

IN RESPONSE, PLEASE  
REFER TO: M931021

October 22, 1993

MEMORANDUM FOR: William C. Parler  
General Counsel

FROM: Samuel J. Chilk, Secretary \s\

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION  
AND VOTE, 11:30 A.M., THURSDAY, OCTOBER 21,  
1993, COMMISSIONERS' CONFERENCE ROOM, ONE  
WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN  
TO PUBLIC ATTENDANCE)

I. SECY-93-281 - Motion by Five Star Products and Construction  
Products Research to Quash a Subpoena Issued by the Office of  
Investigations

The Commission, by a 4-0\* vote, approved an order responding to a motion to quash a subpoena issued by the Office of Investigations. The order denied the motion to quash and established a new enforcement date for the subpoena of November 1, 1993.

(Subsequently, on October 21, 1993, the Secretary signed the Order.)

cc: The Chairman  
Commissioner Rogers  
Commissioner Remick  
Commissioner de Planque  
EDO  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)  
PDR - Advance  
DCS - P1-24

---

\* Section 201 of the Energy Reorganization Act, 42 U.S.C. §5841, provides that action of the Commission shall be determined by a "majority vote of the members present." Commissioner Remick was not present when this item was affirmed. Accordingly, the formal vote of the Commission was 3-0 in favor of the decision. Commissioner Remick, however, had previously indicated that he

would approve this paper and had he been present he would have affirmed his prior vote.