IN RESPONSE, PLEASE
REFER TO: M050909

September 9, 2005

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

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:00 A.M., FRIDAY, SEPTEMBER 9, 2005, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-05-0157 - Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22-ISFSI; Review of Utah Contention K (Aircraft Crash Hazards) Rulings

The Commission[1] approved a Memorandum and Order responding to the State of Utah's petition for review of a series of Licensing Board orders concerning the hazard from a potential aircraft crash into Private Fuel Storage's (PFS) proposed Independent Spent Fuel Storage Installation (ISFSI). The Memorandum and Order denies the petition for review and authorizes the NRC staff to issue a license to construct and operate the PFS facility.

Commissioner Jaczko joined in the Commission's decision to the extent the decision addresses the issues raised by the State of Utah, but dissented on issuance of the license to construct and operate the PFS facility at this time.

(Subsequently, on September 9, 2005, the Secretary signed the Memorandum and Order.)

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[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 and Commissioners Jaczko and Lyons were present in the Conference Room. Commissioner Merrifield participated in the meeting via speakerphone.

cc: Chairman Diaz
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
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