April 23, 2010

MEMORANDUM FOR: Brooke Poole, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:30 A.M.,
FRIDAY, APRIL 23, 2010, COMMISSIONERS' CONFERENCE
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND
(OPEN TO PUBLIC ATTENDANCE)

I.   SECY-10-0051 – *U.S. Department of Energy* (High-Level Waste Repository), Docket No.
63-001-HLW; U.S. Department of Energy's Petition for Interlocutory Review

The Commission[1] has approved a memorandum and order responding to the U.S. Department
of Energy's petition for interlocutory review of the Construction Authorization Board's decision to
suspend briefing and consideration of DOE's motion to withdraw its request for authorization to
construct a high-level waste repository at Yucca Mountain, Nevada. The memorandum and
order vacates the Board's Suspension Order and remands the matter to the Board for prompt
resolution of DOE's motion to withdraw. The Board is directed to establish a briefing schedule
on DOE's motion to withdraw and to issue a decision on that motion no later than June 1, 2010.
 The Board also is directed to continue case management activities, and to resolve all remaining
issues promptly.

(Subsequently, on April 23, 2010, the Secretary signed the Memorandum and Order.)

Attachment:
As stated

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis

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[1]   Section 201 of the Energy Reorganization Section 201 of the Energy Reorganization
Act,   42 U.S.C. Section 5841, provides that action of the Commission shall be determined by
a   "majority vote of the members present." Chairman Jaczko, and Commissioners Svinicki,
and Ostendorff were present in the Conference Room. Commissioner Magwood
participated in the meeting via speakerphone. Commissioner Apostolakis did not
participate in this order because he had not yet taken the oath of office.

Commissioner Magwood
Commissioner Ostendorff
EDO
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR