

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Before the Atomic Safety and Licensing Board

_____)	
In the Matter of)	
LONG ISLAND LIGHTING COMPANY)	Docket No. 50-322 (OL)
Shoreham Nuclear Power Station,)	(Emergency Planning
(Unit 1))	Proceedings)
_____)	

OBJECTIONS TO PREHEARING CONFERENCE ORDER
AND MOTION FOR RECONSIDERATION OR, IN THE
ALTERNATIVE, FOR CERTIFICATION TO THE COMMISSION

Introduction

On July 27, 1982 the Board issued a Prehearing Conference Order (Phase I -- Emergency Planning) [hereinafter "Order"] in which it ruled on the admissibility of the Intervenors' amended consolidated contentions, submitted on July 6, 1982, and on LILCO's motion to compel discovery. In its Order, the Board once again set out to define those matters to be considered in "Phase I" of the emergency planning proceedings. Such matters were those "based on LILCO's plan, dealing primarily but not exclusively with onsite matters . . ." Order at 2. The Board offered the further guidance that Phase I matters are those "currently capable of final resolution." Id. Using this "rule of thumb," the Board set forth five categories in which it placed the various contentions: (1) admissible; (2) not admissible; (3) not admissible during this phase of emergency

planning litigation; (4) not admissible as currently written; and (5) susceptible to settlement.

Because of a perceived lack of particularity and specificity, the Order placed EP 1, concerning the overall inadequacy of LILCO's plan, in the second category -- thus wholly excluding EP 1 from further consideration. Order at 5-6. Furthermore, the Board placed a number of contentions within the third category (deferred until "Phase II") on the ground that the deferred contentions concerned "offsite" matters and were thus not ripe for consideration in Phase I. Finally, the Board ruled that the County must comply at this time with LILCO's request for discovery of virtually all documents pertaining to Suffolk County's radiological emergency planning efforts, as well as the County's plans for non-nuclear disasters.

Pursuant to 10 C.F.R. §2.752(c), Suffolk County objects to, and moves the Board, to reconsider its rulings with respect to:

1. The Board's separation of "Phase I" and "Phase II" issues and its deferral of certain contentions until Phase II of this proceeding;
2. The Board's ruling that EP 1 is not admissible; and
3. The Board's ruling that discovery is proper on Suffolk County's emergency plan which has not been completed, is not a matter in controversy, and indeed is not the subject of any proffered or admitted contentions.

In the alternative, the County seeks a stay of the Board's rulings and certification of these issues to the Commission pursuant to 10 C.F.R. §§2.718(i), and 2.752(c).

THE BOARD'S ORDER HAS PREJUDICED SUFFOLK COUNTY
AND HARMED INTEGRATED PLANNING BY BIFURCATING
CONSIDERATION OF EMERGENCY PLANNING ISSUES

Detriment to Integrated Planning

At the Prehearing Conference held on April 14, 1982, the Board stated that certain emergency planning issues would be litigated as a group before others, and distinguished between licensee and local emergency planning issues. The County, SOC and NSC vigorously objected to separation of onsite and offsite matters and/or any consideration of any one of the emergency plans (utility, State or local) in isolation from the other plans (Tr. 748-750, 770-775, 795-802). The intervening parties noted especially the language of NUREG 0654, which states at 23:

. . . an integrated approach to the development of response plans to radiological hazards is most likely to provide the best protection of the health and safety of the public. NRC and FEMA recognize that plans of licensees, State and local governments should not be developed in a vacuum or in isolation from one another. Should an accident occur, the public can be best protected when a response by all parties is fully integrated. Each party involved must have a clear understanding of what the overall level of preparedness must be and what role it will play in the event of a nuclear

accident. This understanding can be achieved best if there is an integrated development and evaluation of plans.

Despite the clear guidance of NUREG 0654, the Board ruled that the intervenors were to submit, by June 22, 1982, consolidated contentions regarding the "licensee's actions under its emergency plan whether those actions be onsite or offsite . . ." (Tr. 760, emphasis added). Thus, for the interim period, the Board placed beyond reach of the litigation any and all issues involving the County's own radiological emergency response plan.

In its Order of April 20, 1982, (the "April 20 Order"), the Board again manifested what appeared to be its clear intent to place the County's plan beyond reach of the present litigation and explicitly defined the issues to be litigated first as those pertaining to "LILCO's emergency plan." April 20 Order at 7. In reliance on -- indeed, pursuant to -- the Board's seemingly clear definition of the emergency planning issues which were ripe for litigation, Suffolk County focused its energies on the development of emergency planning contentions and evidence concerning "LILCO's emergency plan," and filed its contention on LILCO's plan on June 22 and July 6, 1982.

Subsequent to the filing of the County's contentions, the Board held a Prehearing Conference on July 20, 1982 at which

time it announced that its previous definition of the litigable issues was broader than the scope of issues that it actually intended to hear in "Phase I." Thus, the Board stated:

We purposely had the description arguably broader than the bare minimum so we wouldn't end up in a situation where parties mistakenly withheld contentions that should have been filed now, possibly because we weren't very clear or because the line of demarcation itself was not clear.

The County respectfully submits that the Board's decision to isolate a number of narrow emergency planning issues for resolution in advance of other critical issues is proving harmful to the development of integrated emergency plans, and is causing confusion and wasted resources. Piecemeal litigation of bits of the LILCO plan at the same time that the County is developing the local plan has had the effect of exacerbating potential conflicts between LILCO and the County. The County believes that the Board's fast-paced schedule for trial of fragments of LILCO's plan is actually promoting disagreement between the very parties whose plans must complement each other in order to be workable, and is discouraging LILCO from joining the County in developing an onsite plan that can be integrated with the County's plan (scheduled for completion by October 1, 1982).

Given the County's good faith program to produce an excellent and workable emergency plan to protect the residents of

Suffolk County, the County requests that the Board consider the practical implications of its fragmented schedule for litigation of emergency planning issues. Surely where the public interest can be furthered by the NRC creating a climate for cooperation between two essential elements in the emergency planning process -- and this is such a case -- the Board's action of creating an adversarial confrontation does not serve that interest. Indeed, the County is concerned that the Board's fragmentation of emergency planning issues is not giving sufficient attention to the most critical perspective: namely, the effect that such action will have on the public health and safety. While administrative efficiency is important, the County's responsibility is to the welfare of its residents. The County is concerned because this responsibility, shared also by the NRC, is being placed in what appears to be a position subordinate to the goal of expeditious administrative procedure.

In view of the foregoing, the County respectfully requests that the Board defer litigation of emergency planning until such time as all emergency planning issues can be evaluated, and if necessary litigated, as an integrated whole. The County's request is founded not only on the above-cited language of NUREG 0654 and the TMI lesson which prompted that language, but on the County's view that emergency planning in the

public interest must be integrated to deal effectively with actual local conditions and the respective responsibilities of the parties involved. This Board would provide the public of Suffolk County with the most effective emergency planning and preparedness if it were simply to direct LILCO to cooperate with the County in developing integrated emergency plans and to defer litigation of emergency planning issues until after such plans are completed. If the Board did so, it is possible that as a practical matter there would not even be any contentions or litigation over such integrated emergency plans. This is so because the County and LILCO would have planned together in light of common local conditions and purposes and the public would have been involved in the planning process.

Low Power License

At the Prehearing Conference, counsel for Suffolk County inquired whether the Board's determination of Phase I issues was pertinent to the granting of a low power license. The Board replied:

Basically, yes, but not exclusively because we are going beyond it in some sense such as siren [coverage]. Tr. 7297.

The County is particularly concerned with the Board's statement that the line it has drawn between "Phase I" and "Phase II" issues is predicated basically upon what the Board believes are the requirements of a license for low power operation.

Given that no motion for a low power license has been filed by LILCO, the County submits that the Board should not be structuring the hearings in anticipation of such a motion or, for that matter, in anticipation of any other action that would serve the interests of a particular party. LILCO has requested a full power license, that license request is what the County has been given notice of, and only that request is the subject of contentions. The County submits that it is unfair and inappropriate for this Board, on its own initiative, to structure the proceedings in order to hasten the issuance of any form of operating license or legal relief other than that which LILCO has requested and upon which the other parties have relied.

Indeed, were there a low power application under consideration, the County's emergency planning contentions, the discovery it would seek, and its proof at trial would all have a different focus. Thus, the County has made no analysis of the kinds of risks to which the public would be subject as a result of various accident scenarios at low power operation at Shoreham. Neither the County nor the Board even knows what tests LILCO would propose at low power. Nor do the parties know what exemptions from regulatory requirements LILCO might request. These considerations are surely relevant to low power operation.

Moreover, the County has the right to evaluate site-specific low power risks and issues and to make an evidentiary record upon which the Board can make a determination as to the adequacy of LILCO's emergency plan, even under low power operating conditions. Without even having notice of what low power tests LILCO might be contemplating, the County is unable to make any kind of record as to the risks and issues attendant to low power operation. This is particularly significant because 10 C.F.R. §50.57(c) guarantees the County the right to contest and litigate issues relevant to low power operation. Accordingly, the County submits that unless and until LILCO files the requisite motion for a low power license in accordance with §50.57(c) and the requisite standards of §2.730(b) and §2.732, this proceeding should be confined only to issues related to LILCO's pending request for a full power license.

Deferral of Contentions to Phase II

If the Board does not reconsider and reverse its decision to segment the litigation of emergency planning issues, the County requests that the Board abide by the language of its original order of April 20 -- i.e., Phase I issues should consist of "LILCO's emergency plan." Suffolk County submitted contentions on June 22 and July 6, 1982, based on LILCO's plan and on a reasonable interpretation of the Board's language. Accordingly, since all of those contentions pertain

specifically to LILCO's plan, none should be deferred to Phase II.

THE BOARD ERRED IN FAILING TO ADMIT EP 1

In its Order of July 27, 1982, the Board ruled that it would not admit EP 1 for consideration in either Phase I or Phase II. Order at 5-6. The Board based its decision on EP 1's lack of particularization and over-breadth, ruling further that "the local conditions" referenced in sub-parts 1 through 4 were "so vaguely defined as to fail to apprise the Board or parties of what matters intervenors seek to put into issue." Id. The Order, however, ignores the "Response of Suffolk County to Objections of LILCO And NRC Staff To First Amended Consolidated Emergency Planning Contentions," which contained a detailed description and explanation of the issues encompassed by EP 1. It also overlooks the on-the-record discussions of EP 1 by the County's counsel on July 20, 1982, as well as the social survey conducted by the County and provided to the Board and parties. Moreover, the Board inaccurately characterizes EP 1 as a "catchall" (Tr. 7233). In fact, EP 1 addresses two specific regulatory standards: (1) whether the plan provides reasonable assurance that adequate protective measures "can and will be taken," and (2) whether the plan is "capable of being implemented." 10 C.F.R. §§50.47(a)(2) and(b).

Suffolk County submits that inherent in the concepts that adequate measures "can and will be taken" and that a plan must be "capable of being implemented" is the requirement that the plan be devised with consideration of the characteristics of the people and community to be protected by that plan. A plan that does not take into account the true conditions that exist on Long Island is deficient. The NRC itself in adopting the emergency planning regulations "concluded that adequate emergency preparedness is an essential aspect of the protection of the public health and safety," 45 Fed. Reg. 55404 (1980), and the lesson of TMI that prompted that language vividly underscores its importance. The physical characteristics of Long Island and the behavior of its inhabitants are independently important "local conditions" and are also interrelated, as the County's pleadings, statements of counsel, and social survey demonstrate. Both such local conditions have effects on emergency planning (and therefore on the public health and safety) that the Board simply cannot ignore. This is not a case of the County suggesting that the parties take license to search for "local conditions." This is rather a case where important local conditions are already before the Board. Indeed, the social survey itself is hard data which must be reckoned with in planning for a radiological emergency.

In its Response, Suffolk County took pains to particularize in great detail the kinds of "local conditions" that could affect LILCO's plan. Such local conditions include:

- i. where on Long Island people live;
- ii. where on Long Island people work;
- iii. what kinds of shelter people have (taking single-story frame houses and multi-story brick condominiums as opposite ends of the spectrum) in the Long Island communities, and how this affects the required public notification, education, and instructions (at any level of power operation);
- iv. what people are told about an emergency (at any power level);
- v. who tells them (i.e., the credibility of the source. Certainly a not-so-credible source telling people not to be concerned because the incident is "only at low power" might provoke public disbelief and unanticipated reactions);
- vi. how people will actually respond to notification of an emergency;
- vii. how such factors as geography, topography, and weather conditions will impact how people actually do what they decide to do after hearing of nuclear accidents (e.g., an accident even at low power at a time when heavy storms are being predicted might prompt evacuation);
and
- viii. what physical access and ease of access people actually have to roads, bridges, transportation facilities and other means of egress (e.g., the fear of even a lower power accident increasing in severity over time might prompt persons who perceive themselves to be geographic-

ally "trapped" or at a disadvantage to evacuate).

Cf., Response at 3; see also Response at 4-8.

The social survey conducted on behalf of the County addresses a number of these concerns. For instance, in the event of an accident which calls for advising persons within five miles of the plant to stay indoors, 40% (approximately 4,000) of the families in that area would attempt to flee. Survey at 4. In Long Island as a whole, 25% of Long Island residents, or approximately 217,000 families, would attempt to evacuate. Survey at 5. Thus, even at low power operation, it is quite clear that notification of an accident could cause large numbers of people to attempt to evacuate. Evacuation from west of the plant, of course, could block those proceeding from the east. This type of information is important to emergency planning, but it has not been addressed by LILCO in developing its plan.

Similarly, the survey provides key information showing that one's reaction to an accident at Shoreham would depend upon one's actual distance from the plant (Survey at 8), one's level of knowledge about nuclear energy (Survey at 9), one's level of trust in the source of information about an accident (Survey at 9-10), and one's attitudes towards nuclear power in general (Survey at 8-9). These factors pertain to any level of

power operation of Shoreham. This information has a clear and direct impact upon public education programs, protective action recommendations, evacuation time estimates and other such aspects of emergency planning. To ignore the "local conditions" that this survey describes would result in LILCO's production of only a paper plan at best -- not one designed to meet the needs of the people the plan is meant to protect and not one that can be integrated with the County's plan. To the extent that such considerations are not incorporated into LILCO's plan, it is deficient because it is not "capable of being implemented." 10 C.F.R. §50.47(a)(2).

The County believes that EP 1 is particularized and clear as written, and that it presents a matter of vital concern not only for Suffolk County's residents but also for the Board. Accordingly the County objects to the Board's ruling that EP 1 is inadmissible. Recognizing, however, the Board's determination that its standard of specificity be satisfied by all contentions, the County offers the following, even more detailed statement of EP 1. This statement directly addressing the specific regulatory standards.

EP1: LILCO's Failure to Account for the Specific Conditions Existing on Long Island

The Board should rule that LILCO's plan as a whole is inadequate under 10 CFR §50.47(a)(2) and (b),

because the state of preparedness under that plan does not provide reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency, nor does the plan provide reasonable assurance that it is capable of being implemented.

The basis for this contention is that the LILCO emergency plan cannot "provide reasonable assurance that adequate protective measures can and will be taken" and cannot provide reasonable assurance that it is "capable of being implemented" unless the plan has accounted for local conditions in the vicinity which directly affect whether adequate protective measures "can and will be taken" and whether the plan is "capable of being implemented."

In developing its emergency plan, LILCO has not determined the types and sizes of radiological releases to be expected from possible accidents at the Shoreham plant; it has not determined the physical dispersion of such radiological releases on Long Island and proximate areas; it has not determined the populations at risk from such radiological releases; it has not determined the likely reactions of such populations to notification that they are at risk; it has not determined what protective actions should be recommended from such notified populations", it has not determined who should give such notification and how that

should be done; and it has not determined what type of education is required for such populations (and for Long Island populations not significantly at risk from radiation) and when and how to provide that education. Specifically, the local conditions which LILCO has not taken into account are the following:

1. Local demographic, socio-economic and social and behavioral characteristics of the population affected by a radiological emergency, including:
 - i. Where people live;
 - ii. Where people work;
 - iii. Whether the officials or organizations which will inform Long Island residents of an accident at the Shoreham plant are credible sources of information;
 - iv. The educational level and nuclear-related knowledge and predispositions of the residents of Long Island, so as to tailor education and notification programs to their needs.
 - v. How the residents of Long Island will respond to notification of a radiological emergency, particularly whether they will obey instructions to take a specific protective action or whether they will attempt to flee and, if so, how families separated by work or school will seek to unite or depart individually.
 - vi. How the location and perception of location of the residents in Long Island (including the East End) would affect their reactions to a radiological emergency.

vii. Whether role conflicts will reduce the size and reliability of emergency workers who would be required during an accident at the Shoreham plant.

2. What physical access and ease of access people actually have to roads, bridges, transportation facilities and other means of egress.

3. The types of materials of which local houses and other buildings are constructed and the extent to which those materials would affect the health consequences of a radioactive release in the event that sheltering is the recommended protective action.

For having failed to consider the foregoing during development of the LILCO emergency plan, the LILCO plan is not capable of being implemented and there is no reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency at the Shoreham Plant. Each of the foregoing local conditions affects the response of Long Island's population to an accident at the Shoreham plant. Each of these local conditions is common to both principal emergency plans for the Shoreham plant; that is, the LILCO plan and the County plan. The LILCO plan itself is inadequate because it does not account for these local conditions. Since the LILCO plan must also be integrated with the County plan, the

LILCO plan is further inadequate for being incapable of such integration and, thus, incapable of being implemented.

THE BOARD ERRED IN COMPELLING
SUFFOLK COUNTY TO PRODUCE
DOCUMENTS PERTAINING TO MATTERS
NOT IN CONTROVERSY

The Board ruled in its Order of July 27 that Suffolk County was obligated to produce documents concerning "all phases of emergency planning." The Board's Order, however, is devoid of any reference to the arguments contrary to LILCO'S motion to compel. Furthermore, the Board's ruling reveals once again a lack of clarity with regard to the scope of issues in controversy.

The Commission's rules dictate that discovery shall be had only on "matters in controversy which have been identified by the Commission or the presiding officer in the prehearing order . . ." 10 C.F.R. §2.740(b)(1). To date, no offsite issues have been identified, nor can they be identified until the County completes its plan. Nowhere in the July 20 Order has the Board made reference to a pre-existing prehearing order that specifically identifies the issues relating to the County's plan that are in controversy. The reason for that omission is clear: there is no such pre-trial order. Accordingly, extending the scope of discovery in contravention

of 10 C.F.R. §2.751(a) raises an important issue of law which this Board should either reconsider and reverse or, in the alternative, certify pursuant to 10 C.F.R. §2.752(c).

Even as a practical matter, discovery relating to the County's emergency planning efforts is a waste of time at this point in the proceeding. The Board has permitted discovery with respect to offsite matters that is sweeping and unfettered because the parties do not have the benefit of any defined "matters in controversy." Thus, there is no standard of relevance against which to judge the reasonableness of LILCO's discovery requests. At least for Phase I issues, the Board attempted to define the scope of the issues, and therefore the scope of discovery. Furthermore, a plan (LILCO's) is in existence that encompasses (to whatever extent) Phase I issues. However, for local plan offsite matters, the Board has offered to LILCO virtually unrestrained discovery on issues that may never be in controversy and on a plan that does not yet exist. Had the County been aware that the Board's Order of April 20 contemplated such unbridled discovery, it certainly would have objected strongly at that time.

Simply put, the Board's Order is unreasonable if orderly discovery is its goal. The Board explained that:

. . . it was our intent that discovery continue with respect to those methods set forth in 10 C.F.R. §2.741 (Production of documents and things and entry for inspection and other purposes) so that a lengthy

period of discovery will not be required prior to the litigation of those matters. Tr. 7407.

Order at 24. The County is puzzled by the notion that by permitting LILCO unfettered discovery at this time, the Board has somehow prevented lengthy discovery prior to litigation of the offsite local plan issues.^{1/} The County submits that the better route would be to wait until the County plan has been developed and the related offsite issues therefore have become better focused, so that discovery need not take on the fishing expedition proportions it now has taken.

Conclusion

For the reasons set forth above, Suffolk County respectfully submits that the Board should reconsider and reverse its rulings with respect to its division of "Phase I" and "Phase II" emergency planning issues, its rejection of EP 1, and LILCO's motion to compel discovery. In the alternative, the Board should certify these issues pursuant to 10 C.F.R. §2.752(c).

^{1/} Suffolk County also objects that the Board has granted LILCO apparent license to fish through the County's files. Indeed, LILCO is the party least likely to file contentions on local plan offsite matters. It is unreasonable to believe that LILCO would delay receipt of its operating license by contesting the adequacy of the County's plan, yet it has been granted broad discovery that would be more appropriate for a party truly interested in vigorously contesting offsite local plan issues.

Respectfully submitted,
David J. Gilmartin
Suffolk County Attorney
Patricia A. Dempsey
Assistant County Attorney
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York

Herbert H. Brown / Comm

Herbert H. Brown
Cherif Sedky
Christopher M. McMurray
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
Washington, D.C. 20036

Dated: August 2, 1982
Washington, D.C.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of)
)

LONG ISLAND LIGHTING COMPANY)

(Shoreham Nuclear Power Station,)
Unit 1))
_____)

) Docket No. 50-322 (O.L.)
)
)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "Objections to Prehearing Conference Order and Motion for Reconsideration or, in the Alternative, for Certification to the Commission" was sent on August 3, 1982 by first class mail, except where otherwise noted, to the following:

Lawrence Brenner, Esq.*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dr. James L. Carpenter*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. Peter A. Morris*
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Edward M. Barrett, Esq.
General Counsel
Long Island Lighting Company
250 Old Country Road
Mineola, New York 11501

Mr. Brian McCaffrey
Long Island Lighting Company
175 East Old Country Road
Hicksville, New York 11801

Ralph Shapiro, Esq.
Cammer and Shapiro
9 East 40th Street
New York, New York 10016

Howard L. Blau, Esq.
217 Newbridge Road
Hicksville, New York 11801

W. Taylor Reveley III, Esq.**
Hunton & Williams
P.O. Box 1535
707 East Main St.
Richmond, Virginia 23212

Mr. Jay Dunkleberger
New York State Energy Office
Agency Building 2
Empire State Plaza
Albany, New York 12223

Stephen B. Latham, Esq.
Twomey, Latham & Shea
Attorneys at Law
P.O. Box 398
33 West Second Street
Riverhead, New York 11901

*By Hand

**By Federal Express

Marc W. Goldsmith
Energy Research Group, Inc.
400-1 Totten Pond Road
Waltham, Massachusetts 02154

Joel Blau, Esq.
New York Public Service Commission
The Governor Nelson A. Rockefeller
Building
Empire State Plaza
Albany, New York 12223

David H. Gilmartin, Esq.
Suffolk County Attorney
County Executive/Legislative Bldg.
Veterans Memorial Highway
Hauppauge, New York 11788

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

Docketing and Service Section*
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Bernard M. Bordenick, Esq.*
David A. Repka, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Stuart Diamond
Environment/Energy Writer
NEWSDAY
Long Island, New York 11747

Cherif Sedky, Esq.
Kirkpatrick, Lockhart,
Johnson & Hutchison
1500 Oliver Building
Pittsburgh, Pennsylvania 15222

Mr. Jeff Smith
Shoreham Nuclear Power Station
P.O. Box 618
North Country Road
Wading River, New York 11792

MHB Technical Associates
1723 Hamilton Avenue
Suite K
San Jose, California 95125

Hon. Peter Cohalan
Suffolk County Executive
County Executive/Legislative
Building
Veterans Memorial Highway
Hauppauge, New York 11788

Ezra I. Bialik, Esq.
Assistant Attorney General
Environmental Protection Bureau
New York State Department of
Law
2 World Trade Center
New York, New York 10047

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

Matthew J. Kelly, Esq.
Staff Counsel, New York
State Public Service Comm.
3 Rockefeller Plaza
Albany, New York 12223

DATE: August 3, 1982


Christopher M. McMurray
KIRKPATRICK, LOCKHART, HILL,
CHRISTOPHER & PHILLIPS
1900 M Street, N.W., 8th Floor
Washington, D.C. 20036