

IN RESPONSE, PLEASE
REFER TO: M050722

July 22, 2005

MEMORANDUM FOR: John F. Cordes, Director
Office of Commission Appellate Adjudication

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:00
A.M., FRIDAY, JULY 22, 2005, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-05-0115 - Private Fuel Storage (Independent Spent Fuel Storage Installation)
Docket No. 72-22-ISFSI; Unpublished Board Order (April 25, 2005)

The Commission¹ approved a Memorandum and Order responding to the State of Utah's petition for discretionary Commission review of the Licensing Board's April 25, 2005 unpublished Memorandum and Order. The Board had approved many of Private Fuel Storage's ("PFS") proposed redactions of passages in the Board's prior "financial assurance" and "decommissioning funding assurance" decisions and also many of PFS's proposed redactions of associated documents in the administrative record. The Memorandum and Order denies Utah's petition and affirms the Board's Order except insofar as it pertains to the five instances specified by PFS where the information is already in the public domain.

(Subsequently, on July 22, 2005, the Secretary signed the Memorandum and Order.)

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." Commissioner Merrifield was not present when this item was affirmed. Accordingly the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Merrifield, however, had previously indicated that he would approve this Memorandum and Order and had he been present he would have affirmed his prior vote.

cc: Chairman Diaz
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
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