

UNITED STATES OF AMERICA
BEFORE THE
NUCLEAR REGULATORY COMMISSION

DOCK

'99 SEP 17 P2:46

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 WAIVE TIME LIMITS IN 10 CFR § 2.1305
AND SUPPLEMENTAL COMMENTS
OF
LOCAL 29, INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS

Pursuant to 10 CFR § 2.1329, Local 29, International Brotherhood of Electrical Workers ("Local 29"), files this Petition to seek permission to file Supplemental Comments in this proceeding. In addition, this pleading contains those Supplemental Comments, so that there will be no further delay associated with the grant of this petition. In support of this Petition, Local 29 states as follows:

1. Local 29 filed a Petition to Intervene in this case on June 3, 1999. By Memorandum and Order dated July 23, 1999, the Commission denied Local 29's petition and treated Local 29's pleading as comments under 10 CFR § 2.1305.
2. Local 29's Petition to Intervene highlighted its concern with the applicants' failure to state in their application how Beaver Valley 1 and 2 will be staffed, and their failure to demonstrate that the plant will be staffed at a level that is sufficient to ensure its safe operation.

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3. In their responses to Local 29's Petition to Intervene, the applicants argued that Local 29 had not provided a specific statement of harm and did not identify any specific safety-related issues.

4. Local 29 responded to these assertions in its Reply of June 23, 1999. There, Local 29 again highlighted the application's complete lack of information (other than unsupported, conclusory statements) about staffing and stated: "Indeed, Local 29 would like nothing better than to be able to review a specific plan for staffing the plant. If such a plan is made available, Local 29 will review it and indicate to the Commission whether it raises any concerns about the safe operation of Beaver Valley. However, until such a plan is made available, it is not possible for Local 29 to provide a more specific statement of issues to the Commission." Reply of Local 29 at 6.

5. On September 2, 1999, FirstEnergy Nuclear Operating Company ("FENOC") provided Local 29 with proposed staffing levels for Beaver Valley 1 and 2, a copy of which is attached hereto as Exhibit A. Local 29 has had an opportunity to review the proposed staffing levels and can now provide specific comments to the Commission about the safety implications of FENOC's proposal.

6. Local 29, therefore, is hereby asking the Commission to waive the time limit in 10 CFR § 2.1305 that requires comments to be filed within 30 days of the filing of the application. As Local 29 has noted previously, the application did not contain any specific information about staffing levels which made it impossible to provide specific comments about the implications of such staffing levels. Local 29 is now able to provide such comments and is doing so in considerably less than 30 days from the date that such information was provided to Local 29 by FENOC.

7. Local 29 does not believe that the applicants will be prejudiced if the Commission grants this petition. Indeed, the timing of the release of the staffing information was solely within the control of the applicants. They could have provided such information to Local 29 and the Commission with their original application, but they chose not to do so. The applicants should not be permitted to claim that they are prejudiced by a delay that is caused by their own actions.

Moreover, applicants have stated that they do not intend to transfer ownership of the plant until December 2, 1999, at the earliest. Therefore, the Commission still has time to consider Local 29's supplemental comments without unnecessarily delaying the transfer of the plant.

8. FENOC is proposing to eliminate the jobs of 134 members of Local 29 who currently work at Beaver Valley 1 and 2, as is shown in Exhibit A.¹ This represents approximately 25% of the union work force at the facility.

9. There are serious implications for the safe operation of Beaver Valley 1 and 2 for layoffs of the magnitude that FENOC is proposing. In particular, Local 29 notes the following serious safety concerns with FENOC's proposal:

- a) FENOC is proposing to eliminate 11 out of 36 Electrical Technicians. The people who perform this function are responsible for inspecting, testing, and maintaining the electrical systems at the facility. These include all circuit breakers (including reactor trip breakers), transformers, batteries, backup electrical systems, and other critical systems. Local 29 does not

¹ To the best of Local 29's knowledge, FENOC has not yet announced its proposed staffing levels for non-union employees at Beaver Valley 1 and 2.

believe that FENOC will be able to properly and adequately maintain these electrical systems if 30% of these positions are eliminated.

- b) FENOC is proposing to eliminate 18 out of 30 House & Yard Laborers. The people who perform this function also serve as part of outage crews. Local 29 does not believe that FENOC will be able to perform outage-related tasks in a timely fashion if 60% of these positions are eliminated.
- c) FENOC is proposing to eliminate 20 out of 39 Mechanical Technicians. The people who perform this function are responsible for performing all mechanical maintenance at the facility. At the present time, Mechanical Technicians staff the plant on a 24-hour per day, 7-day per week basis, so that the safe and reliable operation of the facility's mechanical equipment can be ensured. At the present time, this position is understaffed, as evidenced by a current backlog of nearly 1000 maintenance work requests. Local 29 does not believe that FENOC will be able to perform this work in a timely and reliable fashion if nearly 50% of these positions are eliminated.
- d) FENOC is proposing to eliminate 9 out of 49 Instrument & Control Technicians. The people who perform this function do instrument and control calibration work at the facility and off-site (e.g., off-site radiation monitors) on a daily basis. The accurate and timely calibration of this equipment is essential to ensure that the facility remains in compliance with this Commission's permit and regulatory requirements, and that the control room equipment is providing the operators with accurate

information. Local 29 does not believe that FENOC will be able to perform this work in a timely and reliable fashion if these positions are eliminated.

- e) FENOC is proposing to eliminate 6 out of 48 Radiation Technicians. The people who perform this function monitor radiation levels, including dosimetry for each worker at the site, both within the facility and off-site. Local 29 does not believe that FENOC will be able to perform this work in a timely and reliable fashion if these positions are eliminated.
- f) FENOC is proposing to eliminate 8 out of 8 Stockmen. The people who perform this function are responsible for handling Q.C. material, x-raying material entering the facility, escorting drivers who are making deliveries, and other safety-related tasks. The people who hold this position also are licensed crane operators, forklift operators, and hold commercial drivers' licenses with hazardous materials ratings. Local 29 does not believe that FENOC will be able to ensure the safe and timely receipt, delivery, and storage of safety-related material and equipment if 100% of these positions are eliminated.
- g) FENOC is proposing to eliminate numerous document-related clerical positions at the facility, including 3 Design Technicians, 2 Drawing & Records Clerks, 7 File & Records Clerks, 1 Mimeographic & Reprographics Clerk, and 17 Publishing Technicians. These people are responsible for ensuring the accuracy of all plant records, procedures, and drawings; the timely retrieval of those records, procedures, and drawings;

as well as the provision of supporting documentation for reports that are filed with this Commission. Local 29 does not believe that FENOC will be able to ensure the timely and accurate updating and retrieval of documents if these positions are eliminated.

- h) FENOC is proposing to eliminate 2 out of 5 Chemical Analysts. These people are responsible for performing all chemical analyses at the facility. The five people who are currently employed in this position are currently over-worked and have difficulty handling all of the work in this area. In order to perform this critically important work in a timely and reliable manner, FENOC should be adding to the number of people performing this work, not reducing their numbers by 40%. Local 29 does not believe that FENOC will be able to ensure the timely and accurate performance of chemical analyses at the facility if these positions are eliminated.
- i) The dramatic reductions proposed by FENOC will result in increases in the amount of overtime for all remaining employees. Many employees are currently reaching the maximum level of overtime permitted, particularly during outages (this is due, at least in part, to the more than 50 union positions that are currently vacant at Beaver Valley, all of which will be eliminated by FENOC). Local 29 does not believe that FENOC will be able to ensure the timely and safe performance of all outage-related work while remaining in compliance with this Commission's requirements for the maximum level of overtime that may be worked on a weekly basis by employees at the facility.

10. In summary, Local 29 has identified 104 of the positions that FENOC proposes to eliminate as being directly related to the safe operation of Beaver Valley 1 and 2. Local 29 does not believe that it is possible for FENOC to safely operate the facility if these positions are eliminated.

WHEREFORE, Local 29, IBEW, respectfully requests the Nuclear Regulatory Commission (1) to waive the time limit in 10 CFR § 2.1305 and permit Local 29 to file these Supplemental Comments; (2) to require FirstEnergy Nuclear Operating Company to demonstrate its ability to safely operate Beaver Valley 1 and 2, in light of the dramatic level of layoffs proposed in safety-related positions; and (3) to hold such hearings or other proceedings as may be necessary to ensure the safe operation of Beaver Valley 1 and 2 if the application is granted.

Respectfully submitted,



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Counsel for:
Local 29, IBEW

Dated: September 16, 1999

FENOC / BVPS IBEW STAFFING REQUIREMENTS

| Job Title | Sup.Chal | Commun. | OPS. | ENGR. SERV. | ADMIN. SERV. | CHEM. | RADCON. | CONSTR. | MAINT. | FIN TEAM | CURRENT STAFF LEVEL | REDUCTION FROM ETIREMEN | REDUCTION FROM LAYOFF | FINAL STAFF LEVEL |
|---------------------------|----------|---------|------|----------------|-----------------|-------|---------|---------|--------|-------------|---------------------------|-------------------------------|-----------------------------|-------------------------|
| Driver Helper | | | | | | | | | 1 | | 3 | | 1 | 2 |
| Elec. Technician | | | | | | | | 3 | | | 20 | | 3 | 17 |
| Elec. Technician B | | | | | | | | 3 | 5 | | 16 | | 8 | 8 |
| House&Yard Laborer | | | | | | | | 15 | | 3 | 30 | 3 | 15 | 12 |
| Mechanical Technician | | | | | | | | 4 | 12 | 4 | 39 | | 20 | 19 |
| Mechanical Technician B | | | | | | | | | | | 27 | | | 27 |
| Instrument&Control Tech. | | | | | | | | | 9 | | 49 | 4 | 5 | 40 |
| Instrument&Control Tech.B | | | | | | | | | | | 7 | | | 7 |
| Nuclear Control Oper. | | | | | | | | | | | 31 | | | 31 |
| Nuclear Operator | | | | | | | | | | | 70 | | | 70 |
| Radiation Technician | | | | | | | 6 | | | | 46 | | 6 | 42 |
| Start-Up Operator | | | 1 | | | | | | | | 6 | 1 | | 5 |
| Stockman | 8 | | | | | | | | | | 8 | | 8 | 0 |
| Tool Room Attendant | | | | | | | | | 1 | | 4 | 1 | | 3 |
| Cost Records Analyst | | | | | | | | | | | 2 | | | 2 |
| Design Technician | | | | 3 | | | | | | | 3 | 1 | 2 | 0 |
| Document Control Clerk | | | | | | | | | | | 1 | | | 1 |
| Drawing & Records Clerk | | | | | 2 | | | | | | 5 | | 2 | 3 |
| File & Record Clerk | | | | | 7 | | | | | | 20 | | 7 | 13 |
| General Clerk | | | | | | | | | | | 9 | | | 9 |
| Head File & Record Clerk | | | | | | | | | | | 1 | | | 1 |
| Intermediate Clerk | 1 | | | | 9 | | | | | | 35 | 1 | 9 | 25 |
| Junior Clerk | | | | | | | | | | | 3 | | | 3 |
| Materials Expeditor | -1 | | | | | | | | | | 0 | | -1 | 1 |
| Mimeogr. & Repro Clerk | | | | | 1 | | | | | | 5 | | 1 | 4 |
| Senior Clerk | | | | | 5 | | | | | | 9 | | 5 | 4 |
| Storekeeper | 1 | | | | | | | | | | 3 | | 1 | 2 |
| Storekeeper B | -1 | | | | | | | | | | 5 | | -1 | 6 |
| Technician A | | | | | | | | | | | 6 | | | 6 |
| Technician Apprentice | | | | | 1 | | | | | | 1 | | 1 | 0 |
| Technician B | | | | 4 | | | | | | | 7 | | 4 | 3 |
| Technician C | | | | | | | | | | | 2 | | | 2 |
| WPEO | 2 | | | | 2 | | | | | | 22 | 1 | 3 | 18 |

FENOC / BVPS IBEW STAFFING REQUIREMENTS

| Job Title | Sup.Chai | Commun. | OPS. | ENGR. SERV. | ADMIN. SERV | CHEM. | RADCON. | CONSTR. | MAINT. | FIN TEAM | CURRENT STAFF LEVEL | REDUCTION FROM ETIREMEN | REDUCTION FROM LAYOFF | FINAL STAFF LEVEL |
|----------------------------|-----------|----------|----------|----------------|----------------|----------|----------|-----------|-----------|-------------|---------------------------|-------------------------------|-----------------------------|-------------------------|
| Chemical Analyst | | | | | | 2 | | | | | 5 | | 2 | 3 |
| Mail Car Driver | | | | | | | | | | | 1 | | | 1 |
| Publishing Tech. | | | | | 17 | | | | | | 22 | | 17 | 5 |
| Expeditor Analyst | | | | | | | | | | | 1 | | | 1 |
| Nuc. Cost Accl Clerk | | | | | | | | | | | 1 | | | 1 |
| Oper. Util. Worker | | | 1 | | | | | | | | 6 | 1 | | 5 |
| Mobile Maint Util. Worker | | | | | | | | | 2 | | 10 | | 2 | 8 |
| Auto Controlman 1 | | | | | | | | | | | 2 | | | 2 |
| Auto Controlman Senior | | | | | | | | | | | 2 | | | 2 |
| Electronic Control Tech. 2 | | | | | | | | | | | 2 | | | 2 |
| Electronic Tech. 1st Class | | 1 | | | | | | | | | 3 | | 1 | 2 |
| Senior Elec. Tech. | | | | | | | | | | | 2 | | | 2 |
| TOTALS | 10 | 1 | 2 | 7 | 44 | 2 | 6 | 25 | 30 | 7 | 554 | 13 | 121 | 420 |

* Negative numbers indicate an increase in current staffing levels

**Above Numbers are based on staffing levels as of 8/3/99 as provided by Duquesne Light Company

***Any additional levels that have not been provided will be evaluated at that time.

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

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 Waive Time Limits in 10 CFR § 2.1305 and Supplemental Comments of Local 29, International Brotherhood of Electrical Workers, by electronic mail and first class mail on the following:

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Dated: September 16, 1999

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'99 SEP 17 22:46

September 16, 1999

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 Waive Time Limits in 10 CFR § 2.1305 and Supplemental Comments of Local 29, International Brotherhood of Electrical Workers, in the above-referenced proceeding.

Copies have been served upon the applicants and the General Counsel, by electronic mail and first class mail, 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