

November 21, 2005

MEMORANDUM FOR: John F. Cordes, Director  
Office of Commission Appellate Adjudication  
FROM: Annette L. Vietti-Cook, Secretary /RA/  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:25 A.M., MONDAY, NOVEMBER 21, 2005,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

**I. SECY-05-0205 - U.S. Department of Energy (High Level Waste Repository: Pre-application Matters); NRC Staff Request for Stay of LBP-05-27**

The Commission approved a Memorandum and Order responding to the NRC staff request for a stay of the Licensing Board's ruling in LBP-05-27 requiring the Department of Energy (DOE) to make available on the Licensing Support Network two drafts of DOE's license application for a high-level waste repository at Yucca Mountain. The Memorandum and Order denies the stay. Commissioner Jaczko did not participate in this matter.

(Subsequently, on November 21, 2005, the Secretary signed the Memorandum and Order.)

**II. SECY-05-0206 - Louisiana Energy Services, L.P. (National Enrichment Facility) Remaining Claims in Petition for Review of LBP-05-13 (Environmental Contentions)**

The Commission approved a Memorandum and Order responding to a petition from intervenors Nuclear Information and Resource Service (NIRS) and Public Citizen (PC) which alleges seven Licensing Board errors. In CLI-05-21, the Commission addressed one of those alleged errors (regarding waste disposal impacts) and remanded an environmental contention on disposal impacts to the Board. The Memorandum and Order denies review of the pending issues raised in the intervenor's petition for review of LBP-05-13.

(Subsequently, on November 21, 2005, the Secretary signed the Memorandum and Order.)

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