 2004 Order addressing issues of redaction of information from four previous Board orders and from the administrative record. The Petitions for Review also present similar arguments on the issue of what portions of CLI-04-10 (March 10, 2004) should be redacted prior to that Order's release to the public.

The Commission Memorandum and Order affirms in part and reverses in part the Board's March 31st Order and rules on the disclosure or redaction of various kinds of information in the record and in the Board's and Commission decisions. The Memorandum and Order further directs the Board and parties to follow specific procedures set forth in the Memorandum and Order regarding preparation of redacted versions of the Board's five orders dated January 5, 2004, March 31, 2004, and May 27, 2003, and likewise regarding preparation of redacted versions of this Memorandum and Order, CLI-04-10, and CLI-04-27.

(Subsequently, on January 5, 2005, the Secretary signed the Memorandum and Order.)

II. SECY-04-0234 - Duke Energy Corp. (Catawba Nuclear Station, Units 1 and 2);  
Unpublished Board Order (Dec. 17, 2004)

The Commission approved a Memorandum and Order responding to a Motion from the NRC Staff for Interlocutory Review of the Licensing Board's December 17<sup>th</sup> order amending a Protective Order. The Memorandum and Order denies the NRC Staff's Motion.

(Subsequently, on January 5, 2005, the Secretary signed the Memorandum and Order.)

III. SECY-05-0002 - Motion by Rene Chun for "Clarification and Amendment" of CLI-04-34

The Commission approved an Order responding to a Motion for Clarification and Amendment of CLI-04-34 filed by Mr. Chun. The Order denies the Motion but accepts the Declaration filed by Mr. Chun as satisfying the requirements established by the Commission.

(Subsequently, on January 5, 2005, the Secretary signed the Order.)

cc: Chairman Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
EDO  
DOC  
OGC  
CFO  
OCAA  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR