

September 24, 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., FRIDAY, SEPTEMBER 24, 1999, COMMISSIONERS' CONFERENCE ROOM, ONE WHITE FLINT NORTH, ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-99-236 - FirstEnergy Nuclear Operating Co., et Al. (Beaver Valley Power Station, Units 1 and 2), Docket Nos. 50-334-LT and 50-412-LT, Local 29's Petition to Waive Time Limits in 10 CFR 2.1305 and Supplemental Comments

The Commission⁽¹⁾ approved 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 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.

(Subsequently, on September 24, 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.