

March 16, 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., WEDNESDAY, MARCH 16, 2005,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

I. SECY-05-0036 - Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22-ISFSI

The Commission¹ approved an Order responding to the State of Utah's challenges to Private Fuel Storage's (PFS) proposed redactions to CLI-04-10, CLI-04-27, and CLI-05-01. The Order (i) rejects Utah's challenges to four of PFS's proposed redactions, (ii) approves all of PFS's proposed redactions, (iii) instructs SECY to release to the public the redacted versions of the three prior Commission Orders, and (iv) further instructs SECY to release this Order but not its proprietary appendix.

(Subsequently, on March 16, 2005, the Secretary signed the Order.)

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

¹ 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 Diaz was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Chairman Diaz, however, had previously indicated that he would approve this paper and had he been present he would have affirmed his prior vote.