UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE COMMISSION

In the Matter Of	
Sequoyah Fuels Corporation and General Atomics (Gore, Oklahoma Site Decontamination and Decommissioning Funding)	Docket No. 40-8027EA Source Materials License No. SUB-1010 November 26, 1996

PETITION FOR REVIEW OF LBP-96-24

I. INTRODUCTION

Pursuant to 10 C.F.R. § 2.786, intervenors Native Americans for a Clean Environment and the Cherokee Nation hereby seek Commission review of LBP-96-24, Memorandum and Order (Approval of Settlement Agreement) (November 6, 1996). LBP-96-24 approves the proposed settlement of the Nuclear Regulatory Commission staff's contested enforcement order against General Atomics ("GA"), requiring it to guarantee the costs of decommissioning the severely contaminated nuclear factory formerly operated by GA's subsidiary, Sequoyah Fuels Corporation ("SFC").

The Commission should take review of LBP-96-24 to correct serious errors of law that have substantial implications for the public and the NRC's accountability to the public. First, the Licensing Board abdicated its legal responsibility to independently assess whether the proposed settlement provides reasonable assurance that public health and safety will be protected. Second, there was no evidence before the Licensing Board that could support the required finding of reasonable assurance. Finally, the settlement agreement is illegal and must be invalidated because the Commission has approved it in secret and through ex parte communications as part of a global settlement of all of the

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NRC's current and future decommissioning funding claims against GA, thereby illegally circumventing this public hearing process and the applicable regulations.

II. FACTUAL BACKGROUND

In 1988, through its fully owned subsidiary Sequoyah Holding Corporation ("SHC"), GA purchased 100% of the stock of SFC from its previous owner, Kerr-McGee. Although GA was not named as a licensee, GA assumed significant oversight functions under the license. See Part I of SFC License §§ 2.1, 2.2, 2.7.3, 2.5, 3.2.2. In a series of subsequent transactions, SFC became the wholly-owned subsidiary of Sequoyah Fuels International Corporation ("SFIC"), which in turn is a wholly-owned subsidiary of SHC.

In 1990, after finding significant radioactive and chemical contamination on the site, the NRC issued a series of enforcement orders, and the plant was shut down for 5 months in late 1991 and early 1992. In the spring of 1992, the NRC permitted SFC to resume operations, based in part on oral and written commitments by GA CEO J. Neal Blue to fulfill any decommissioning funding requirements that could not be met by SFC. See, e.g., NRC Enforcement Order against SFC and GA, 58 Fed. Reg. 55,087, 55,089-90 (October 25, 1993) (hereinafter "October 1993 Order"). The NRC permitted the restart in reasonable reliance on GA's promise to fulfill this commitment. Id., 58 Fed. Reg. at 55,090-55,091.

However, GA reneged on its promise after the uranium processing operation was permanently shut down following an accident in November of 1992. Id. In lieu of guaranteeing decommissioning funding for the SFC site, GA helped to create a new business entity called "ConverDyn," whose purpose was to carry out the

remainder of SFC's contracts for processing uranium. SFC's ConverDyn revenues were to be dedicated to decommissioning. Id.

On October 15, 1993, the NRC staff issued an enforcement order against both SFC and GA, holding that they were "jointly and severally responsible" for providing funding, financial assurances, and updated and detailed decommissioning cost estimates for the cleanup of the SFC site. 58 Fed. Reg. at 55,092. The order also required GA and SFC to comply with NRC decommissioning funding requirements, including putting up $86 million in decommissioning funds, the minimum amount estimated to be required to clean up the site. Id. GA and SFC both challenged the order, and this proceeding was commenced. NACE and the Cherokee Nation intervened in support of the order.

On June 30, 1995, the Licensing Board bifurcated the case into two phases: an initial phase on the NRC's challenged jurisdiction over GA, to be followed by a merits phase regarding the adequacy of decommissioning funding for the SFC facility. LBP-95-12, 41 NRC 478, 486 (1995). In early 1995, however, before jurisdictional discovery had concluded, the Board stayed further discovery pending settlement negotiations between the staff and GA. Discovery never resumed.

On August 24, 1995, the NRC staff and SFC submitted a proposed agreement purporting to settle the NRC staff's claims against SFC. The agreement commits SFC's unspecified "net assets and net revenues" to decommissioning. See LBP-95-18, 42 NRC 150, 163 (1995). Intervenors opposed the settlement, on the grounds, inter alia, that it fails to provide any decommissioning cost estimate for the SFC site, establish any dollar amount for SFC's

contribution to the costs of decommissioning the site, or protect SFC's assets against an outstanding $10.6 million loan by Kerr-McGee for GA's purchase of the property.[1] Nonetheless, two members of the Board approved the agreement.

Judge Bollwerk filed a "Separate Statement," declaring that he was unable to make "the requisite 'public interest' finding pursuant to 10 C.F.R. § 2.203," and that he would ask for "additional clarification from SFC and the staff regarding several matters," including the NRC's authority to recover funds improperly disbursed by SFC, the adequacy of staff oversight of SFC spending, and the implications of an SFC bankruptcy filing. 42 NRC at 156-58. Judge Bollwerk also found that approval of a separate settlement with SFC was not in the public interest, but should await "global" consideration in conjunction with an expected settlement agreement between the staff and GA. Id. at 159. Intervenors petitioned the Commission for review of LBP-95-18 on March 25, 1996. The petition is still pending.

On July 11, 1996, the NRC staff and GA filed NRC Staff's and GA's Joint Motion for Approval of Settlement Agreement. The agreement provides for the establishment of a trust fund into which GA is to deposit a maximum of $9 million. However, the agreement conditions GA's $9 million commitment upon receipt of an IRS ruling that the contribution is tax deductible. If the IRS denies a deduction, GA intends to deposit only $5.4 million. Thus, the agreement guarantees GA expenditures of only $5.4 mil-

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[1] The State of Oklahoma and the Army Corps of Engineers also opposed the NRC-SFC settlement. See LBP-95-18, 42 NRC at 150-51, notes 2-4, for citations.

lion. This is only 6% of SFC's 1993 decommissioning cost estimate of $86 million. As with the SFC-NRC staff settlement, the GA-staff agreement provides no information about the actual costs of decommissioning the SFC site, the estimated amount of ConverDyn revenues available to fund the cleanup, or how much SFC's and GA's combined resources are expected to fall short.

Intervenors, along with the State of Oklahoma, filed lengthy and detailed comments in opposition to the proposed settlement. Intervenors' Opposition to Joint Motion for Approval of Settlement Agreement Between NRC Staff and General Atomics (August 9, 1996) ("Intervenors' Opposition"). These comments sought, inter alia greater disclosure of the basis for the settlement, including the details of a global settlement which apparently apportions decommissioning funding by GA between the SFC facility and GA's two plants in San Diego. Intervenors had little information about the global settlement at the time they filed their comments, and the staff and GA refused to disclose any information. However, through the Freedom of Information Act ("FOIA"), intervenors have since obtained redacted copies of documents showing that this global settlement was approved by the Commissioners, based on a secret ex parte briefing by the staff.[2]

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[2] See letter from Seymour H. Weiss and Robert C. Pierson, NRC, to Dr. Keith E. Asmussen, GA (July 9, 1996) ("Weiss letter"); SECY-96-124, Memorandum from James M. Taylor, EDO, to the Commissioners (June 10, 1996) ("SECY-96-124"); Memorandum from John C. Hoyle to James M. Taylor re: Staff Requirements -- SECY-96-124 -- Financial Assurance for General Atomics Facilities (July 8, 1996) ("SRM"). Copies of these documents are included as Attachments A, B, and C to this Petition for Review. NACE's appeal of the Secretary's decision to withhold most of the requested information is pending.

On November 6, 1996, the Licensing Board issued LBP-96-24, approving the settlement. Judge Bollwerk again dissented, on the ground that the Board's review was insufficient to support a "public interest" finding. LBP-96-24, slip op. at 19-24.

III. ARGUMENT: THE COMMISSION SHOULD TAKE REVIEW OF LBP-96-24.

A. The Board Erred in Approving the Settlement.

Pursuant to 10 C.F.R. § 2.203, a proposed settlement is "subject to approval by the designated presiding officer," giving "due weight to the position of the staff." Any decision granting approval must be based on a finding that the settlement "will provide reasonable assurance that the public health and safety will be protected." In The Matter of New York Shipbuilding Corporation, 1 AEC 842, 845 (1961). The presiding officer "may order such adjudication of the issues as he or she may deem to be required in the public interest to dispose of the proceeding." 10 C.F.R. § 2.203. Thus, the presiding officer may order further adjudication if the reasonableness of the proposed settlement to protect public health and safety does not appear to be adequately supported in the record.

Here, the Licensing Board applied § 2.203 in an erroneous and arbitrary manner, by interpreting the "due weight" requirement of § 2.203 to permit blind reliance on staff assurances of reasonableness, no matter how poorly supported or deeply flawed.[3]

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[3] Based on this reasoning, the Board also erroneously refused to consider or address any of the other challenges to the validity and adequacy of the settlement. LBP-96-24, slip op. at 16. Thus, the Board refused to consider the impact of the settlement on funding for the EPA cleanup; whether the settlement undermined NRC enforcement authority against GA for other licensed responsibilities; or the settlement's failure to cure the deficiencies in the SFC-NRC staff settlement agreement.

LBP-96-24, slip op. at 13. To the contrary, although the "due weight" standard requires some deference to the staff's judgment, the proponents of the settlement bear the burden of providing some evidence to justify its reasonableness. As held in Gottlieb v. Wiles, 11 F.3d 1004, 1015 (10th Cir. 1993), on which LBP-96-24 relies (slip op. at 15 note 9), a reviewing tribunal must:

> independently analyze the evidence before it in making its determination; it may not rely solely upon the assertions of the proponents of the settlement as to what the evidence shows.

(emphasis in original). Here, the staff and GA placed no evidence before the Board to support the reasonableness of the settlement to comply with NRC decommissioning funding regulations or protect public health and safety. Rather, the settlement omits the crucial information necessary to making that evaluation. As Judge Bollwerk observed in his dissent, the staff has provided no decommissioning cost estimate to which the settlement could be compared; nor has it provided any current projections of ConverDyn revenues that the staff is relying on to cover most of the decommissioning costs; nor has it given any indication of how the SFC site cleanup will be funded if SFC and GA contributions fall short. In the absence of such crucial information, it is impossible to evaluate the adequacy of the settlement to protect public health and safety, or its value as a compromise measure. Girsch v. Jepson, 521 F.2d 153, 159 (3rd Cir. 1975).

(continued)
Intervenors' Opposition at 21-30. In refusing to consider Intervenors' comments, the Licensing Board also violated Commission and presidential policy to consider the views of sovereign Indian Nations. See CLI-94-12, 40 NRC 64, 80 note 4 (1994).

Even if it could be argued that the Licensing Board could give the staff's position unquestioning weight, the staff conspicuously failed to represent that the settlement is adequate to protect public health and safety. Although most of the proposed settlement agreement's assertions are jointly made by the NRC staff and GA, the NRC declined to join GA in making the key assertion that: "based upon SFC's actual experience to date, General Atomics and SFC believe that SFC's net assets and revenues, as defined in the Settlement Agreement between the NRC Staff and SFC, will provide adequate capital resources to allow SFC to conduct its ongoing standby operations and to complete environmental remediation and decommissioning."[4] See LBP-96-24, slip op. at 14. Thus, the staff pointedly refused to make any assertion of the settlement's adequacy to protect public health and safety to which the Board could give "due weight."

Moreover, in stating that "no basis exists for concluding that NRC's regulatory requirements for funding decommissioning will not be met," LBP-96-24, slip op. at 16, the Board unlawfully shifted the burden of supporting the reasonableness of the settlement away from the staff and GA, transferring to Intervenors the burden of showing its unreasonableness. Not only was this shift in obligations contrary to law, but it also was unattainable. As the Board failed to acknowledge, Intervenors were never given any opportunity to acquire "evidence" regarding

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[4] In fact, the NRC staff expressly stated that the settlement is not presented as achieving full compliance with NRC decommissioning funding regulations. NRC Staff's Reply to Intervenors' Opposition at 21 (October 11, 1996).

the reasonableness of the settlement to protect health and safety. The "liability" phase of discovery was still underway when the Board suspended discovery indefinitely; the second phase of discovery, on the issues of the actual costs of cleanup and the adequacy of SFC's or GA's resources to cover those costs, never began. Nor did the NRC publish any evaluations of its own on SFC's previous decommissioning cost estimates or revenue projections. In addition, the entire settlement negotiations between the staff and GA were held in secret. Thus, Intervenors were kept in utter darkness on any information relating to the basis for and adequacy of the settlement. By ignoring Intervenors' calls for sufficient disclosure to allow a meaningful evaluation of the settlement, the Board committed reversible error. Girsch v. Jepson, 521 F.2d at 159.

Finally, the Board erred in ruling that consideration of the global settlement between the NRC staff and GA was beyond its jurisdiction. LBP-96-24, slip op. at 16-17. As shown by the documents released to NACE under the FOIA and attached to this brief, the instant settlement is part of a global settlement, in which the NRC staff apparently has agreed to a cap on GA's liability for decommissioning funding regulations at GA's San Diego facilities, in exchange for GA's agreement to this settlement of NRC's claims regarding the SFC site. See Weiss letter at 1-2, SECY-96-124 at 3-4. The Board should have ordered disclosure of the basis for the division of the funds allocated by GA to decommissioning among these various facilities because this information is material to the terms of the settlement agreement.

B. The Case Raises Important Issues of Law, Policy and Discretion.

This case presents questions that may have extremely grave health and safety consequences for the neighbors of the SFC site, and that have serious implications with respect to the NRC's policies and practices. The Board has made a decision approving a relatively small commitment by GA to the potentially enormous cost of cleaning up the SFC site, without the benefit of the most basic information as to the cost of the decommissioning effort, SFC's ability to pay for that effort, the relationship of funding between the NRC and EPA cleanup efforts, or the relationship between the SFC-staff agreement and the GA-staff agreement. Thus, LBP-96-24 not only raises grave questions as to whether the SFC will ever be cleaned up, but renders meaningingless the Commission's regulations requiring Board approval of settlements.

The Commission's own actions in this case also raise serious legal and policy questions. The SRM's hollow disclaimers cannot conceal or cure the fact that the Commission pre-approved a global settlement of which GA's liability for the SFC cleanup was a material part. In so doing, the Commission violated the well-settled principle that the ultimate judges of a proceeding may not make secret and ex parte deals with selected parties regarding the outcome of a proceeding. Moreoover, the global settlement approved by the Commission amounts to a grant to GA of unconditional and indefinite waivers of the decommissioning funding regulations. Such waivers may not be granted in secret, but must be open to the public hearing process. Only the Commission can correct these grave errors.

IV. CONCLUSION

For the foregoing reasons, the Commission should take review of LBP-96-24.

Respectfully submitted,

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November 26, 1996

Attachment A

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 9, 1996

Dr. Keith E. Asmussen, Director
Licensing, Safety and Nuclear
General Atomics
3550 General Atomics Court
San Diego, CA 92121-1194

SUBJECT: FINANCIAL ASSURANCE FOR NRC LICENSES SNM-696, R-38, R-67
DOCKET NOS. 70-0734, 50-89, 50-163

Dear Dr. Asmussen:

This is in response to your letter dated May 20, 1996, concerning financial assurance for funding the decommissioning of the facilities located in San Diego that are the subject of the above-referenced licenses (San Diego facilities).

According to your submittal, the estimated costs to General Atomics (GA) of decommissioning the San Diego facilities has recently been revised upward to approximately [redacted] taking into account an expected contribution of funds from the Department of Energy. You have indicated that GA's parent company, GATC, [redacted] in light of their escalation and a tentative settlement of an ongoing proceeding involving GA and the staff concerning the Sequoyah Fuels Corporation facility in Gore, Oklahoma. Under the tentative settlement, GA would contribute significant funds towards the decommissioning of the Gore facility. GA has further stated that attempting to provide financial assurance by a method specified in the regulations other than a parent company guaranty [redacted]

GA has proposed in the alternative that it be permitted to provide financial assurance by combining a limited parent company guaranty in the amount of [redacted] and a newly established sinking fund to which funds would be contributed on an annual basis. The details of such proposal were outlined in Annex B to your May 20, 1996 letter. As a condition to offering the alternative proposal, GA would want the staff to exercise its enforcement discretion not to enforce strict compliance with the financial assurance regulations [redacted] under the circumstances described in the May 20, 1996 submittal and attachments thereto.

The staff has considered all of the information contained in your May 20, 1996 submittal and attachments thereto, as well as the letter referenced therein from you to the Document Control Desk, Attention A. Adams (Jan. 22, 1996) with enclosures. The staff has also reviewed GA's most recent consolidated financial statements, and other relevant information, and has evaluated the merits of attempting to enforce GA's compliance with the applicable financial assurance regulations, in light of the present facts and circumstances. The staff has concluded that for so long as GA implements and complies with GA's

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FOIA- 96-336

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proposed alternative method of providing financial assurance for the San Diego facilities as specified in Annex B of GA's May 20, 1996 submittal, namely providing a parent company guaranty in the amount of [redacted] and establishing an external sinking fund under the terms and conditions contained in such Annex B, the staff will exercise its discretion and forbear from instituting an action against GA or its officers and directors to enforce compliance with the Commission's financial assurance regulations at 10 C.F.R. §§ 50.75 and 70.25 in connection with the San Diego facilities; provided, however, that should circumstances materially change such that GA's parent [redacted] this forbearance shall cease; and provided further that GA has entered into and is subject to a settlement with the staff regarding Docket 40-8027-EA as described in the May 20, 1996 submittal.

EXP 4

If there are any questions concerning this letter, please contact Mr. Charles E. Gaskin, Office of Nuclear Material Safety and Safeguards, at (301) 451-8116, or Mr. Alexander Adams, Jr., Office of Nuclear Reactor Regulation, at (301) 415-1127.

Sincerely,

ORIGINAL SIGNED BY:

Seymour H. Weiss, Chief
Non-Power Reactors and Decommissioning
Project Directorate
Division of Reactor Program Management
Office of Nuclear Reactor Regulation

ORIGINAL SIGNED BY:

Robert C. Pierson, Chief
Licensing Branch
Division of Fuel Cycle Safety
and Safeguards
Office of Nuclear Material Safety
and Safeguards

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License SNM-696
Docket 50-89, 40-8027, 50-163
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Attachment B

POLICY ISSUE

(NEGATIVE CONSENT)

June 10, 1996 SECY-96-124

FOR: The Commissioners

FROM: James M. Taylor
Executive Director for Operations

SUBJECT: FINANCIAL ASSURANCE FOR GENERAL ATOMICS FACILITIES

PURPOSE:

[redacted]

SUMMARY:

[redacted]

Contact:
Robert Pierson, NMSS
415-7190
Seymour Weiss, NRR
415-2170

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[redacted] GA has offered an alternative financial assurance plan that combines a partial parent company guarantee with contributions to a sinking fund, on the condition that the staff forbear from taking enforcement action against GA to require strict compliance with the financial assurance regulations. [redacted]

BACKGROUND:

GA is the holder of NRC licenses SNM-696, R-38, and R-67 under 10 C.F.R. Parts 50 and 70 for its two TRIGA research reactors, hot cell facility, fuel fabrication facility, and other related facilities in San Diego, California. Since the relevant regulations requiring financial assurance for decommissioning at 10 C.F.R. §§ 50.75 and 70.25 became effective, GA has opted to provide a parent company guarantee from General Atomics Technologies Corporation (GATC) to provide financial assurance. In 1995, the amount of financial assurance provided by the parent guarantee was approximately [redacted]

DISCUSSION:

Government contract work from the Department of Energy and Department of Defense has historically provided GA with a large portion of its revenues and income. [redacted]

NOTE: SENSITIVE PREDECISIONAL DELIBERATIVE INFORMATION LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE

GA is the third-tier parent of SFC, which operated a uranium conversion facility in Gore until 1992. Through subsidiary corporations, GA acquired SFC from Kerr McGee Corporation in 1988. GA did not then become nor has it since been a named licensee for the SFC facility. In October 1993, the staff issued an order, based on facts alleged therein, which asserted that SFC and GA were jointly and severally liable for decommissioning funding and financial assurance for the SFC facility. The order specifically directed GA to provide financial assurance in the amount of $86 million for cleanup of the SFC site. Both GA and SFC requested a hearing on the order, and the matter is now before an Atomic Safety and Licensing Board in Docket 40-8027-EA. In August 1995, SFC entered into a settlement agreement with the staff, which was approved by the Licensing Board and is now being reviewed by the Commission. GA and the staff entered into good faith settlement negotiations beginning in September 1995, and have arrived at a tentative settlement, notwithstanding GA's legal position that the NRC lacks jurisdiction over GA to be able to sustain the order against it. In general terms, the tentative settlement with GA involves payment of a significant amount of cash to a trust fund over a period of years.[1]

Confidential information concerning GA's finances has been made available to the staff. Such information supports the conclusion that [redacted]

Given the limited resources of GA, the staff has evaluated the relative risks of the various GA facilities and the SFC site. The staff has concluded that [redacted]

[redacted] GA has proposed an alternative financial assurance plan for its San Diego facilities [redacted] Because it does not wish to be exposed to further

[1] By presenting this paper to the Commission, the staff is not seeking any prejudgment of any matters in litigation, including any proposed settlement agreement that may be offered, concerning the Sequoyah Fuels Gore facility.

NOTE: SENSITIVE PREDECISIONAL DELIBERATIVE INFORMATION LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE

litigation, however, GA seeks assurance from the staff prior to implementation of the alternative plan that an enforcement action seeking compliance with the financial assurance regulations will not be brought by the staff against GA.

The alternative plan provides for a limited parent company guarantee of [redacted] coupled with the establishment of a sinking fund to which GA would contribute [redacted] per year. Contributions to the sinking fund would no longer be required once the sum [redacted] Should such estimate increase, GA's obligation to contribute to the sinking fund would increase accordingly. Withdrawals from the sinking fund to directly pay for decommissioning activities would be allowed up to a certain amount annually. [redacted]

GA is currently engaged in decommissioning its hot cell facility, to which the DOE is contributing [redacted] of the costs. The research reactor licenses are scheduled to expire in two and four years; by such time [redacted]

NOTE: SENSITIVE PREDECISIONAL DELIBERATIVE INFORMATION LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE

[redacted]

CONCLUSION:

[redacted]

EX.5

[redacted]

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EX.5

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COORDINATION:

The Office of the General Counsel worked closely with staff in developing this paper and the attached proposed staff response and concurs in the planned approach.

James M. Taylor
Executive Director
for Operations

Attachments:
1. Letter from K. Asmussen to Document Control Desk (May 20, 1996) with enclosures (contains proprietary information)

2. Proposed staff response

SECY NOTE: In the absence of instructions to the contrary, SECY will notify the staff on June 24, 1996 that the Commission, by negative consent, assents to the action proposed in this paper.

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Attachment C

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555

OFFICE OF THE
SECRETARY

July 8, 1996

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: STAFF REQUIREMENTS - SECY-96-124 - FINANCIAL ASSURANCE FOR GENERAL ATOMICS FACILITIES

This is to advise you that the Commission has not objected to the staff's proposal to exercise enforcement discretion based on the circumstances described in SECY-96-124. This decision does not represent any view on the desirability of, or direction to the staff to enter into, any settlement agreement regarding Sequoyah Fuels facility in Gore, Oklahoma. In addition, this decision does not involve any prejudgment of any matters in litigation, including any existing or proposed settlement agreement concerning the aforementioned facility.

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
OGC
OCA
OIG

SECY NOTE: THIS SRM AND SECY-96-124 RELATE TO PROPRIETARY INFORMATION AND WILL BE LIMITED TO NRC UNLESS THE COMMISSION DETERMINES OTHERWISE.

Enclosure

CERTIFICATE OF SERVICE

I certify that on November 26, 1996, copies of the foregoing PETITION FOR REVIEW OF LBP-96-24 were served by first-class mail on the following:

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Administrative Judge G. Paul Bollwerk
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Administrative Judge Jerry R. Kline
Atomic Safety and Licensing Board
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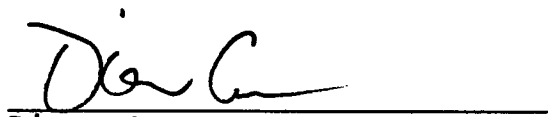

Diane Curran