

B-0369

From: Darrell Roberts ~~FT~~
To: Stacey Rosenberg (E:)
Date: 10/12/01 8:52AM
Subject: CRDMs

Stacey,

In light of yesterday's meeting with FirstEnergy, in which they made some pretty compelling points, I have a couple of questions (well, maybe more than a couple):

1) are we encouraging the dialogue between that utility and the staff in efforts to resolve the noted discrepancies between their assumptions and ours before we take an action? (i.e., are we going to consider their plant-specific analysis that suggests they can remain at power through their refueling outage in March).

2) among the other four or more plants subject to this order are there any that can make similar compelling arguments that suggest we may not have afforded them an opportunity ("due process") to make the case that shutting down before 12/31/01 may be unsupported and extreme?

2) there still seems to be some confusion about the process in terms of how the Commission will be involved in this order (i.e., Notation Vote, Negative Consent vote, Same-Day Enforcement Notification?). Is this an order that the Office of Enforcement issues or is it the Program Office, or both?

2) The staff's plans were pretty aggressive as of last week's briefing (i.e., briefing CRGR this wk, possibly issuing the order next week). I know they are still having discussions with some utilities. Have any of those utilities acquiesced? Or are they pursuing the same path that FirstEnergy is? What is the staff's current timeline?

Thanks,
Darrell

CC: Joseph Shea; Michael Tschitz

~~Predecisional~~

OCIO-045