



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

DOCKETED
USNRC

82 SEP -8 A9:59
September 1, 1982

→ Hon. Nunzio Palladino, Chairman
Hon. John Ahearne, Commissioner
Hon. James Asselstine, Commissioner
Hon. Victor Gilinsky, Commissioner
Hon. Thomas Roberts, Commissioner
U.S. Nuclear Regulatory Commission
Washington, DC 20555

~~II~~ OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Moore/McGurren
Hassell/Korman SERVED SEP 8 1982
Barbagallo/Treby
rf

Gentlemen:

It is with great regret that I tender my resignation, effective immediately, as an Administrative Judge of the Atomic Safety & Licensing Board.

Since 1980 I have been fortunate to have served as a judge on the Licensing Board Panel, and have benefited, particularly, in serving in so important a function with one of the finest groups of men and women I know. Perhaps it has been the contagion of their independence and striving for truth which has given me the courage to resign.

Certain aspects of orders in other proceedings, such as the Zimmer case, have played a substantial part in my decision, but it is primarily because of Indian Point that I am leaving.

It is not necessary, at this time, to review in detail my disagreement with all the changes which have come about in the Indian Point proceeding. It appears to me, however, that the goal of a truly independent Licensing Board has been needlessly subordinated to the commission's other goals in the

8211180140 821104
PDR FOIA
HIATT82-481 PDR

REC'D CHRIN

7 SEP 12 1982

September 1, 1982

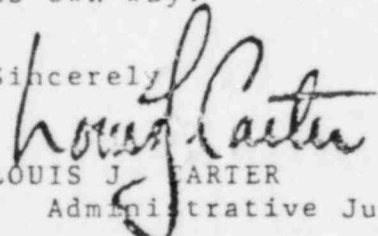
Indian Point case. I refer here to (1) the commission's procedural rulings on contentions and proof; (2) the commission's acceptance of ex parte communications while the board was conducting its investigation; and (3) the Commission's unwillingness to meet with the board in order to resolve administrative differences which would, I feel, have insured a full and fair investigation - a goal I thought we shared. Thus, to sit as the Chairman of the Board under the new restrictions and rulings would be incompatible with my sense of fairness.

Unfortunately this case has indicated to me that we do not share a common concern for the processes which regulate the resolution of these matters or in making the NRC's legal process a finer craft so that the quality of its hearings may be improved and public participation increased.

In all events, I leave with appreciation for the honor you permitted me in chairing this fine board and hope that my leaving will not prove an undue burden to you, the board or the parties. It is certainly not intended as such.

I respect you all for your honest concern and personal integrity. Though reasonable men may have honest differences of opinion and want to strive together there comes a time when one's beliefs force him to depart and go his own way.

Sincerely,



LOUIS J. CARTER
Administrative Judge

cc: Hon. B. Paul Cotter, Hon. Fred Shon, Hon. Oscar H. Paris

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CONSOLIDATED EDISON COMPANY) Docket No.(s) 50-247
OF NEW YORK, INC.) 50-286
)
(Indian Point Station, Unit Nos.)
2 and 3))
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document(s) upon each person designated on the official service list compiled by the Office of the Secretary of the Commission in this proceeding in accordance with the requirements of Section 2.712 of 10 CFR Part 2 - Rules of Practice, of the Nuclear Regulatory Commission's Rules and Regulations.

Dated at Washington, D.C. this
8th day of SEPT 1971.

Richard H. Lawrence
Office of the Secretary of the Commission

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CONSOLIDATED EDISON COMPANY OF)
NEW YORK, ET AL.)
POWER AUTHORITY OF THE STATE OF NEW YORK)
(Indian Point, Units 2 and 3))

Docket Nos. 50-247SP
50-286SP

SERVICE LIST

Judge Louis J. Carter
7300 City Line Avenue
Philadelphia, Pennsylvania 19151

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

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

Counsel for NRC Staff
Office of the Executive Legal Director
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Consolidated Edison Company of
New York, Inc.
ATTN: Mr. John D. O'Toole
Vice President
4 Irving Place
New York, New York 10003

Brent L. Brandenburg, Esq.
Consolidated Edison Company of
New York, Inc.
4 Irving Place
New York, New York 10003

Paul F. Colarulli, Esq.
Joseph J. Levin, Jr., Esq.
Morgan Associates, Chartered
1899 L Street, N. W.
Washington, D. C. 20036

Pamela S. Horowitz, Esq.
Charles Morgan, Jr., Esq.
Morgan Associates, Chartered
1899 L Street, N. W.
Washington, D. C. 20036

Thomas R. Frey, Esq.
Charles M. Pratt, Esq.
Power Authority of the State of
New York
10 Columbus Circle
New York, New York 10019

Ellyn R. Weiss, Esq.
Harmon and Weiss
1725 I Street, N. W.
Suite 506
Washington, D. C. 20006

Jeffrey M. Blum, Esq.
New York University Law School
423 Vanderbilt Hall
40 Washington Square South
New York, New York 10012

Charles J. Mailkish, Esq.
General Counsel
The Port Authority of New York and New
Jersey
One World Trade Center, 665
New York, New York 10048

Ms. Joan Hoyt
New York Public Interest Research
Group
9 Murray Street
New York, New York 10007

Ezra I. Bialik, Esq.
Steve Leipzig, Esq.
Environmental Protection Bureau
New York State Attorney General's
Office
Two World Trade Center
New York, New York 10047

West Branch Conservation Association
443 Buena Vista Road
New City, New York 10956

Westchester People's Action
Coalition, Inc.
P. O. Box 488
White Plains, New York 10602

Alan Latman, Esq.
44 Sunset Drive
Croton-on-Hudson, New York 10520

Andrew S. Roffe, Esq.
New York State Assembly
Albany, New York 12248

Mrs. Lorna Salzman
Friends of the Earth
208 West 13th Street
New York, New York 10011

Mr. Richard P. Remshaw
Project Manager
Consolidated Edison Company
of New York, Inc.
4 Irving Place - Room 749S
New York, New York 10003

Stanley B. Klimberg, Esq.
General Counsel
New York State Energy Office
2 Rockefeller State Plaza
Albany, New York 12223

Mr. Alfred B. Del Bello
Westchester County Executive
Westchester County
148 Martine Avenue
White Plains, New York 10601

Mr. John Gilroy
Westchester Coordinator
Indian Point Project
New York Public Interest Research Group
240 Central Avenue
White Plains, New York 10606

Ms. Pat Posner, Spokesperson
Parents Concerned About Indian Point
P. O. Box 125
Croton-On-Hudson, New York 10520

Greater New York Council on Energy
c/o Dean R. Corren
New York University
26 Stuyvesant Street
New York, New York 10003

Mr. Geoffrey Cobb Ryan
Conservation Committee Chairman
Director, New York City Audubon Society
71 West 23rd Street, Suite 1828
New York, New York 10010

Marc L. Parris, Esq.
County Attorney
County of Rockland
11 New Hempstead Road
New City, New York 10956

Jonathan L. Levine, Esq.
P. O. Box 280
New City, New York 10956

Renee Schwartz, Esq.
Botein, Hays, Sklar and Herzberg
200 Park Avenue
New York, New York 10166

Honorable Ruth W. Messinger
Council Member
4th District, Manhattan
City Hall
New York, New York 10007

Mayor George V. Begany
Village of Buchanan
235 Tate Avenue
Buchanan, New York 10511

Ms. Judith Kensler, Coordinator
Rockland Citizens for Safe Energy
300 New Hempstead Road
New City, New York 10936

Honorable Richard L. Brodsky
9th Legislative District
Westchester County
County Office Building
White Plains, New York 10601

Richard F. Czaja, Esq.
David H. Pikus, Esq.
Shea & Gould
330 Madison Avenue
New York, New York 10017

Ms. Amanda Potterfield, Esq.
Box 384
Village Station
New York, New York 10014

Mr. Donald Davidoff, Director
Radiological Emergency Preparedness
Group
Empire State Plaza
Tower Building, Room 1750
Albany, New York 12237

Craig Kaplan, Esq.
National Emergency Civil
Liberties Committee
175 Fifth Avenue, Suite 712
New York, New York 10010

Michael D. Diederich, Jr., Esq.
Fitzgerald, Lynch & Diederich
24 Centrl Drive
Stony Point, New York 10980