

February 2, 2006

MEMORANDUM FOR: John F. Cordes, Director  
Office of Commission Appellate Adjudication  
FROM: Andrew L. Bates, Acting Secretary */RA/*  
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 1:25 P.M., THURSDAY, FEBRUARY 2, 2006,  
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO  
PUBLIC ATTENDANCE)

**I. SECY-05-0231 - U.S. Department of Energy (High-level Waste Repository: Pre-Application Matters); NRC Staff and DOE Appeals of LBP-05-27**

The Commission approved a Memorandum and Order responding to appeals by the NRC staff and the Department of Energy (DOE) of the Pre-License Application Presiding Officer Board ruling in LBP-05-27 which granted the State of Nevada's motion to compel production of DOE's July 2004 draft license application (as well as a September 2004 revision to that document). The Commission Memorandum and Order holds that DOE's draft license application is not Class 1, Class 2, or Class 3 "documentary material" under our regulations and therefore reverses the Board's decision in LBP-05-27. Commissioner Jaczko did not participate in this item.

(Subsequently, on February 2, 2006, the Secretary signed the Memorandum and Order.)

**II. SECY-06-0011 - Nuclear Management Company, LLC (Monticello Nuclear Generating Plant)**

The Commission approved a Memorandum and Order responding to an appeal by the North American Water Office (NAWO) of the Atomic Safety and Licensing Board's ruling on standing and admissibility in LBP-05-31 which denied NAWO's petition to intervene in the license renewal proceeding for the Monticello Nuclear Generating Plant. The Memorandum and Order rejects NAWO's appeal and affirms the Board's decision in LBP-05-31.

(Subsequently, on February 2, 2006, the Secretary signed the Memorandum and Order.)

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