

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)
DUKE POWER COMPANY) Docket No. 70-2623
)
(Amendment to Materials License)
SNM-1773 for Oconee Nuclear Station)
Spent Fuel Transportation and Storage)
at McGuire Nuclear Station))

APPLICANT'S MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY
DISPOSITION RESPECTING INTERVENOR,
CAROLINA ENVIRONMENTAL STUDY GROUP

I. BACKGROUND

On March 9, 1978, Duke Power Company (Applicant) applied to the Nuclear Regulatory Commission (NRC or Commission) for an amendment to its Materials License No. SNM-1773. This application requested authority to receive and store spent nuclear fuel from the Oconee Nuclear Station (Oconee) at the McGuire Nuclear Station, (McGuire). In response to the July 28, 1978, Commission notice regarding the subject application (43 Fed. Reg. 32905), Carolina Environmental Study Group (CESG) filed its petition for leave to intervene. By Order dated November 2, 1978 the Licensing Board granted CESG intervention in this proceeding. Subsequently, by Order dated February 23, 1979, the Board ruled that three (3) contentions raised by CESG would be admitted. Subsequent thereto, Applicant, as well as NRC Staff, propounded extensive interrogatories to CESG. These interrogatories sought information concerning the bases and

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factual support for CESG's contentions. In light of the response received, Applicant submits that CESG's three contentions fail to present genuine issues as to any material fact subject to resolution in this proceeding. Therefore, pursuant to 10 CFR §2.749, Applicant moves that these contentions and CESG's intervention be dismissed. 1/

II. ARGUMENT

A. General

Pursuant to 10 CFR §2.749(d), upon an appropriate motion for summary disposition, "the presiding officer shall render the decision sought" where it is shown "that there is no genuine issue as to any material fact and that the moving party is entitled to a decision as a matter of law". To provide more definitive guidance in rendering such judgments, the Commission stated that Section 2.749 "has been revised to track more closely the Federal Rules of Civil Procedure". See 37 Fed. Reg. 15135 (1972). 2/ The basis of this section is Rule 56 of the Federal Rules of Civil Procedure and the Model Summary Disposition Rule

1/ By Order dated April 12, 1979, the Licensing Board established May 4, 1979 as the date motions for summary disposition are due. Subsequently, by Order dated May 4, 1979 with respect to Applicant, the Licensing Board extended the time for such submittals to May 21, 1979.

2/ See also, Alabama Power Company (Joseph M. Farley Plant, Units 1 and 2), ALAB-182, 7 AEC 210, 217 (1974); Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), LBP-74-36, 7 AEC 877, 878 (1974); Gulf States Utilities Co. (River Bend Station, Units 1 and 2) LBP-75-10, 1 NRC I 246, 247 (1975).

drafted by the Administrative Conference of the United States for use by administrative agencies. See Gellhorn & Robinson, Summary Judgment in Administrative Adjudication, 84 Harv. L. Rev. 612, 628 (1971). Under the Federal Rules a motion for summary judgment is designed to pierce general allegations, separating the substantial from the insubstantial.

To defeat summary disposition an opposing party must present facts in the proper form; conclusions of law will not suffice. Pittsburgh Hotel's Association, Inc. v. Urban Redevelopment Authority of Pittsburgh, 202 F. Supp. 486 (W.D. Pa. 1962), aff'd. 309 F.2d 186 (3rd Cir. 1962), cert. denied, 376 U.S. 916 (1963). The opposing party's facts must be material 3/ and of a substantial nature, 4/ not fanciful, or merely suspicious. 5/

One cannot avoid summary disposition

on the mere hope that at trial he will be able to discredit movant's evidence; he must, at the hearing, be able to point out to the court something indicating the existence of a triable issue of material fact. 6 Moore's Federal Practice 56.15(4). [Emphasis added.]

One cannot "go to trial on the vague supposition that something may turn up". 6 Moore's Federal Practice 56.15(3). See Radio City Music Hall v. U.S., 135 F.2d 715 (2nd Cir., 1943). See

3/ Egyes v. Magyar Nemzeti Bank, 165 F.2d 539 (2nd Cir., 1948).

4/ Beidler and Bookmeyer v. Universal Ins. Co., 134 F.2d 838, 831 (2nd Cir., 1943).

5/ Griffin v. Griffin, 327 U.S. 220, 236 (1946). Banco de Espana v. Federal Reserve Bank, 28 F. Supp. 958, 973 (S.D.N.Y. 1939) aff'd, 144 F. 2d 433 (2nd Cir., 1940).

also Orville v. Brickman, 95 F. Supp. 605 (D.D.C. 1951), wherein the Court in granting the defendant's motion for summary judgment under the Federal rules said:

All the plaintiff has in this case is the hope that on cross-examination . . . the defendants . . . will contradict their respective affidavits. This is purely speculative, and to permit trial on such basis would nullify the purpose of Rule 56, which provides summary judgment as a means of putting an end to useless and expensive litigation and permitting expeditious disposal of cases in which there is no genuine issue as to any material facts."

It is imperative to the orderly administrative process that supporting evidence be presented at this stage of litigation or that the Licensing Board rule favorably on such motions. To permit otherwise would be to countenance unwarranted delay and fishing expedition tactics. As the Licensing Board said in its "Initial Decision" in Wisconsin Electric Power Company, Wisconsin-Michigan Power Company (Point Beach Nuclear Plant, Unit 2, Docket No. 50-301, December 18, 1972), a

public hearing is not an opportunity for the commencement of a de novo review of an application for a license which would permit the intervenors to ultimately determine whether or not, in fact, these are matters they wish to controvert and which would automatically delay the proceedings for a considerable length of time." (Emphasis added.)

B. There is No Genuine Issue to Be Heard Regarding The Alternatives Listed in Contention 1

CESG's Contention 1 asserts that the proposed action is unacceptable as compared to the following alternatives:

- (a) Modification of the existing Oconee spent fuel pools.
- (b) Construction of a new and separate spent fuel storage facility at Oconee.
- (c) construction of a new and separate spent fuel storage facility away from the Oconee and McGuire sites.

At the outset, Applicant maintains that the environmental effects of the proposed action have been thoroughly analyzed by the NRC Staff in its "Environmental Impact Appraisal Related to Spent Fuel Storage of Oconee Spent Fuel at McGuire Nuclear Station", December 1978 (EIA). Therein the Staff concluded that "the environmental impacts associated with the proposed action would constitute a negligible impact to the public." ^{6/} Applicant contends that unless CESH can provide specific factual information refuting the basis of the Staff's conclusion, CESH is precluded from asserting the superiority of alternatives. As the Appeal Board in Portland General Electric Co., (Trojan Nuclear Plant) ALAB-531, ___ NRC ___ (March 21, 1979) stated, "there is no obligation to search out possible alternatives to a course which itself will not either harm the environment or bring into serious question the manner in which this country's resources are being expended". (Slip op. at 3).

^{6/} EIA at 57. See also EIA at 50 wherein the Staff states that "transshipment will result in negligible environmental impacts".

'alternatives' put forward in comments when these effects cannot be readily ascertained and the alternatives are deemed only remote and speculative possibilities, in view of basic changes required in statutes and policies of other agencies--making them available, if at all, only after protracted debate and litigation not meaningfully compatible with the time-frame of the needs to which the underlying proposal is addressed." 9/

Applicant therefore contends that reracking of Oconee Units 1 and 2 spent fuel pool with "non-poison racks" is the only viable alternative; consideration of other alternatives to the proposed action is not required. Thus, Applicant submits that contentions 1(b) and 1(c), and 1(a), to the extent it refers to alternatives other than reracking Oconee 1 and 2 spent fuel pool with "non-poison racks" should be dismissed.

Further, Applicant submits that a comparison of the proposed action and reracking Oconee spent fuel pool 1 and 2 with non-poison racks is a meaningless exercise. To explain, both alternatives will be needed to preclude the possibility of termination of operations of Oconee due to insufficient spent fuel storage space. If Applicant's application for reracking Oconee is approved in a timely fashion and Applicant proceeds with this option, reserve storage space created will be exhausted in 1982 or 1983 depending on whether a full core reserve discharge (FCR) capability is retained. 10/ At that time, the only viable

9/ 458 F.2d 827, 837-38 (D.C. Cir. 1972); see also Northern States Power Company (Prairie Island Nuclear Generating Plant, Units 1 and 2) ALAB-455, 7 NRC 41, 48-49 (1978).

10/ Applicant's Response to NRAC's Request for Admission #1, April 17, 1979; Applicant's Response to NRDC Interrogatory #17, March 27, 1979.

The underlying purpose of the proposed action is to provide an interim solution to an immediate problem, vis, the possible loss of a full core reserve capability in 1979 and termination of operations of Oconee beginning in early 1981 due to insufficient spent fuel storage space. The only viable alternative to the proposed action advanced by CESH that provides a solution to this problem is reracking of Oconee 1 and 2 spent fuel pool with "non-poison" racks. It is unlikely that any of the other options could be implemented until after termination of operations. 7/ 8/ Applicant therefore has filed appropriate applications for both alternatives to assure that sufficient storage space would be available for continued operation of Oconee. While Applicant will continue to plan for other options for the future, Applicant maintains that a NEPA evaluation of these options is not at present warranted pursuant to the Rule of Reason as articulated in NRDC v. Morton wherein it is stated that:

"...NEPA was not meant to require detailed discussion of the environmental effects of

7/ Applicant's Response to NRDC's Interrogatories #10 and 13, March 27, 1979; NRC's Response to NRDC's Request for Admissions #5, April 5, 1979; Applicant's Response to NRDC's Interrogatory #24 and 26(II), May 7, 1979 and EIA pp. 49-56. Applicant notes that it is well recognized that answers to interrogatories can be relied upon in support of motions for summary disposition. 10 CFR §2.749(b); Fed. R. Civ. P. Rule 56(d); 4A J. Moores, Federal Practice §33-29 at 33-158 and 33-163 (2d ed. 1978).

8/ In any event CESH states that construction of an independent spent fuel storage installation at Oconee or McGuire would require 4 years to complete. Thus the CESH agrees that alternatives expressed in Contention 1(b) and 1(c) would not be available until well after Oconee would be forced to shutdown due to lack of storage space. See CESH's Response to Applicant's Interrogatory #50, April 27, 1979. Applicant submits that this may now be an overoptimistic estimate considering the state of current licensing activities.

options available with respect to providing additional storage space by 1983 are transportation of Oconee spent fuel to McGuire or possibly reracking the Oconee pools with poison racks. 11/ The latter option, however, cannot be implemented at the Oconee pools without transshipment of spent fuel. 12/

In short, the subject amendment requesting authorization to receive and store Oconee spent fuel at McGuire is needed regardless of the outcome of Applicant's request for authorization to rerack Oconee Units 1 and 2 spent fuel pool. The only issue is precisely at what time transshipment will be needed. The Appeal Board in Trojan Nuclear Plant, supra, addressed this issue by rejecting an intervenor's argument that an interim spent fuel storage measure would be licensed only "in circumstances where needed to avert an immediate crises". (Slip Op. at ____). Applicant, therefore, maintains that with respect to CESG's contention 1(a), there are no material facts in issue suitable for resolution in the instant proceeding and as such, the contention should be dismissed.

In any event, Applicant submits CESG's contentions 1(a), 1(b) and 1(c) are legally deficient. During discovery Applicant propounded questions to CESG as to the basis and nature of Contention 1 generally and of each of the three sub-categories of Contention 1 specifically. With respect

11/ Applicant's Response to NRDC's Interrogatory #10, March 27, 1979; NRC's Response to NRDC's Request for Admissions #5, April 5, 1979; and EIA p. 49-56.

12/ Applicant's Response to NRDC's Interrogatory #26(II), May 7, 1979.

to the general inquiry, CESC stated that the basis for its evaluation of alternatives and the reason for pursuing the alternatives it advances is the "hazards of nuclear generation...[and]... the obvious lack of capacity of the NRC to (require) safe and economic operation through regulation and of the inherent (propensity) of mankind to misjudgment and error and of equipment to malfunction." 13/ Applicant submits that this response does not serve as a proper basis for the contention, but rather constitutes an overall attack on the NRC regulatory scheme. Such an attack is contrary to recognized Commission precedent. See 10 CFR Section 2.758; Union of Concerned Scientists v. AEC, 499 F.2d 1069 (D.C. Cir. 1974); Potomac Electric Power Company (Douglas Point Nuclear Generating Station, Units 1 & 2), ALAB-218, 8 AEC 79, 89 (1974).

With respect to the specific sub-categories of Contention 1, Applicant inquired as to the supporting basis for each. For Contentions 1(a) and 1(b), CESC referred back to the above discussed general bases. Id., #20 and 37. For Contention 1(c) CESC maintains that the supporting basis is "a common sense evaluation of exposure potential." Id. #55. Applicant maintains that an examination of these responses does not measure up to the appropriate Commission or judicial standard. 14/ Inasmuch as CESC has failed to provide the

13/ CESC's Response to Applicant's Interrogatory #13. Applicant would note that the words in parentheses reflect Applicant's best guess as to the words used by CESC in its handwritten (and obviously basically unreadable) response to Applicant's Interrogatories.

14/ See 10 CFR §2.714; Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 533-54 55 L.Ed 2d 460, 485-86 (1978); BPI v. Atomic Energy Commission, 502 F.2d. 424 (D.C. Cir. 1974); Wisconsin Electric Power Co. et al (Point Beach Nuclear Plant, Unit 2), ALAB-137, 6 AEC 491, 505 (1973).

the necessary supporting basis for its contention, CESH has failed to raise a genuine issue which warrants resolution in an evidentiary hearing.

On the other hand, Staff and Applicant have carefully evaluated all alternatives and concluded that the proposed action is superior to the other alternatives. 15/ CESH provides nothing to refute this conclusion. Thus, Applicant submits that as a matter of law, CESH's contention is without merit and unsupported by the facts and, therefore, should be dismissed.

C. There is no Genuine Issue to Be Heard Regarding the Radiological Hazards of Transporting Spent Fuel (Contention 2)

CESH's contention 2 asserts that the proposed action will create an unacceptable hazard

- (1) by significantly increasing the radiation doses to persons living near the transportation route,
- (2) by significantly increasing the radiation doses to persons traveling on the transportation route, and
- (3) due to accidents or delays in transit.

At the outset, Applicant submits that this and all other issues involving transportation of spent fuel from

15/ See EIA; Applicant's Response to NRDC's Interrogatory #26(II), May 7, 1979; Applicant's Response to NRDC's Interrogatory #13, March 27, 1979.

Oconee have been previously resolved in proceedings involving the Oconee License, as well as the generic table 5-4 proceeding, and are therefore not subject to question in the instant proceeding.^{16/} Pursuant to the Oconee license and Commission regulations, Oconee spent fuel may be shipped at any time and in any quantity to a licensee who is authorized to receive such spent fuel.^{17/} This can be accomplished without additional formal NRC approval. Indeed, numerous shipments of spent fuel have already been made.^{18/} Accordingly, the sole question to be resolved in the instant proceeding is whether McGuire should be authorized to receive and store Oconee fuel, not the authorization or manner of such shipments.

This situation is analogous to that faced by the Licensing Board in Allied-General Nuclear Services (Barnwell Fuel Receiving and Storage Station) LBP-76-24, 3 NRC 725 (1976). In rejecting an intervenor contention concerning transportation the Board there stated

. . . The matters asserted in this contention are outside the scope of the present proceeding which concerns only a separately operable fuel storage facility. This contention presents an issue already included in a generic environmental statement (WASH-1238) and codified in the regulations under Table S-4 to 10 CFR Part 51. 3 NRC at 735.

Using similar rationale, the Board in Barnwell also rejected contentions dealing with transportation accidents (3 NRC 734); exposure to the public from normal transportation,

^{16/} See Oconee FES, March 1972, III(E) and VI(B).

^{17/} See 10 CFR Part 71

^{18/} See Applicant's Response to CESG's Interrogatory #44, December 8, 1978.

delays along the transportation route and transportation accidents (3 NRC 735, 737); and possible acts of sabotage during transportation (3 NRC 733, 737). 19/

In sum Barnwell teaches that issues related to transportation which have already been resolved are not subject to re-litigation in such proceedings. As a practical matter, to hold otherwise would require a licensee currently authorized to transport spent fuel to justify his original license and the Commission's regulations regarding transportation each time spent fuel is transshipped.

Further, Applicant submits that the assertion that transshipment of spent fuel creates an unacceptable hazard by increasing the dose to the public is, in essence, an impermissible attack on the Commission's regulations. Commission regulations set forth an acceptable level of radiation exposure and environmental impacts associated with transportation of radioactive wastes (e.g., 10 CFR Part 71 and Table S-4 to 10 CFR Part 51). These levels were established only after thorough Commission review and evaluation. CESSG, however, attempts to impose its own limits on exposure levels by asserting that no increase in radiation exposure

19/ It should be noted that there are cases in which transportation related issues were raised and litigated. However, these cases are all related to the initial issuance of a license to possess, use and transport special nuclear material, as in the initial Ocone construction permit/operating license proceeding. This is simply not the issue or the circumstances of the instant amendment request.

is permissible. 20/ CESH asserts that the dose limits specified in 49 CFR §173.393(j), Table S-4 to 10 CFR §51.20(g) and 10 CFR Part 71 are unacceptable and should be zero. 21/ As the basis for this assertion CESH states that all dose limits regarding transportation, and indeed all plant operations, cannot be made safe by regulations. 22/ Of significance is that CESH is not raising a cost-benefit analysis argument with respect to the residual risk of the proposed action but is simply asserting that the proposed action cannot proceed if such action would result in the exposure of any member of the public. 23/ CESH's position is, therefore, in direct conflict with Commission regulations involving transportation. 24/ If CESH disagrees with Commission regulations involving transshipment, the proper forum for raising this issue is in a petition to the Commission requesting change of these regulations, not in the instant forum.

20/ CESH Response to Applicant's Interrogatories #75 and 78, April 27, 1979.

21/ Id., #75, 76 and 77.

22/ Id., #78, 77, 72 and 3.

23/ Id., #75.

24/ Applicant notes that CESH's position would also constitute a generic cessation of all transportation of spent fuel and thus be in direct conflict with Commission policy that there shall be no generic deferral of actions designed to ameliorate the shortage of spent fuel storage space, including actions involving transportation. (40 Fed. Reg. 42801). See CESH Response to Applicant's Interrogatory #17, April 27, 1979.

Finally, Applicant submits that CESH's assertion that the proposed action would create an unacceptable hazard by significantly increasing the radiation doses to the public has no factual supporting basis and is totally without merit. During discovery, Applicant propounded questions to CESH as to the supporting basis of each of the three subcategories of Contention 2. CESH's responses demonstrate the lack of supporting basis for its contention and are therefore summarized below:

- (a) The supporting bases for the contention that during normal transshipment the persons living near the route of travel would be subjected to an unacceptable hazard (CESH Response to Applicant's Interrogatory #80) are (1) "NRC has seriously misjudged reactor accident frequency" and therefore, CESH reasons transportation accident frequency is misjudged (This basis is properly addressed to CESH's contention involving accidents - Contention 2(c), Id. #71; (2) "the well established fallibility of the human species," and the ineffectiveness of NRC regulations, Id. #72; (3) "rational judgment of the facts available by perception," Id. #73; (4) there should be "zero" dose from transportation, Id. #75; and (5) CESH's disagreement with Table S-4 to 10 CFR §51.20(g) Id. #77.
- (b) The supporting basis for the contention that during normal transshipment the public traversing the proposed route would be subjected to an unacceptable hazard from radiation is that "the EIA clearly ignores" the fact that exposure on interstate highways will be greater than for secondary roads due to "same-way" traffic on the dual two-lane and interstate highway. Id. #99 25/
- (c) The supporting basis for the contention that during accident conditions or delays in transit

25/ This assertion is totally without merit. The NRC Staff has thoroughly evaluated the effects of concurrent travel and has concluded that they would be negligible. EIA 31-32.

the public would be subjected to an unacceptable hazard is "the fact that competence and freedom from malfunction can be legislated by regulation but cannot be realized." Id., #117.

In short, CESG has attempted to support its contention, not with material facts in issue which may give rise to a rational determination of the essence of its contention, but rather with philosophical assertions, impermissible attacks on the regulations, or attacks on the entire NRC regulatory scheme. It is well established that such general allegations and direct attacks on the Commission's regulations cannot serve as the requisite support for an intervenor's contentions.

On the other hand, Staff has thoroughly evaluated the proposed action to include the risks associated with accidents and delays in transit and based on thoroughly documented calculations has concluded that "the environmental impacts associated with the proposed action would constitute a negligible impact on the public." EIA at 57. 26/

From the foregoing, Applicant submits that CESG's Contention 2 raises no issue of material fact appropriate for resolution in the proceeding and therefore should be dismissed.

D. There Is No Genuine Issue to Be Heard Regarding Preparation of an Environmental Impact Statement (Contention 3)

CESG's Contention 3 asserts that based on Contention 1 and 2 the preparation of an Environmental Impact Statement

26/ See also EIA at 31 - 43.

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(EIS) is required because the proposed action is a major federal action significantly affecting the quality of the human environment. ^{27/}

Applicant submits that CESG's Contention 3 raises issues that are immaterial, unrelated to the instant proceeding or, in any event, not supported by the facts.

CESG first submits that the factors set forth in Contention 1, related to alternatives to the proposed action, mandate preparation of an EIS. Applicant submits, however, that an evaluation of alternatives to the proposed action (Contention 1) is of no moment to the issue of whether the proposed action itself is a major federal action significantly affecting the quality of the human environment. Only after it is shown that the proposed action significantly impacts on the human environment does an evaluation of alternatives become a requirement. NRDC v. Morton, 510 F.2d 825 (5th Cir., 1975). Therefore, CESG's assertion that factors set forth in Contention 1 provide a supporting basis for Contention 3 is simply without merit.

CESG therefore must rely on the factors set forth in Contention 2 as the basis for asserting that the proposed action is a major federal action significantly affecting the quality of the human environment. Such assertion, however, is equally unpersuasive. As previously discussed,

^{27/} CESG submits that it does not intend to raise "matters" outside the scope of Contention 1 and 2 with respect to Contention 3. CESG's Response to Applicant's Interrogatories, #136, April 27, 1979.

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issues related to transportation of spent fuel, the essence of Contention 2, have been previously litigated and resolved in previous proceedings. In past Oconee construction permit/licensing proceedings, it has been determined that shipment of Oconee fuel will not have a significant affect upon the environment. Currently, Oconee may and indeed has shipped spent fuel without any additional formal Commission action. 28/ Therefore, to the extent that CESH relies on transshipment issues to support Contention 3, it must fail. Barnwell, supra.

In any event, CESH has failed to present any factual support for its assertion that the proposed action is a major federal action significantly affecting the quality of the human environment. Indeed, it is difficult to perceive what factual support could be presented. Unlike other licensing actions, every facet of the proposed action has been thoroughly analyzed and evaluated in prior Oconee and McGuire licensing or Commission rulemaking proceedings. In all cases a determination was made that such actions would not have a significant impact upon the environment. Further the NRC staff has carefully evaluated the proposed action and has concluded that "the proposed licensing amendment will not significantly affect the quality of the human environment . . . [and] that an environmental impact statement need not be prepared" EIA at 65.

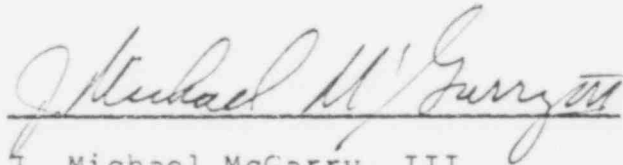
28/ Applicant's Response to CESH's Interrogatory #44, December 8, 1978.

In sum, therefore, Applicant maintains that CESG's Contention 3 raises no issues of material fact suitable for resolution in this proceeding and should be dismissed.

III. CONCLUSIONS

From the foregoing, Applicant submits that CESG's Contentions present no issue of law or material fact suitable for resolution in this proceeding, and, therefore requests that the Board grant Applicant's motion for summary disposition.

Respectfully submitted,



J. Michael McGarry, III

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May 21, 1979

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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DUKE POWER COMPANY)
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(Amendment to Materials)
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Nuclear Station Spent Fuel)
Transportation and Storage)
At McGuire Nuclear Station))

CERTIFICATE OF SERVICE

I hereby certify that copies of "Applicant's Motion for Summary Disposition Respecting Intervenor, Carolina Environmental Study Group", "Applicant's Statement of Material Facts As To Which There Is No Genuine Issue To Be Heard Respecting Intervenor, Carolina Environmental Study Group", and "Applicant's Memorandum In Support of Its Motion for Summary Disposition Respecting Intervenor, Carolina Environmental Study Group", dated May 21, 1979 in the above captioned matter, have been served upon the following by deposit in the United States mail this 21st day of May, 1979.

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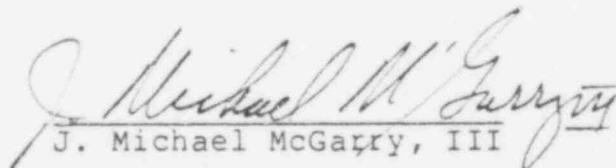
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