

IN RESPONSE, PLEASE
REFER TO: M990406

April 6, 1999

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

FROM: Annette Vietti-Cook, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 11:30
A.M., TUESDAY, APRIL 6, 1999, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-99-095 - Hydro Resources, Inc. (HRI) - ENDAUM's and SRIC's Petition for Interlocutory Review of Presiding Officer's Order Concerning Radioactive Air Emissions (March 18, 1999) (LBP-99-15)

The Commission¹ approved a Memorandum and Order which denied the intervenors' (Eastern Navajo Diné Against Uranium Mining (ENDAUM) and Southwest Research and Information Center (SRIC)) petition for Commission interlocutory review of the Presiding Officer's Memorandum and Order (Questions Concerning Radioactive Air Emissions) (LBP-99-15) issued on March 18, 1999, and reaffirmed on March 23 in response to a motion for reconsideration.

(Subsequently, on April 6, 1999, the Secretary signed the 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." Commissioners Diaz, McGaffigan, and Merrifield were present in the Conference Room. Chairman Jackson participated in the meeting via speakerphone. Commissioner Dicus was not present when this item was affirmed. Accordingly the formal vote of the Commission was 4-0 in favor of the decision. Commissioner Dicus, however, had previously indicated that she would approve this paper and had she been present she would have affirmed her prior vote.

cc: Chairman Jackson
Commissioner 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