

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⁽¹⁾ 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⁽²⁾ 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.)

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

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 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.

2. 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.