

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 Commission<sup>(1)</sup> 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.)

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

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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." 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.