

July 23, 1999

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

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 2:00 P.M.,  
FRIDAY, JULY 23, 1999, COMMISSIONERS' CONFERENCE  
ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-99-155 - Hydro Resources, Inc. - Commission Decision on Intervenors' Petitions for Review of Four Partial Initial Decisions (LBP-99-01) (LBP-99-09) (LBP-99-10) & (LBP-99-13)

The Commission<sup>1</sup> approved a Memorandum and Order partially affirming the decisions in LBP-99-01, LBP-99-09, and LBP-99-10. The Commission will address the bifurcation issue in a later decision. The Memorandum and Order also requested that parties submit briefs on LBP-99-13. After reviewing the briefs, the Commission will consider whether to hold oral argument.

(Subsequently, on July 23, 1999, the Secretary signed the Memorandum and Order.)

II. SECY-99-172 - Local 29 Petition to Intervene with Regard Beaver Valley Power Station License Transfer Application

The Commission<sup>1</sup> approved a Memorandum and Order denying a petition to intervene filed by Local 29, International Brotherhood of Electrical Workers with regards to a proposed transfer of interests in the Beaver Valley Power Station from Duquesne Light Company to FirstEnergy Corporation. The Local 29's petition will be treated as a set of comments on the license transfer application pursuant to 10 CFR Section 2.1305.

(Subsequently, on July 23, 1999, the Secretary signed the Memorandum and Order.)

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<sup>1</sup> 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 3-0 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.

cc: Chairman Dicus  
Commissioner Diaz  
Commissioner McGaffigan  
Commissioner Merrifield  
EDO  
OGC  
CIO  
CFO  
OCAA  
OCA  
OIG  
OPA  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR - Advance  
DCS - P1-17