

September 8, 2000

Mr. David Lochbaum  
Nuclear Safety Engineer  
Union of concerned Scientists  
1707 H Street NW, Suite 600  
Washington, DC 20006-3919

SUBJECT: STATUS OF SEPTEMBER 21, 2000 MEETING WITH FIRST ENERGY -  
RE: EA 99-012

Dear Mr. Lochbaum:

I am responding to your letter of August 30, 2000, in which you expressed concern that the NRC was going to engage in a closed meeting on September 21, 2000, with FirstEnergy to discuss a negotiated settlement per 10 CFR 2.203. Your letter indicates that you were told the meeting would not be open to the public.

If the information you received originated from any miscommunication on the part of the NRC staff, we regret the misinformation. This was never intended to be a closed meeting and it is not to negotiate a settlement pursuant to 10 CFR 2.203. The meeting is simply based on an invitation we extended FirstEnergy in our July 26, 2000, letter which informed the licensee that we would not engage in the use of Alternative Dispute Resolution to resolve this enforcement action. In that letter, we indicated that we intended to proceed with issuance of an Order Imposing the Civil Penalty in this case. We offered that we were prepared to meet with FirstEnergy before they made a formal request for a hearing to discuss the process for the resolution of enforcement matters through the hearing process. Subsequently, the NRC issued the Order Imposing the Civil Penalty on August 3, 2000.

The formal Meeting Notice for the September 21, 2000, meeting was generated by my staff on August 29, 2000 and approved by me on August 31, 2000. The notice states that only the process going forward is to be discussed and not any specifics pertinent to the case.

We invite you to call this office anytime you receive information about an enforcement related meeting which appears to be in conflict with either agency policy or more generally, public interest.

Sincerely,

/RA/James G. Luehman acting for

R. W. Borchardt, Director  
Office of Enforcement.

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