

**From:** Steven Long, *NPR*  
**To:** Brian Holian, *RT*  
**Date:** 12/18/00 11:15AM  
**Subject:** Re: Con Ed Appeal Date

>>> Brian Holian 12/18 10:30 AM >>>

...as we talked before...they are looking at an appeal of the viol...not the RED finding itself...so i don't expect risk arguments needed...they will attack corr. action aspect, if anything...

Brian,

When we did the 2-day generic SG issues brief for Diaz and McGaffigan, they indicated that the Con Ed denial of the violation would involve some sort of risk argument. That's why I'm waiting for the shoe to drop.

Actually, I prefer your scenario. But, I guess I'll have to wait until the darn thing gets here to know for sure.

Steve

J/42