

July 9, 2002

Mr. William P. Barr
Executive Vice President and General Counsel
Verizon
1095 Avenue of the Americas
New York, NY 10036

Re: Verizon's Demand for Defense and Indemnity for Hicksville Nuclear Facility for lawsuits: *Gilbert Stevens, et al. v. Verizon Communications, Inc et al.*, United States District Court, E.D.N.Y., No. 02 CV 2543, and *Melvin Schwinger, et al. v. Verizon, Inc.*, United States District Court, E.D.N.Y., No. 02 CV 2017

Dear Mr. Barr:

NRC General Counsel Karen Cyr has asked me to respond to your letter to her dated June 14, 2002, with respect to the *Stevens* and *Schwinger* lawsuits and your demand for defense and indemnity with respect to the former nuclear facility in Hicksville, New York.

At my request members of the NRC staff have conducted a document search for any agreement of indemnification between the Atomic Energy Commission (AEC) and Sylvania Electric or Sylvania-Corning Nuclear Corporation particularly with respect to the Hicksville, New York facility. Our staff as yet has found no such document or any reference to such a document covering those corporations or the licenses granted them by the AEC. We are unable to proceed with any consideration of your request or ultimate referral to the Commission of this matter without this information. We would appreciate your providing us any pertinent materials or information in your possession.

It is possible that DOE, not NRC, is the successor to AEC's authority with regard to any operations at the Hicksville facility. We note your reference to a separate notice and demand letter to the Department of Energy (DOE) with reference to Contract AT(30-1)-1293 pursuant to which you state that Sylvania Electric and Sylcor manufactured fuel and supplied it to the AEC. While your letter notes that a copy of your letter to DOE was enclosed, it did not appear among the documents that we received. Since it might be helpful to us to have it in our continuing efforts to find any relevant documents, we would appreciate your sending it.

Sincerely,

/RA/

John F. Cordes, Jr.
Solicitor

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/RA/
John F. Cordes, Jr.
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