

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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AFFIRMATION SESSION

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PUBLIC MEETING

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Nuclear Regulatory Commission  
Commission Hearing Room  
11555 Rockville Pike  
Rockville, Maryland

Friday, September 24, 1999

The Commission met in open session, pursuant to notice, at 11:30 a.m.,  
Greta Joy Dicus, Chairman, presiding.

COMMISSIONERS PRESENT:

GRETA J. DICUS, Chairman of the Commission

EDWARD MCGAFFIGAN, JR., Member of the Commission

JEFFREY S. MERRIFIELD, Member of the Commission

STAFF AND PRESENTERS SEATED AT THE COMMISSION TABLE:

ANNETTE L. VIETTI-COOK, Secretary

KAREN D. CYR, General Counsel

## DISCLAIMER

This is an unofficial transcript of a meeting of the United States Nuclear Regulatory Commission on September 24, 1999 in the Commission's office at One White Flint North, Rockville, Maryland. The meeting was open to public attendance and observation. This transcript has not been reviewed, corrected or edited, and it may contain inaccuracies.

The transcript is intended solely for general information purposes. As provided by 10 CFR 9.103, it is not part of the formal or informal record of decision of the matters discussed. Expressions of opinion in this transcript do not necessarily reflect final determination or beliefs. No pleading or other paper may be filed with the Commission in any proceeding as the result of, or addressed to, any statement or argument contained herein, except as the Commission may authorize.

[11:30 a.m.]

## PROCEEDINGS

CHAIRMAN DICUS: Good morning ladies and gentlemen. This is an affirmation session and we have one item to come before us this morning. Before I ask the Secretary to lead us through the item for affirmation, do any of my colleagues have any opening comments that they would like to make?

COMMISSIONER MERRIFIELD: No.

CHAIRMAN DICUS: Okay. Then, Madam Secretary, you may proceed.

MS. VIETTI-COOK: The Commission is being asked to act on a Memorandum and Order responding to Local 29's petition in the case of FirstEnergy Nuclear Operating Company, et al. (Beaver Valley Power Station, Units 1 and 2). Local 29 seeks (1) waiver of the time limit for submitting comments, (2) a request that FirstEnergy demonstrate its ability to operate Beaver Valley safely despite the layoffs, and (3) such hearings or other proceedings as may be necessary to ensure the safe operation of the facility if the application is granted. The Commission has voted to approve a Memorandum and Order which treats Local 29's request in an administrative rather than an adjudicatory context, waives the deadline and refers the supplemental comments to the staff with instructions to consider expeditiously whether they call into question the FirstEnergy's ability to operate the plant safely. Regarding the request for "hearing or other proceedings," the order rules that the staff's review is sufficient to, in Local 29's words, "ensure the safe operation of Beaver Valley" and that Local 29 has not shown what would be gained from holding a parallel adjudication. Would you

please affirm your vote?

CHAIRMAN DICUS: Aye.

COMMISSIONER MCGAFFIGAN: Aye.

COMMISSIONER MERRIFIELD: Aye.

CHAIRMAN DICUS: Is there anything else to come before us today

Madam Secretary?

MS. VIETTI-COOK: No.

CHAIRMAN DICUS: All right, therefore we stand adjourned.

[Whereupon, at 11:35 a.m., the affirmation session was adjourned.]

## CERTIFICATE

This is to certify that the attached description of a meeting of the U.S. Nuclear  
Regulatory Commission entitled:

TITLE OF MEETING: Affirmation Session  
(PUBLIC MEETING)

PLACE OF MEETING: Rockville, Maryland

DATE OF MEETING: September 24, 1999

was held as herein appears, is a true and accurate record of the meeting, and that this  
is the original transcript thereof taken stenographically by me, thereafter reduced to  
typewriting by me or under the direction of the court reporting company.

Transcriber: *Debra K. Wigh*

Reporter: (TAPE RECORDING)