

February 14, 2001

MEMORANDUM John F. Cordes, Director
FOR: Office of Commission Appellate Adjudication
FROM: Annette L. Vietti-Cook, Secretary /RA/
SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 10:25 A.M., WEDNESDAY, FEBRUARY 14, 2001,
COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO
PUBLIC ATTENDANCE)

**I. SECY-01-0022 - Private Fuel Storage (Independent Spent Fuel Storage Installation) Docket No. 72-22;
Certified Review of LBP-01-03**

The Commission⁽¹⁾ approved an Order responding to the Atomic Safety and Licensing Board's request for Commission review of whether the applicant's (Private Fuel Storage, L.L.C.) request for exemption from the agency's seismic hazards regulations should be adjudicated and the Board's referral of the decision that Utah's exemption related issues would be admissible were it to entertain Utah's exemption challenge. The Commission approved the Order which grants review and sets the case for briefing.

(Subsequently, on February 14, 2001, the Secretary signed the Memorandum and Order.)

cc: Chairman Meserve
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
EDO
OGC
CIO
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance

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