'85

Filed: April 17, 1986

DOCKETED
USNRC

'87 APR 18 P2:54
86

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

UNITED STATES OF AMERICA

NUCLEAR REGULATORY COMMISSION

before the

ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
TEXAS UTILITIES ELECTRIC COMPANY, et al.	)	Docket No. 50-445-CPA
(Comanche Peak Steam Electric Station, Unit 1)	)	

PERMITTEES' ANSWER TO PETITIONS
TO INTERVENE OF CITIZENS ASSOCIATION
FOR SOUND ENERGY AND MEDDIE GREGORY

In a memorandum and order issued March 13, 1986, the Commission referred a hearing request before it in the above-captioned proceeding to the Chairman of the Atomic Safety and Licensing Board Panel and directed the appointment of a Licensing Board to consider whether any petition to intervene filed in connection therewith set forth a litigable contention thus requiring an adversary adjudicatory hearing. Texas Utilities Electric Co. (Comanche Peak Steam Electric Station, Unit 1), CLI-86-04, 23 NRC ___ (March 13, 1986); see also 51 Fed. Reg. 10480-81 (March 26, 1986). In so directing, the Commission stated:

D503

"However, the scope of the proceeding is limited to challenges to TUEC's effort to show 'good cause' for the extension." Id., Slip Op. at 11.

On April 2, 1986, two petitions were filed: one by Citizens Association for Sound Energy (CASE); the other by Meddie Gregory (Gregory). Herein the permittees respond to these two petitions.

Standing

The permittees do not contest the standing of either petitioner. In the event that a hearing is held, however, an appropriate order for consolidation should enter in light of the fact that, as seen below, the contentions set out in Gregory's petition are essentially identical to the last 4 contentions set out in the CASE petition.

Discussion of Individual Contentions

CASE No. 1

CASE Contention No. 1 is:

> "1. The delay was caused by factors totally within the control of Applicants and thus the requirements of 10 CFR §50.55(b) have not been met and the request should be denied."

A contention essentially identical in wording to this one was made in the WPPSS 1+2 proceeding. Washington Public Power Supply System (WPPSS Nuclear Project Nos. 1 and 2), CLI-82-29, 16 NRC 1221, 1224-25 (1982). With respect to the

contention as stated in the WPPSS proceeding, the Commission stated in remanding it for further consideration:

> "To the extent [the petitioner] is seeking to show that [the permittee] was both responsible for the delays and the delays were dilatory and thus without 'good cause' this contention if properly particularized and supported would be litigable." CLI-82-29, supra, 16 NRC at 1231 (emphasis added).

Subsequently an Appeal Board stated that this required the petitioner to claim that, and particularize how, the delay was both intentional and lacking any valid purpose. Washington Public Power Supply System (WPPSS Nuclear Project No. 2), ALAB-722, 17 NRC 546, 554 (1983). Accord Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), CLI-84-6, 19 NRC 975, 978 (1984).

CASE has made no attempt at particularization at all. Thus, the contention should be dismissed.

CASE NO. 2

CASE Contention No. 2 is:

> "2. The delay was caused by Applicants' refusal and failure to follow NRC regulations, particularly with respect to QA/QC for design and construction, and thus the requirements of 10 CFR §50.55(b) have not been met."

It has been flatly held by the Commission that the issue of whether delay was caused by violations of NRC regulations is not a subject for litigation in a construction permit extention proceeding. CLI-82-29, supra 16 NRC at 1230-31.

CASE No. 3

CASE Contention No. 3 is:

> "3. Further delay will be caused by Applicants' refusal and failure to follow NRC regulations, particularly with respect to repeating and exacerbating design deficiencies in direct violation of 10 CFR Part 50, Appendices A and B requirements."

This contention does not purport to question the reasons for past delay, but rather predicts the occurrence of delay in the future. Possible problems arising out of future construction activities are not litigable in a construction permit extension proceeding. CLI-82-29, supra, 16 NRC at 1225, 1230.

CASE NO. 4

CASE Contention No. 4 is:

> "4. There is no good cause for the extension because at present there is no basis for concluding that there is reasonable assurance that Applicants will construct Unit 1 in conformance with its construction permit and 10 CFR Part 50, Appendix B, or that there is adequate and/or appropriate management control over CPSES Unit 1 to ensure that NRC requirements are being and will be met. Thus continued construction of Unit 1 creates immediate health and safety implications. See Cincinnati Gas & Electric (Zimmer), CLI-82-33, 16 NRC 1489 (1982)."

Essentially this is a contention that the extension should be denied because there presently is no reasonable

assurance that CPSES No. 1 will be constructed properly and there is not extant management competence to do the job right. The first theory (a lack of "reasonable assurance") is being litigated in the ongoing licensing proceeding and thus is not a candidate for separate litigation herein. CLI-82-29, 16 NRC at 1227. The second theory (lack of management control or a lack of competence to control) is likewise nonlitigable in a construction permit extension proceeding. CLI-82-29, 16 NRC at 1224-25, 1230.

CASE No. 5

CASE Contention No. 5 is:

> "5. There is substantial evidence that Applicants are not technically competent to build Unit 1 properly, are not willing to follow NRC regulations in building Unit 1, have not and will not implement a proper QA/QC program for inspection, design, and construction of Unit 1, and cannot and will not meet the architectural and engineering commitments they have made in their application for a construction permit, in the hearing record for the construction permit and the operating license and to the Staff. Under these circumstances, unless and until Applicants present evidence that overcomes this evidence or agree to conditions to assure that the problems will not recur, they should not be allowed to continue construction of CPSES Unit 1 because continued construction involves immediate health and safety implications. Cincinnati Gas & Electric (Zimmer), supra."

This again is a contention that the permittees do not have the technical competence to construct the unit. Such a contention is not litigable in a construction permit extension proceeding. CLI-82-29, supra, 16 NRC at 1224-25, 1230.

CASE No. 6 and GREGORY No. 1

CASE Contention No. 6 is:

> "6. Applicants have not met their burden of proving that the delay in completion of construction was not caused by their own dilatory conduct.
>
> "a. Applicants have not given any reason for the existence of the delay. They only assert they need more time to complete a reinspection, redesign, and reconstruction program but they do not disclose the reason why such programs are needed or that the reason for delay was not intentional and without a valid purpose.
>
> "b. The real reasons for the delay in construction completion were that:
>
> "(1) Applicants deliberately refused to take positive action to reform their QA/QC program in the fact of consistent criticism, and
>
> "(2) Applicants have failed to properly design their plant, specifically:
>
> "i. Applicants failed to correctly apply fundamental engineering principles,
>
> "ii. Applicants failed to properly identify unique designs in their PSAR,
>
> "iii. Applicants constructed much of

their plant prior to its design having been completed,

"iv. Applicants have failed to comply with 10 CFR Part 50, Appendices A and B, including their failure to promptly identify and correct design deficiencies, and deliberately refused to take positive action to correct such deficiencies.

"Applicants ignored consistent criticism of their QA/QC program over a period of at least ten years and of their design over a period of at least four years, in the face of warnings by independent auditors, the NRC, and even the Atomic Safety and Licensing Board. As a result of these deliberate actions, Applicants built an unlicensable plant which must now be reinspected, redesigned, and reconstructed in the hope that it can be made licensable. There is no valid purpose given by Applicants for why, in the face of these criticisms, they refused to change their QA/QC implementation or address and correct design deficiencies. Thus Applicants have not established a good cause for the delay."

Gregory Contention No. 1, is essentially the same and reads as follows:

"1. Applicants have not met their burden of proving that the delay in completion of construction was not caused by their own dilatory conduct.

"a. Applicants have not given any reason for the existence of the delay. They only assert they need more time to complete a reinspection, redesign, and reconstruction program but they do not disclose the reason why such programs are needed or that the reason for delay was not intentional and without a valid purpose.

"b. The real reason for the delay in construction completion was that

> Applicants deliberately refused to take positive action to reform their QA/QC program in the face of consistent criticism over a period of at least ten years, and that they refused to properly design their plant, specifically failing to apply fundamental engineering principles, failing to identify designs in the PSAR, constructing the plant prior to having a completed design, ignoring confirmed design deficiencies, and failing to comply with 10 CFR Part 50, Appendix A and B requirements. As a result of this deliberate refusal to implement a proper QA/QC program for design and construction after years of warning from independent auditors and the NRC, Applicants built an unlicensable plant which must now be reinspected, redesigned, and reconstructed in the hope that it can be made licensable. There is no valid purpose given by Applicants for why, in the face of these criticisms, they refused to change their QA/QC implementation. Thus Applicants have failed to establish that the delay was not intentional and for an invalid purpose."

In CLI-82-29, supra, the Commission held that in order to find a lack of "good cause" for delay, it must be found that the delay was the fault of management and "dilatory." In ALAB-722 the Appeal Board defined dilatory delay to mean the "intentional delay of construction without a valid purpose". 17 NRC at 552. The Appeal Board further stated:

> "unless the applicant was responsible for the delays and acted in a dilatory manner (i.e. intentionally and without a valid purpose) a contested construction permit proceeding extension proceeding is not to be undertaken at all." ALAB-722, supra, 17 NRC at 553.

In CLI-84-2, supra, the Commission specifically endorsed this definition of dilatory. 19 NRC at 978.

CASE and Gregory, in order to attempt to fit the contention within the "dilatory" test accuse the permittees of "deliberately" ignoring NRC regulations and proper design techniques and argue that this is the cause of the delay and thus "good cause" does not exist. However, simply stating that permittees acted "deliberately" in violating regulations does not supply the necessary substantive basis for the charge. More importantly, NRC has specifically rejected the concept that delay occasioned by reworking and fixing matters to bring construction into compliance with the regulations is not for "good cause." CLI-82-29, supra, 16 NRC at 1230-31. As the Commission pointed out, it would indeed be bad policy to discourage constructors of nuclear power plants from finding and correcting errors by threatening a refusal of extension of the construction permit because of the delay occasioned in accomplishing the fix. Id.

CASE No. 7 and Gregory No. 2

CASE Contention No. 7 is:

> "7. Applicants have failed to establish a good cause for the extension.
>
> "a. Applicants' stated reason for the extension is to be allowed to complete the CPRT reinspection, redesign, and reconstruction process in order to make

the plant licensable. However, this process is not being conducted in compliance with the requirements and practices of the NRC and thus its completion cannot produce the intended result of a licensable plant but will instead necessitate further reinspection, redesign, and reconstruction. In particular the CPRT plan is inherently flawed because:

"i. The CPRT is not sufficiently independent from TUEC since all judgments on the safety significance of deficiencies and disposition of NCRs, design changes, and reconstruction are made by TUEC personnel, many of whom, like Messrs. Tolson, Brandt, Purdy, and Finneran (all now employed at CPSES), made the original judgments that allowed the deficient conditions to exist.

"ii. CPRT reinspections are being conducted without complying with Appendix B, thus making trending, documentation, and any verification of the work performed impossible.

"iii. The CPRT program has not been approved by the Staff but has been modified at least three times, apparently without going back to redo work conducted under the rejected plans.

"iv. The CPRT implementation has violated CPRT standards for reinspections, including the use of production quotas for inspectors and harassment and intimidation of inspectors.

"b. It is not a good cause for an extension of time to complete construction of a nuclear plant where the applicant has revealed that it does not intend to properly reinspect, redesign, and reconstruct the nuclear plant.

"c. The work which Applicants propose to conduct under the extended construction permit represents major

changes in the original proposed construction and design and cannot be lawfully undertaken unless the construction permit is amended. No such amendment has been sought or received. Thus there is no good cause for Applicants to obtain an extension to conduct work for which no valid construction permit exists in violation of 10 CFR §50.10.

"d. An applicant with a history of noncompliance with NRC regulations, with a history of failing to heed the warnings of independent auditors and the NRC regarding the implementation of its QA/QC program, and with a history of implementing an unapproved reinspection, redesign, and reconstruction program that does not meet NRC regulatory requirements cannot show good cause for extending its construction completion date unless it at least is subject to conditions to assure that the reinspection, redesign, and reconstruction are properly undertaken. Included among these conditions are:

"i. full independence from all current and former CPSES employees,

"ii. stop work on construction and on reinspection of construction until reanalyses and redesigns have been completed and the designs have been approved as acceptable by the hearing Board,

"iii. existence and implementation of a QA/QC program for reinspection, redesign, and reconstruction which complies with 10 CFR Part 50, Appendix B,

"iv. full documentation that fundamental engineering principles have been correctly applied in the reinspection, redesign, and reconstruction process,

"v. full documentation that all previously identified design issues

(including, but not limited to, the Walsh/Doyle allegations and concerns raised by Cygna or during the Cygna hearings have been correctly identified and properly addressed,

"vi. hold points in the reinspection, redesign, and reconstruction process to enable staff, public, and Board review of the previously completed tasks, and

"vii. full public access to all documents generated by the process, transcription of all meetings, and public attendance at those meetings."

Gregory Contention No. 2 is essentially identical and reads:

"2. Applicants have failed to establish a good cause for the extension.

"a. Applicants' stated reason for the extension is to be allowed to complete the CPRT reinspection, redesign, and reconstruction process in order to make the plant licensable. However, this process is not being conducted in compliance with the requirements and practices of the NRC and thus its completion cannot produce the intended result of a licensable plant but will instead necessitate further reinspection, redesign, and reconstruction. Thus continued reinspection, redesign, and reconstruction as proposed by Applicants have immediate health and safety implications. See Cincinnati Gas & Electric (Zimmer), CLI-82-33, 16 NRC 1849 (1982). In particular the CPRT plan is inherently flawed because:

"i. The CPRT is not sufficiently independent from TUEC since all judgments on the safety significance of deficiencies and disposition of NCRs, design changes, and reconstruction are made by TUEC personnel, many of whom, like Messrs. Tolson, Brandt, Purdy, and Finneran (all now employed at CPSES),

made the original judgments that allowed the deficient conditions to exist.

"ii. CPRT reinspections are being conducted without complying with Appendix B, thus making trending, documentation, and any verification of the work performed impossible.

"iii. The CPRT program has not been approved by the Staff but has been modified at least three times, apparently without going back to redo work conducted under the rejected plans.

"iv. The CPRT implementation has violated CPRT standards for reinspections, including the use of production quotas for inspectors and harassment and intimidation of inspectors.

"b. It is not a good cause for an extension of time to complete construction of a nuclear plant where the applicant has revealed that it does not intend to properly reinspect, redesign, and reconstruct the nuclear plant.

"c. The work which Applicants propose to conduct under the extended construction permit represents major changes in the original proposed construction and design and cannot be lawfully undertaken unless the construction permit is amended. No such amendment has been sought or received. Thus there is no good cause for Applicants to obtain an extension to conduct work for which no valid construction permit exists in violation of 10 CFR §50.10.

"d. An applicant with a history of noncompliance with NRC regulations, with a history of failing to heed the warnings of independent auditors and the NRC regarding the implementation of its QA/QC program, and with a history of implementing an unapproved reinspection, redesign, and reconstruction program

that does not meet NRC regulatory requirements cannot show good cause for extending its construction completion date unless it at least is subject to conditions to assure that the reinspection, redesign, and reconstruction are properly undertaken. Included among those conditions are:

"i. full independence from all current and former CPSES employees;

"ii. stop work on construction and reinspection of construction until reanalysis of the design and approval of the design have been completed and the design has been approved and accepted by the hearing board;

"iii. existence and implementation of a QA/QC program for reinspection, redesign, and reconstruction which complies with 10 CFR Part 50, Appendix B;

"iv. full documentation that fundamental engineering principles have been correctly applied in the reinspection, redesign, and reconstruction process;

"v. full documentation that all previously identified design issues (including but not limited to the Walsh/Doyle allegations raised by CYGNA during the CYGNA hearings) have been correctly identified and properly addressed;

"vi. hold points in the reinspection, redesign, and reconstruction process to enable staff, public, and Board review of the previously completed tasks; and

"vii. full public access to all documents generated by the process, transcription of all meetings, and public attendance at those meetings."

Subpart a of each of these contentions raises issues concerning the activities of the CPRT; subpart b in essence

alleges that the reinspection, redesign and reconstruction is not being done properly. Both of these matters, if at all litigable, are properly within the ambit of the ongoing operating license proceeding and thus may not be litigated herein. CLI-82-29, supra, 16 NRC at 1227.

Subpart c is an allegation that rework to date and that which will be done in the future is not validly authorized by the CPSES No. 1 construction permit in its present form. To begin with we are unenlightened as to the basis for saying that this work is outside the four corners of the permit as it reads and thus the required basis and specificity are lacking. More importantly, if the petitioners believe that work is or will be done in violation of the construction permit, the remedy is a petition to the Director of Nuclear Reactor Regulation under 10 CFR § 2.206, not a hearing on the construction permit extension. CLI-82-29, 16 NRC at 1229. The issue in a construction permit extension proceeding is extension of the permit, not enforcement of it.

In subpart d, the petitioners assert their view of what a proper redesign and reinspection effort should include. This is not a contention as to why past delay was not for good cause; it is a contention as to what should be done in the future. It is not litigable in a construction permit extension proceeding. The "scope of [such a proceeding] is limited to direct challenges to the permit holder's asserted

reasons that show 'good cause' justification for the delay." CLI-82-29, supra, 16 NRC at 1229. Subpart d of CASE No. 7 and Gregory No. 2 present no such challenge and should therefore be rejected.

CASE No. 8 and Gregory No. 3

CASE Contention No. 8 is:

> "8. Applicants have failed to establish that the period of the requested extension is reasonable.
>
> "a. Because Applicants are not reinspecting, redesigning, and reconstructing the plant in compliance with 10 CFR Part 50, Appendix B, and because they have proceeded to conduct their work without first obtaining staff approval, the process of staff, intervenor, and Board review of the Applicants' activities will require a substantial period of time, at the end of which the plant will not be accepted as licensable. Three years is insufficient for completion of this process because the Applicants have not created an auditable paper trail and thus review of the work performed will require extensive oral presentations to Staff, in discovery and in hearings.
>
> "b. For the same reason, the Applicants will ultimately have to go back and redo the reinspection, redesign, and reconstruction of the plant, which, if done properly, will take over three years.
>
> "c. Applicants' request for an extension of the completion date for the plant to August 1988 is grossly inadequate."

Gregory Contention No. 3 is essentially the same and reads:

> "3. Applicants have failed to establish that the period of the requested extension is reasonable because there will be insufficient time for adequate safety reviews by the Staff and the hearing board.
>
> "a. Because Applicants are not reinspecting, redesigning, and reconstructing the plant in compliance with 10 CFR Part 50, Appendix B, and because they have proceeded to conduct their work without first obtaining staff approval, the process of staff, intervenor, and Board review of the Applicants' activities will require a substantial period of time, at the end of which the plant will not be accepted as licensable. Three years is insufficient for completion of this process because the Applicants have not created an auditable paper trail and thus review of the work performed will require extensive oral presentations to Staff, in discovery and in hearings.
>
> "b. For the same reason, the Applicants will ultimately have to go back and redo the reinspection, redesign, and reconstruction of the plant, which, if done properly, will take over three years.
>
> "c. Applicants' request for a three-year extension of the completion date for the plant is grossly inadequate and will frustrate regulatory oversight.

The short but complete answer to both of the above-quoted contentions is that as a matter of law a petitioner (intervenor) in a construction permit extension proceeding may not be heard to contend that the period of the extension sought is not long enough unless it is shown

that the date selected would frustrate regulatory oversight. Washington Public Power Supply System (WPPSS Nuclear Project No. 1), ALAB-771, 19 NRC 1183, 1191-92 & n.30 (1984). Gregory does allege that the time will "frustrate regulatory oversight" but states no basis for why this is so. More importantly, the "frustration" with which the Appeal Board was concerned was an abandonment of the facility thus leaving the responsibility for it (including site restoration) in legal limbo; not even an allegation of such intention appears here. If the theory on which Gregory is operating is that the time period is so short, the regulator will have insufficient time to do a proper job, this is not the "frustration" to which the Appeal Board referred. The last date for completion of construction is not a "deadline" NRC must meet. If more time is needed for the regulator to act, an applicant will simply have to seek a further extension.

CASE No. 9 and Gregory No. 4

CASE Contention No. 9 and Gregory Contention No. 4 are identical and read as follows:

> "The environmental appraisal by the Staff is legally deficient. A full FES should have been prepared.
>
> "a. The potential impacts of the proposed action involve substantial resources and significant potential environmental damage not examined by the Staff.

"i. As noted in contention 3, if the plant is ever licensed, it will take at least one more reinspection, redesign, and reconstruction effort. This will require a significant expenditure of financial and human resources not considered by the Staff and not factored into the original construction permit FES.

"ii. Similarly, the delay in licensing and the possibility of not receiving a license at all will involve changes in the energy supply and energy use patterns for Applicants' service areas. These changes were not considered by the Staff, including the possibility that the continued uncertainty about operation of CPSES may force Applicants to take other measures which, if CPSES is licensed, may have to be abandoned in order to justify CPSES Unit 1. In short, because Applicants persist in their plan to evade NRC regulatory requirements and to not acknowledge the error of past practices, the future of CPSES Unit 1 is uncertain, and this uncertainty requires expenditures of substantial additional financial resources and potential environmental impacts.

"b. Since the initial construction permit was issued, the costs and on-line date for CPSES Unit 1 have changed dramatically. These assumptions in the original FES formed the principal basis for rejecting alternatives including improved load management and energy conservation. Consideration of these and other alternatives at this time would demonstrate that abandonment of CPSES Unit 1 and implementation of available load management and energy conservation would save money and eliminate any impacts on the environment associated with continued construction and operation of Unit 1. See, generally, Braidwood, Illinois Commerce Commission Dkt. #82-0855, Business and Professionals in the Public Interest, Exhibit 12, 'Least Cost Electrical

> Services as an Alternative to the Braidwood Project' (shows a net present value savings of at least $3.2 to 7.0 billion (1984 dollars) from abandoning a 2.24 gigawatt, 2-unit nuclear reactor project whose 'to-go' capital costs are $0.7 to 1.0 billion (1984 dollars)), and buying and using efficiency products instead). An extensive supporting record in petitioners' brief and reply brief confirmed the conservatism of this result. See, also, A. B. Lovins, on behalf of the City of Houston, 'Least-Cost Alternatives to the Malakoff Lignite Plant,' prepared for Docket #5779 and filed in the ten-year statewide load forecast proceeding. PUC of Texas, January 1985 (describes cheap alternatives to savings on Houston Power and Light power systems)."

Substantive issues as to need for power, financial cost of the project, and alternative sources are not subjects for litigation in a construction permit extension proceeding. CLI-84-6, supra, 19 NRC at 978-79; ALAB-771, supra, 19 NRC at 1190. See also CLI-82-29, 16 NRC at 1229 (as to proper scope of the proceeding).

CONCLUSION

For the foregoing reasons, each and every contention should be rejected and the petitions to intervene should be dismissed.

Nicholas S. Reynolds
William A. Horin
BISHOP, LIBERMAN, COOK
PURCELL & REYNOLDS
1200 Seventeenth Street, N.W.
Suite 700
Washington, DC 20036
(202) 857-9800

Robert A. Wooldridge
WORSHAM, FORSYTHE, SAMPELS &
WOOLDRIDGE
2001 Bryan Tower, Suite 3200
Dallas, TX 75201
(214) 979-3000

Roy P. Lessy, Jr.
MORGAN, LEWIS & BOCKIUS
1800 M Street, N.W.
Washington, DC 20036
(202) 872-5000

Thomas G. Dignan, Jr.
R. K. Gad III
ROPES & GRAY
225 Franklin Street
Boston, MA 02110
(617) 423-6100

By _____
Thomas G. Dignan, Jr.

CERTIFICATE OF SERVICE

I, Thomas G. Dignan, Jr., one of the attorneys for the Applicants herein, hereby certify that on April 17, 1986, I made service of the within document by mailing copies thereof, postage prepaid, to:

*Peter B. Bloch, Esquire
Chairman
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Mr. James E. Cummins
Resident Inspector
Comanche Peak S.E.S.
c/o U.S. Nuclear Regulatory Commission
P.O. Box 38
Glen Rose, Texas 76043

*Dr. Walter H. Jordan
Administrative Judge
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Mr. William L. Clements
Docketing & Services Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

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

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

Stuart A. Treby, Esquire
Office of the Executive Legal Director
U.S. Nuclear Regulatory Commission
7735 Old Georgetown Road
Room 10117
Bethesda, Maryland 20814

*Mrs. Juanita Ellis
President, CASE
1426 S. Polk Street
Dallas, Texas 75224

Renea Hicks, Esquire
Assistant Attorney General
Environmental Protection Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711

*Anthony Roisman, Esquire
Executive Director
Trial Lawyers for Public Justice
2000 P Street, N.W., Suite 611
Washington, D.C. 20036

*Dr. Kenneth A. McCollom
Administrative Judge
1107 West Knapp
Stillwater, Oklahoma 74075

Ms. Billie Pirner Garde
Citizens Clinic Director
Government Accountability Project
1901 Que Street, N.W.
Washington, D.C. 20009

Elizabeth B. Johnson
Administrative Judge
Oak Ridge National Laboratory
P.O. Box X, Building 3500
Oak Ridge, Tennessee 37830

Nancy Williams
Cygna Energy Services, Inc.
101 California Street
Suite 1000
San Francisco, California 94111

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

Joseph Gallo, Esquire
Isham, Lincoln & Beale
1120 Connecticut Avenue, N.W.
Suite 840
Washington, D.C. 20036

Mr. Lanny A. Sinkin
Christic Institute
1324 North Capitol Street
Washington, D.C. 20002

Mr. Robert D. Martin
Regional Administrator,
Region IV
U.S. Nuclear Regulatory Commission
Suite 1000
611 Ryan Plaza Drive
Arlington, Texas 76011

*Geary S. Mizuno, Esquire
Office of the Executive
Legal Director
U.S. Nuclear Regulatory Commission
Maryland National Bank Bldg.
Room 10105
7735 Old Georgetown Road
Bethesda, Maryland 20814

Thomas C. Pignan, Jr.
R. K. Gad III

*Federal Express