

Scott J. Rubin

Attorney • Consultant

3 Lost Creek Drive • Selinsgrove, PA 17870 • (570)743-2233 • Fax: (570)743-8145 • sjrubin@ptd.net

RECEIVED
JUN 7 1999

99 JUN -7 P2 134

June 3, 1999

OFFICE OF THE SECRETARY
U.S. NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001
ADJUDICATIONS

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Re: In the Matter of FirstEnergy Nuclear Operating
Company, Pennsylvania Power Company, and
Duquesne Light Company (Beaver Valley Power
Station, Units 1 & 2)
Docket Nos. 50-334 & 50-412

Dear Sir or Madam:

Enclosed for filing please find the Petition to Intervene of Local 29, International Brotherhood of Electrical Workers, in the above-referenced proceeding.

Copies have been served upon the applicants and the General Counsel, as required by 10 CFR § 2.1313 and as shown on the attached certificate of service.

In addition, I have enclosed an extra copy of the petition that I would appreciate having time-stamped and returned in the enclosed envelope.

Please let me know if you have any questions or require additional information about this filing. Thank you for your cooperation.

Sincerely,


Scott J. Rubin

Enclosure

cc: Parties of record

20531

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

DOCKETED
15126

'99 JUN -7 P3:35

In the Matter of :
FirstEnergy Nuclear Operating Company, : Docket Nos.
Pennsylvania Power Company, and : 50-334 & 50-412
Duquesne Light Company :
(Beaver Valley Power Station, Units 1 & 2) :

PETITION TO INTERVENE
OF
LOCAL 29, INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS

Pursuant to Part 2, Subpart M of the regulations of the Nuclear Regulatory Commission ("Commission"), 10 CFR §§ 2.1300, *et seq.*, Local 29, International Brotherhood of Electrical Workers ("Local 29"), files this Petition to Intervene in this proceeding. In support of this Petition, Local 29 states as follows:

1. The petitioner is:

Timothy Moran, Business Manager
Local 29, IBEW
986 Greentree Road
Pittsburgh, PA 15220
Telephone: (412) 922-6969
Fax: (412) 922-5649

2. Local 29 will be represented in this case by its attorney:

Scott J. Rubin
3 Lost Creek Drive
Selinsgrove, PA 17870
Telephone: (570) 743-2233
Fax: (570) 743-8145
e-mail: sjrubin@ptd.net

3. Local 29 is the authorized bargaining representative for the unionized employees of Duquesne Light Company (“DLC”), including several hundred of the employees at the Beaver Valley Power Station, units 1 and 2 (“BVPS”).

4. This proceeding concerns the proposed transfer of the ownership and operation of BVPS from DLC to subsidiaries of FirstEnergy Corporation (“FirstEnergy”).

Specifically, the applicants propose to transfer DLC’s ownership interest in BVPS to FirstEnergy subsidiary Pennsylvania Power Company (“Penn Power”) and the operations of BVPS to FirstEnergy subsidiary FirstEnergy Nuclear Operating Corporation (“FENOC”).

5. As of the date of this Petition to Intervene, FENOC has not indicated how it will determine staff levels for BVPS, how many current employees of DLC at BVPS will continue to be employed at the station under FENOC, or whether the number of employees and the experience levels of those employees will be sufficient to ensure the safe operation of BVPS.

6. In particular, the Application that was filed in this proceeding fails to state with any specificity whether and how the operations of BVPS will change under new ownership and what impact that will have on the safe operations of BVPS. For example, the application states:

- a) There “will be no *significant* change in the day-to-day operations of BVPS1&2” (page 1, emphasis added)
- b) “*substantially* all of DLC’s nuclear employees at the site will become FENOC employees as soon as administratively feasible. Thus, the plant staff will be *essentially* unchanged.” (page 10, emphasis added)

- c) “the nuclear organization of DLC will be *substantially* preserved with the only *immediate* change being that the position of senior nuclear executive ... will be held by a current FENOC executive.” (page 11, emphasis added)
- d) “This organizational approach allows transfer of DLC personnel to FENOC with *minimal* organizational changes and no *anticipated* disruption to the existing, dedicated site organization.” (page 12, emphasis added)
- e) “FENOC *anticipates* that it will be able to assume all of the current functions of the existing QA organization by assigning qualified FENOC personnel or contractor personnel, i.e., DLC personnel (under contract) or other qualified contractors, to each of the positions named in the current Quality Assurance Plan (or equivalent positions).” (pages 23-24, emphasis added)

7. It appears from these statements, and numerous others in the application, that FENOC does not currently have a definite plan for ensuring that key functions at BVPS are staffed with experienced, qualified personnel. Rather, the statements that appear in the application are conclusory statements, filled with qualifiers (“anticipates,” “substantially,” “significant”). Such statements, without any backup or supporting information, fall far short of providing assurances – to either the Commission, the public, or the current employees at BVPS – that the plant will be operated safely and staffed with experienced, qualified personnel.

8. The agreement between DLC and FirstEnergy, the Nuclear Generation Conveyance Agreement attached to the application as Attachment C, only requires that FENOC make staffing decisions at BVPS at least 120 days prior to closing. Attachment C, section 6.11.¹ The agreement also indicates an understanding by FENOC and DLC that employee morale, and thus the safety of plant operations, might be adversely affected in the period between the signing of the agreement and closing. Attachment C, section 6.20.

9. Local 29 seeks to intervene in this proceeding to ensure that the Commission fully considers the impact on the safety of plant operations of the staffing decisions that are made by FENOC. Further, Local 29 urges the Commission to ensure that FENOC's staffing decisions are made before the Commission makes any decision concerning the proposed license transfer. The Commission's evaluation of the safety of plant operations should be made based on the actual staffing commitments of FENOC and the actual experience of those who will be operating the station.

10. Local 29 also seeks to intervene in this proceeding to ensure that the interests of its members (including hundreds of employees at BVPS as well as numerous other people who live and work in close proximity to BVPS) are fully represented in this proceeding. Those interests include the ability to live and work in or near a nuclear generating station that is operated safely by experienced, qualified personnel.

¹ The Nuclear Generation Conveyance Agreement refers to Locals 140, 142, 144, 147, 148, and 149. Those local unions have since amalgamated into a single local union, which is Local 29.

WHEREFORE, Local 29, IBEW, respectfully petitions to intervene in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott J. Rubin". The signature is fluid and cursive, with the first and last names being more prominent.

Scott J. Rubin, Esq.
3 Lost Creek Drive
Selinsgrove, PA 17870
(570) 743-2233
Fax: (570) 743-8145
sjrubin@ptd.net

Counsel for:
Local 29, IBEW

Dated: June 3, 1999

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

'99 JUN -7 P3:34

In the Matter of :
FirstEnergy Nuclear Operating Company, : Docket Nos.
Pennsylvania Power Company, and : 50-334 & 50-412
Duquesne Light Company :
(Beaver Valley Power Station, Units 1 & 2) :

ONE
ADJ
JUN 7 1999

CERTIFICATE OF SERVICE

In accordance with the requirements of 10 CFR § 2.1313, I hereby certify that I have this day served a copy of the Petition to Intervene of Local 29, International Brotherhood of Electrical Workers, by first class mail on the following:

Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

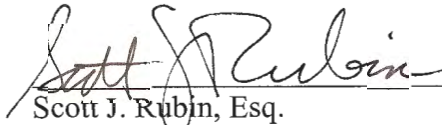
General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mary E. O'Reilly
FirstEnergy
76 South Main Street
Akron, OH 44308

Roy P. Lessy
Akin, Gump, Strauss, Hauer & Feld, LLP
1333 New Hampshire Ave., NW, Suite 400
Washington, DC 20036

Larry R. Crayne
Assistant General Counsel
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219

John E. Matthews
Morgan Lewis & Bockius LLP
1800 M Street, NW
Washington, DC 20036-5869



Scott J. Rubin, Esq.

Counsel for:
Local 29, IBEW

Dated: June 3, 1999