

Georgia Power Company
40 Inverness Center Parkway
Post Office Box 1295
Birmingham, Alabama 35201
Telephone 205 877-7122

C. K. McCoy
Vice President, Nuclear
Vogtle Project



August 5, 1994

Mr. James Lieberman
Director, Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: NRC Demand for Information regarding C. Kenneth
McCoy;
Docket Nos. 50-424/50-425;
License Nos. NPF-68/NPF-81; EA 94-052

Dear Mr. Lieberman:

I am writing this letter in response to Mr. James L. Milhoan's May 9, 1994 letter to me regarding the Demand for Information. Mr. Milhoan's letter invited me to submit a response to the Demand for Information separate and apart from that of Georgia Power Company ("GPC"). I have read and agree with the response submitted by GPC and appreciate the opportunity to personally respond to the issues raised in the Demand for Information. As a general point, I would like you to know that I always strive to ensure that complete and accurate information is provided to the NRC. We have a common interest in basing our decisions on the very best information available.

A. My current position and accountability.

As Vice President - Nuclear (Vogtle Project), the same position which I held in 1990 at the time of the March 20, 1990 Site Area Emergency ("SAE"), I have a policy of personal accountability for actions, and I communicate it frequently to all employees who report to me. The plants and activities for which I have been responsible over the past 30 years have consistently moved to a level of recognized excellence, including Plant Vogtle. I accept the responsibility for the action of the Vogtle organization in 1990, as well as today. I realize that mistakes were made in collecting and reporting data, and I accept responsibility for those mistakes. However, I do not believe that anyone, either intentionally or through careless disregard,

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Mr. Lieberman
August 5, 1994
Page 2

submitted incomplete or inaccurate data to the NRC. That would simply not be tolerated by me or by you.

I believe that all of the significant information related to the SAE was available to and obtained by the NRC in order to support the NRC performing its functions in a timely and professional manner. The NRC personnel at the Vogtle site in March of 1990 were aware of the 1B diesel generator problems during overhaul/troubleshooting in the March 22 - 24, 1990 period. As evidenced by their statements, they did not raise them as an issue in connection with the NRC's restart decision.

B. A description of actions that Mr. McCoy, as a senior manager, took to ensure that the Licensee provided the NRC with complete and accurate information in each of the five submittals.

In reference to the April 9, 1990 presentation, the April 9, 1990 letter and the April 19, 1990 Licensee Event Report ("LER"), I believe that I acted in a reasonable manner in an attempt to ensure that the NRC was provided with complete and accurate information. I relied on staff to present accurate information to the NRC in the presentation and the April 9 letter, knowing full well the involvement of the NRC in reviewing all facets of the SAE. I reviewed the LER and questioned my staff as to its accuracy, in particular, as to the diesel generator start count. (Office of Investigations Report 2-90-020R, Exhibit 36, pages 8 - 10). Their responses, which I had no reason to doubt, answered my questions.

As to my actions with respect to the June 29, 1990 cover letter and the August 30, 1990 letter, please refer to my responses below. As to further specifics for each of these events, I refer you also to the GPC's reply to the Notice of Violation in Enforcement Action 93-304 and the Demand for Information response covering it.

C.1. An explanation as to the June 29, 1990 cover letter preparation.

The Demand for Information is correct in a general sense. I became actively involved in the preparation of the June 29, 1990 cover letter for an LER revision. As I viewed it, this revision was necessary because the "start count" in the April 9, 1990 Confirmation of Action letter, in our meeting notes of April 9, and in the original LER was not clear and accurate.

Mr. Lieberman
August 5, 1994
Page 3

I do not recall all of my specific knowledge at that time. I do know that the LER revision which was submitted to the NRC was based on the audit performed by the Safety Analysis and Engineering Review Group ("SAER"). I talked to the SAER manager about how the audit was done, reviewed the audit personally, and looked at the tables to the report to confirm that the LER revision's "start count" was accurate. The audit's explanations given for the difference in "start counts" made sense to me, including the explanations of why there had been differences in start counts over time. I had confidence in the audit based on my review. I, personally, knew little about the specific diesel record-keeping practices, other than my general knowledge that logs are kept when you start important equipment, such as the starting and stopping of diesel engines. To my recollection, I thought we were not clear when we provided the start count information in the April 9 and April 19 correspondence, which I understood to be the same base data.

My involvement with the LER revision did not end there. My contemporaneous notes for June 29, 1990, copies of which I provided to the NRC's Office of Investigation (Office of Investigations Report 2-90-020R, Exhibit 29, page 109), reflect the fact that I called Mr. Ken Brockman, my customary contact in NRC Region II at the time, and discussed the revised LER with him. Again, I do not recall the details of my conversation with him, but I am certain that I conveyed my total understanding of the issues at that time. I would add that this is only one of several instances in which I notified the NRC of our difficulty in arriving at a verified, accurate diesel generator "start count." Mr. Brockman apparently also recalls these notifications (Interrogatory Response of Kenneth E. Brockman dated December 23, 1993; Docket Nos. 50-424/425-OLA-3, ASLBP No. 93-671-01-OLA-3, pages 5,7 attached). Please refer, also, to my testimony, Office of Investigations Report 2-90-020R, Exhibit 29, pages 69 - 72, for other instances.

With respect to my failure to ensure that the June 29, 1990 letter clarified the April 9, 1990 letter, I refer to GPC's reply to Notice of Violation in Enforcement Action 93-304, Violation D, Example 1. I honestly thought that a clarification was made because the June 29 letter and LER revision were more precisely defining the time period of the "start counts" and the LER revision was using Regulatory Guide terminology. More subjective phrases like "successful starts" were avoided. We spent substantial time focusing on the confirmation and revision of an accurate, complete and understandable start count number for the cover letter and revision, and not enough time on expressly

Mr. Lieberman
August 5, 1994
Page 4

explaining how the June 29, 1990 cover letter "clarified" the original April 9, 1990 data. It was implicit; in hindsight, we should have been clearer. We were calling attention to the April 9th letter, because it was relevant. We were clarifying the April 9 letter with a different, more precise approach of presenting data. In both instances (April 9 and June 29), we considered the data supportive of the same true facts: that the diesel generators were operable and reliable and the probable cause of the 1A diesel generator trips on March 20, 1990 had been identified. In hindsight, what was missing on June 29, 1990, was a recognition that the base "start count" data of "19 successful starts" for the 1B diesel generator included starts that were not supportive of the message -- presented to the NRC on April 9th -- of operable and reliable diesel generators.

C.2. An explanation as to the August 30, 1990 Clarification Letter.

The Demand for Information is based upon the premise that because of circumstances surrounding the NRC's special Operational Safety Inspection in August of 1990, I should have undertaken a "root cause" analysis of the performance of the VEGP General Manager and Unit Superintendent in developing the April 9, 1990 diesel generator start data. For the reasons set forth in GPC's reply to the Notice of Violation, I do not believe that this is a correct premise. It is true that I committed, during the August 17, 1990 meeting with the special team to provide a clarification of the April 9 letter to the NRC. My recollection is that the special inspections team or team leader confirmed the correctness of the revised LER, but suggested a submittal to correct or explain why different information was in the April 9 letter. My contemporaneous notes from the team's August 17, 1990 exit meeting indicates that GPC "offered to supply additional data, if necessary." (Office of Investigations Report 2-90-020R, Exhibit 29, page 141). This is consistent with the way in which I dealt with the NRC throughout this time frame, and the manner in which I expected my subordinates to similarly act. If information would be helpful, we would gladly provide that information. The data was in question, not the performance of the General Manager and the Unit Superintendent, because the NRC's special team inspector had reviewed the performance of GPC personnel and had concluded no "intentional errors" were committed. Therefore, as would be expected, start data was the focus of the August 30, 1990 letter.

I exercised reasonable oversight, I believe, by initiating the letter. My emphasis was on providing accurate and complete

Mr. Lieberman
August 5, 1994
Page 5

start data. This was the issue which I believed was important on August 30, 1990. The data was relevant because that data had a bearing on safety. The data was relevant because it had a direct bearing on the NRC's review of the start data previously provided by GPC. The data was relevant as to whether we had reported diesel generator "failures" correctly, which was the other diesel generator "open" item of the special team at the time. We had already, in my mind, acknowledged in June that prior diesel generator statements were not precise in terminology or in the time periods covered by the start count and were incorrect. An analysis of the actions of GPC individuals involved in developing the historic statements was not directly related to the need for additional data, which I believed was the issue which had to be addressed. I believed that the serious NRC concerns had been addressed and resolved already -- by the NRC's special inspection team. Had I been told, or otherwise known, of an NRC desire for a "root cause" examination, it certainly would have been performed. However, I do not believe that, in late August of 1990, either the NRC or GPC perceived a need for further inquiry into the actions of the Unit Superintendent or the VEGP General Manager. The operative facts were known to both parties as a result of the inspection. While I obviously cannot be sure, my impression is that the NRC subsequently, by September of 1990, had been provided the pertinent information which serves as the factual basis for Violation A (pertaining to the April 9, 1990 GPC statements) and Violation C (pertaining to the April 19, 1990 LER). My handwritten notes for September 20, 1990 indicate that Mr. Brockman also considered the NRC to have all the relevant information and an understanding of what occurred in April of 1990 (Office of Investigations Report 2-90-020R, Exhibit 29, page 106). Neither of us at that time apparently saw any need for the sort of investigative effort implied by the Demand for Information.

D. An explanation of the corrective actions taken, or planned by the Licensee to address Mr. McCoy's performance failures.

The subject matter of the Notice of Violation has been discussed and reviewed by officers of GPC, including me, with the intent that we learn from our mistakes. My performance has also been reviewed. I am not aware of any corrective action planned by GPC to address my management performance during the time period under review. Moreover, I do not believe corrective action is warranted. Yet, I have learned from this experience that effective internal communications are essential to effective external communications with the NRC. I have always known this, but the magnitude of adverse impact associated with these

Mr. Lieberman
August 5, 1994
Page 6

communication weaknesses has been sobering. Four years of investigative and enforcement review from what might be viewed as minor misstatements could not have been foreseen. We will be better because of the experience, even though I disagree with the selected enforcement actions.

I have attempted over the years to create an atmosphere that promotes open and complete communication with the NRC and, on an objective basis, I have been successful in this endeavor. I trust that cognizant NRC personnel will agree that the performance of Plant Vogtle has improved significantly under my management and leadership. While this enforcement process has been troubling to me based on my views of my personal performance, I accept the responsibility for our actions. Regardless of the outcome, I will continue to make sure that we learn from our mistakes.

E. An explanation as to why NRC should have confidence that the Licensee, with the involvement of Mr. McCoy, in the future will conduct licensed activities in accordance with NRC requirements.

I believe that the NRC should have complete confidence that GPC, with my involvement, will in the future conduct licensed activities in accordance with all NRC requirements, including the requirement of 10 CFR § 50.9, "Completeness and accuracy of information." It is and continues to be a foremost policy of GPC and me personally to provide open, complete and accurate communication to the NRC at all times. That policy is fundamental to the successful operation of Plant Vogtle. We take extra effort to assure that you are as knowledgeable as we are about significant issues. I have reinforced this policy consistently and diligently since I began my employment with GPC in June of 1988. For example, I share with the NRC our "plant problems" list of significant challenges to our operations. I have periodic meetings with my NRC counterparts at all levels. I frequently pick up the telephone and call my Region II counterpart (Pierce Skinner) about plant problems and visit often with our Resident Inspectors. A shared common understanding of matters important to safety is mutually beneficial to us and to the public.

I have provided communication direction to our employees on many occasions. In this regard, unknown to me, one of the more significant occasions was captured on a secret tape recording on May 8, 1990 (NRC Tape 99, Side A). I invite you to listen to the recording, and observe the tone and content of my messages. Specific to statements about diesel generators, a review of my

Mr. Lieberman
August 5, 1994
Page 7

actions will show an on-going effort to be frank with the NRC. (See, e.g., Office of Investigations Report 2-90-020R, Exhibit 113, pages 20-21). I would request that you inquire also of knowledgeable NRC representatives about me. I believe I have provided also a positive example to GPC employees by my personal actions. That positive direction has taken hold in a plant culture that respects problem identification, open communication, teamwork and thorough resolution of problems.

I have always maintained the attitude of being open and frank with employees of GPC as well as with the NRC. I am approachable and responsive to my employees, regardless of their level. I attempt to explain my decisions and build a sense of commitment to operational safety by example. Look at Vogtle four years ago; then examine Vogtle today. I deserve the NRC's confidence, as do all the Vogtle employees.

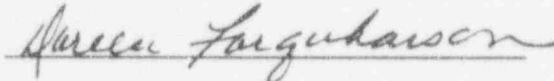
The foregoing is true and correct based on my knowledge and belief.

Sincerely yours,



C. Kenneth McCoy

SWORN TO AND SUBSCRIBED
BEFORE ME this 5th day
of August, 1994



Notary Public

My Commission Expires:

2/10/95

[NOTARIAL SEAL]

Enclosure

Mr. Lieberman
August 5, 1994
Page 8

xc: Mr. H. A. Franklin
Mr. W. G. Hairston, III
Mr. J. D. Woodard
Mr. S. D. Ebnetter (USNRC Region II)
Assistant General Counsel of Hearings and Enforcement
(USNRC, Washington, D. C.)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	Docket Nos.	50-424-OLA-3
GEORGIA POWER COMPANY, <i>et al.</i>	)		50-425-OLA-3
(Vogtle Electric Generating Plant	)	Re:	Licensee Amendment
Units 1 and 2)	)		(Transfer to Southern Nuclear)
)		

INTERROGATORY RESPONSE OF KENNETH E. BROCKMAN
TO THE OCTOBER 8, 1993, GEORGIA POWER COMPANY'S
FIRST SET OF INTERROGATORIES AND SECOND REQUEST
FOR PRODUCTION OF DOCUMENTS TO THE NRC STAFF

STATE of MARYLAND)
COUNTY of MONTGOMERY)

Kenneth E. Brockman, having first been duly sworn, hereby states as follows:

I am employed by the Nuclear Regulatory Commission as Chief, Incident Response Branch, Division of Operational Assessment, Office for Analyses and Evaluation of Operational Data.

In the Spring of 1990, I was Chief, Reactor Projects, Section 3B, Division of Reactor Projects, NRC, Atlanta, Georgia. On October 7, 1993, Georgia Power Company (GPC) served interrogatories upon the NRC which called for information I possessed between March 20, 1990 and April 19, 1990. I have been informed in general terms by Staff counsel that the interrogatories result from an administrative proceeding in which the intervenor has alleged that GPC knowingly submitted incorrect information to the NRC regarding Emergency Diesel Generator (EDG) starts following the March 20, 1990, site incident (Licensee Event Report (LER) 90-06 and at a meeting in NRC's Atlanta, Georgia office on April 9, 1990). Having been so informed as to the background of the interrogatories, I respond here to those interrogatories which refer to me.

Attachment

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INTERROGATORY 1

Describe in detail the information or knowledge obtained by the following persons on or before April 9, 1990, regarding Plant Vogtle Unit 1 emergency diesel generator problems associated with diesel generator sensors/switches after March 20, 1990:

RESPONSE

I was present at the meeting held in Atlanta, Georgia on April 9, 1990 between GPC and NRC. By April 9, 1990, I was aware that the Vogtle Emergency Diesel Generators (EDGs) had not always started and operated as expected. See Appendices I and J to NUREG-1410. At the April 9, 1990 meeting, I heard Mr. Bockhold's presentation regarding starts of the 1A and 1B EDGs. I was unaware that the numbers he presented were incorrect, if they were, since I had no reason at that time to challenge the accuracy or veracity of those numbers. I, personally, never compiled a list of starts, or attempted starts, of either of the Vogtle EDGs, nor did I ever see such a list from the licensee. I was aware that the licensee, in association with the vendor, was investigating why EDG 1A tripped twice on March 20, 1990, and whether there were similar problems with the 1B EDG. I was aware that the CALCON pressure switches used in the protective circuitry of the diesels was being carefully analyzed. I was also aware that the licensee had conducted several (exact number unknown) of investigatory start attempts of the diesels as part of their analysis process.

INTERROGATORY 2

Describe in detail the additional information or knowledge obtained by the following persons on or before April 19, 1990, regarding Plant Vogtle Unit 1 emergency diesel generator problems associated with diesel generator sensors/switches after March 20, 1990:

RESPONSE

I recall that licensee personnel were actively investigating the cause of the failure of the Unit 1 EDGs (associated with the March 20, 1990 Loss of Offsite Power event) and that, as part of the investigation, they started or attempted to start the diesels several times. However, at that time, I had not, personally, made a tabulation of starts or attempted starts. Details concerning the testing program and the analytical processes being pursued were being followed by the Incident Investigation Team and the Region II support staff member (M. Hunt) dedicated to that task.

INTERROGATORY 3

Describe in detail Kenneth E. Brockman's entire recollection of the substance and circumstances of the following telephone conversations:

A. All calls between Mr. Brockman and C. Kenneth McCoy, GPC, in the late afternoon on April 19, 1990.

B. All calls between Mr. Brockman and Mr. McCoy on or about May 24, 1990, concerning diesel generator starts or problems.

C. All calls between Mr. Brockman and William B. Shipman, GPC, on or about June 14, 1990, concerning diesel generator starts or problems.

D. All calls between Mr. Brockman and Mr. McCoy on or about June 29, 1990, concerning diesel generator starts or problems.

E. Identify all documents which in any way relate to the foregoing telephone conversations.

RESPONSE

With respect to the specific calls which are referenced by the interrogatory, I have maintained no personal or official records concerning specific conversations on specific days. My response, therefore, is generically oriented. I have no documents which relate to the phone conversations mentioned in the interrogatory.

Prior to the April 9, 1990 meeting with GPC, concerning the corrective actions that had been taken in response to the Loss of Offsite Power at the Vogtle Electric Generating Plant (VEGP) on March 20, 1990, I discussed with Mr. C. K. McCoy the need for GPC to provide specific information concerning the breadth and depth of their testing program for the EDGs. I emphasized that the Region II management would need to be confident that the problems experienced on March 20, 1990 had been properly corrected before a return to power operation (relief from the Confirmation of Action

Letter of March 23, 1990) would be approved. Verification of acceptable repairs would require confirmatory testing and the results of this testing would have to be presented to NRC management. Such information was included in the GPC presentation and the GPC letter of April 9, 1990.

Subsequent to the April 9, 1990 presentation, numerous concerns arose concerning the accuracy of the reported starts of the EDGs. On several occasions Mr. McCoy (and others) and I discussed how the numbers which were presented by GPC for EDG starting frequency were arrived at. It was obvious, and admitted, that the plant was having difficulties in making the reported numbers equate with log entries and testing records. I had several conversations with Messrs. McCoy and Shipman over the next 2 months. The essence of the conversations was that the information presented by GPC on April 9 was, possibly, not complete. The logs and records of the VEGP staff were confusing and the information collection process was, at best, hurried. There were discrepancies between what the definition of a "start" and a "failure" were. Messrs. McCoy and Shipman noted that the troubleshooting process was not included in the information presentation of April 9. (By not including the starts associated with such troubleshooting a "full and complete picture" was, therefore, not given at the April 9 presentation.)

Subsequently, Mr. McCoy also mentioned that the LER (or the revision??) that was going to be submitted by GPC was going to report the number of "valid tests" (as defined in the NUREG for EDG testing) which had been experienced on the 1A and 1B EDGs. This would, supposedly, provide a definitive criteria by which all concerned

parties would be able to understand what was being reported. I told Mr. McCoy that I understood what they (GPC) would be reporting but emphasized that my understanding was not a statement of agreement with respect to the adequacy of the reporting. GPC needed to be sure that their report provided a full and complete picture of the incident and the corrective actions that were subsequently undertaken.

INTERROGATORY 4

With respect to the telephone conversation between Messrs. Brockman and McCoy in the late afternoon of April 19, 1990, answer the following questions:

A. Does Mr. Brockman deny that, during the call, Mr. McCoy and Mr. Brockman discussed paragraph (g) of page three of GPC's April 9, 1990, letter to the NRC? If the answer is yes, please explain the basis for that answer.

B. Does Mr. Brockman deny that, during the call, Mr. McCoy confirmed that Mr. Brockman understood the Vogtle 1B diesel had experience problems and failures in the process of coming out of maintenance after March 20, 1990? If the answer is yes, please explain the basis for that answer.

C. Does Mr. Brockman deny that, during the call Mr. McCoy explained that the third paragraph of page six of GPC's April 19, 1990, LER meant that there were at least 18 starts of each diesel following completion of the sensor calibrations and logic testing, i.e., once all the bugs had been worked out of the machines after overhaul? If the answer is yes, please explain the basis for that answer.

D. Does Mr. Brockman deny that, during the call, Mr. Brockman confirmed to Mr. McCoy that he understood GPC's definition of "comprehensive test program of the diesel generator control systems," as that term was used in the April 19, 1990 LER? If the answer is yes, please explain the basis for that answer.

RESPONSE

With respect to the detailed questions provided above, since I have not retained any records of daily phone calls, I can neither confirm nor deny what transpired between Mr. McCoy and myself on the specific days in question. However, I can attest to my understanding, generically, of the matters addressed.

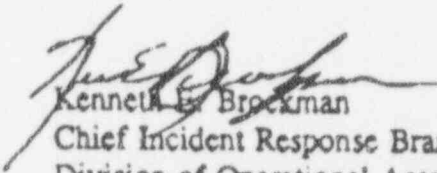
I did understand and Mr. McCoy did confirm that the Vogtle 1B EDG had experienced problems and failures in the process of coming out of maintenance. I also knew of these difficulties because of my position as the Regional Point of Contact for the Vogtle IIT. Also, the LER, submitted on April 19, 1990, indicated that there were, at least, 18 successful starts of the EDGs following completion of the test program.

However, I understood this to mean that there were no unexpected failures of the EDGs. To me, this meant that expected failures used to clarify and specify the particular failure mechanisms being experienced were not included in the count, but after repairs had been made all starts were successful and no failures were experienced that required the analysis and repair process to be re-entered or re-initiated.

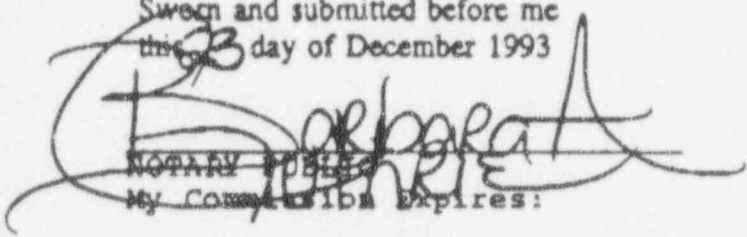
My understanding of VEGP's comprehensive test program was described in my response to Interrogatory #3. It was a detailed program by which all of the repairs and modifications were verified to be effective and complete. My understanding of the information presented by Mr. McCoy, et al., was that at no time during the verification process were any failures experienced.

These responses are true and correct to the best of my knowledge and belief.

Respectfully submitted,


Kenneth E. Brockman
Chief Incident Response Branch
Division of Operational Assessment
Office for Analyses and Evaluation
of Operational Data

Sworn and submitted before me
this 23 day of December 1993


NOTARY PUBLIC
My Commission Expires:

BARBARA A. GUTHRIE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 8, 1996



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	) Docket Nos. 50-424-OLA-3
	) 50-425-OLA-3
GEORGIA POWER COMPANY, <i>et al.</i>)
)
(Vogtle Electric Generating Plant	) Re: License Amendment
Units 1 and 2)	) (Transfer to Southern Nuclear)
)

CERTIFICATE OF SERVICE

I hereby certify that copies of "INTERROGATORY RESPONSE OF KENNETH E. BROCKMAN TO THE OCTOBER 8, 1993, GEORGIA POWER COMPANY'S FIRST SET OF INTERROGATORIES AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO THE NRC STAFF" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class, or as indicated by an asterisk through deposit in the Nuclear Regulatory Commission's internal mail system, or as indicated by a double asterisk by facsimile this 20th day of December 1993.

Peter B. Bloch, Chairman**
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
(301) 492-7285

Thomas D. Murphy*
Administrative Judge
Atomic Safety and Licensing Board
Mail Stop: EW-439
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555
(301) 492-7285

Judge James H. Carpenter
933 Green Point Drive
Oyster Point
Sunset Beach, NC 28468

John Lamberski, Esq.**
Arthur H. Domby, Esq.
Troutman Sanders
NationsBank Building, Suite 5200
600 Peachtree Street, N. E.
Atlanta, Georgia 30308
(404) 885-3949

David R. Lewis, Esq.
Shaw, Pittman, Potts and Trowbridge
2300 N Street, N. W.
Washington, D. C. 20037
(202) 663-8007

Michael D. Kohn, Esq.**
Stephen M. Kohn, Esq.
Kohn, Kohn and Colapinto, P.C.
517 Florida Avenue, N. W.
Washington, D. C. 20001
(202) 462-4145

Office of Commission Appellate
Adjudication*
Mail Stop: OWFN-16/G15
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Adjudicatory File* (2)
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U.S. Nuclear Regulatory Commission
Washington, D. C. 20555

Office of the Secretary* (2)
Attn: Docketing and Service
Mail Stop: OWFN-16/G15
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555



Edwin J. Reis
Deputy Assistant General Counsel