

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

Before the Atomic Safety and Licensing Board
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In the Matter of)
LONG ISLAND LIGHTING COMPANY) Docket No. 50-322 O.L.
(Shoreham Nuclear Power Station,)
Unit 1))

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

SUFFOLK COUNTY'S NOTICE
OF POTENTIAL MOTION TO ADMIT
NEW CONTENTION ON DIESEL GENERATORS

A week ago Friday, on August 12, 1983, the crankshaft on Shoreham emergency diesel generator no. 102 broke in two during testing of the diesel with the "new-style" cylinder heads installed. Counsel for LILCO notified Suffolk County's counsel of this matter on Saturday. Neither LILCO nor the NRC Staff know what caused the crankshaft to fail,^{1/} and the failure analysis effort may take a significant time.^{2/}

On August 18, 1983, the County sent LILCO a Request for Discovery regarding the crankshaft failure (a copy of which is attached hereto as Exhibit 4) and sent the Staff a similar

1/ See "LILCO Report and Request for Temporary Deferral," dated August 15, 1983; and "NRC Staff Response to 'LILCO Report and Request for Temporary Deferral' of Filing of Testimony and Evidentiary Hearings on Emergency Diesel Generators," dated August 16, 1983.

2/ Ibid. See LILCO News Release, dated August 18, 1983 (attached hereto as Exhibit 1). See also article from Newsday, August 17, 1983, p. 3 (attached hereto as Exhibit 2); article from The Wall Street Journal, August 19, 1983, p. 5 (attached hereto as Exhibit 3).

request (a copy of which is attached hereto as Exhibit 5). These requests are in connection with the County's pending contentions concerning the Shoreham diesel generators (cylinder heads and vibration), which may be related to the crankshaft failure. LILCO has not yet responded to the County's Request for Discovery, which is intended to permit the County to observe and monitor the attempt to ascertain the cause(s) of the broken crankshaft.

Suffolk County believes that the crankshaft failure demonstrates that the rapid starting and the safe and reliable operation of the Shoreham emergency diesel generators has not been ensured. While the County has little doubt that a new contention to this effect would meet all standards for reopening the record and the criteria for a late-filed contention,^{3/} there seems no good reason to file a new contention prior to LILCO reaching its conclusions on the cause(s) of the failure. Indeed, if LILCO complies with the County's Request for Discovery, and the County agrees with LILCO's conclusions on the cause(s) of the failure, with the significance thereof, and with LILCO's corrective and preventive action, the County might not file a new contention at all.

The County is aware that "timeliness" is one of the tests which a late-filed contention must meet. In the County's interpretation of this standard, a new contention on the crank-

^{3/} Both standards and criteria must be met, according to the Board's Memorandum and Order Ruling on Suffolk County's Motion to Admit New Contention, LBP-83-30, 17 NRC ____ (June 22, 1983). For a summary of these standards and criteria, see LBP-83-30 at 12.

shaft failure would be timely if filed within a reasonable time after the County learns of LILCO's conclusions regarding the cause(s) of the crankshaft failure. At that time the significance of the broken crankshaft issue and whether it presents genuine triable facts will be adequately sharpened to determine whether a new contention is appropriate.

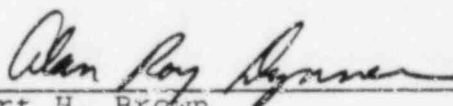
On the other hand, if the County were to file a contention on the crankshaft failure before learning of the conclusions of LILCO's failure analysis, litigation would probably have to be deferred until those conclusions were known. Before then, neither party would have a clear idea of the triable facts at issue. Hence, it would be absurd in this situation if the timeliness standard were interpreted to require filing of a new contention within a reasonable time after the breaking of the crankshaft, rather than after LILCO makes known its conclusions as to the cause(s) of the failure.

To the extent that one aspect of the timeliness criterion may be to avoid surprise, this Notice serves to communicate the County's present intentions to the Board and to all parties. If any party believes that the County's interpretation of the timeliness standard as applied to this matter is erroneous, it should raise that disagreement now. We should add that, in the context of timeliness, as well as the standard concerning possible delay of the proceeding occasioned by a

late-filed contention, LILCO now estimates that Shoreham will not be ready for fuel load until sometime in the first quarter of 1984.^{4/}

Respectfully submitted,

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Attorneys for Suffolk County

August 22, 1983

^{4/} See Exhibits 1 and 3.



EXHIBIT 1

FOR IMMEDIATE RELEASE
August 18, 1983

Long Island Lighting Company today announced that it has increased from \$50 to \$75 million the amount of a sale of preferred stock scheduled for August 22.

At present, there is no new information available as to the status of the diesel generator which experienced a crankshaft failure during a pre-operational test. The Company is today filing a Current Report on Form 8-K with the Securities and Exchange Commission to report on the recent developments at Shoreham regarding the diesel generator. The text of the Form 8-K follows:

"On August 12, 1983, during testing, the crankshaft of one of the three emergency diesel generators at Shoreham failed. The crankshaft was initially thought to have been cracked, but was in fact broken. Successful completion of testing of all three generators is a prerequisite for permission to load fuel and to begin low-power testing. Although an analysis of the cause of the crankshaft failure has begun, until such analysis has been completed, the Company is unable to predict when fuel loading and commercial operation will occur. Under the most favorable circumstances, correction of the damage caused by the failed crankshaft as well as a determination of the adequacy of all three diesel generators, in light of such failure, could be accomplished by late November 1983.

-MORE-

"Moreover, the Company does not know at present to what extent there will be delays in the commencement of the diesel generator hearings by the Atomic Safety and Licensing Board that has been considering the Company's application for an operating license. These hearings were to have begun on August 29, 1983, but have been suspended until additional information concerning the crankshaft failure is available. The Company believes that the diesel generator hearings will be lengthier than originally contemplated. Thus the Company believes that, under the most favorable assumptions, fuel loading will not take place until some time during the first quarter of 1984. Under more adverse assumptions, fuel loading would begin significantly later. The Company's previous estimates that the successful completion of power ascension tests at Shoreham during the period between fuel load and commercial operation would require approximately six to nine months assumed timely authorization from the Nuclear Regulatory Commission to increase levels of power beyond 5%. While the Company believes that the emergency response planning hearings can still be conducted concurrently with those relating to the diesel generators, it cannot provide any assurance that the commencement of the emergency response planning hearings will not also be delayed. Any delays in the receipt of such timely authorization or in the emergency response planning hearings may delay the date of commercial operation. The Company believes that the likelihood of such delays has increased as a result of the developments regarding the emergency diesel generators.

-MORE-

"Based upon an assumed commercial operation date of May 1, 1984, the Company had estimated the total cost of the Shoreham unit at approximately \$3.4 billion. Under all assumptions, the Company now believes that commercial operation by May 1, 1984 is no longer achievable. Although the Company cannot provide an estimate of when commercial operation will take place, it does estimate that delay in the commencement of commercial operation increases the cost of the unit approximately \$35 million to \$45 million a month. Any delay in the commercial operation date of Shoreham and any change in its costs will affect the assumptions and therefore the relief which the New York Public Service Commission may grant in the Company's pending electric rate case."

N-Plant Damage More Extensive

Generator breakage worse than believed; delay in LILCO rate-hike request seen

By Robert Fresco
and Stuart Diamond

Damage to a diesel generator at the Shoreham atomic plant is worse than has been reported, according to federal documents obtained yesterday. And, citing delays for repairs, a top state official said the part of a rate hike Long Island Lighting Co. has sought to pay for the plant would most likely be delayed.

A preliminary analysis by the U.S. Nuclear Regulatory Commission, obtained yesterday, says it will take LILCO at least two weeks just to dismantle its disabled generator, which failed during a test last Friday. Although initial reports said the generator's main engine shaft had an eight-inch crack, LILCO and NRC officials yesterday said the foot-thick shaft is completely severed into two pieces.

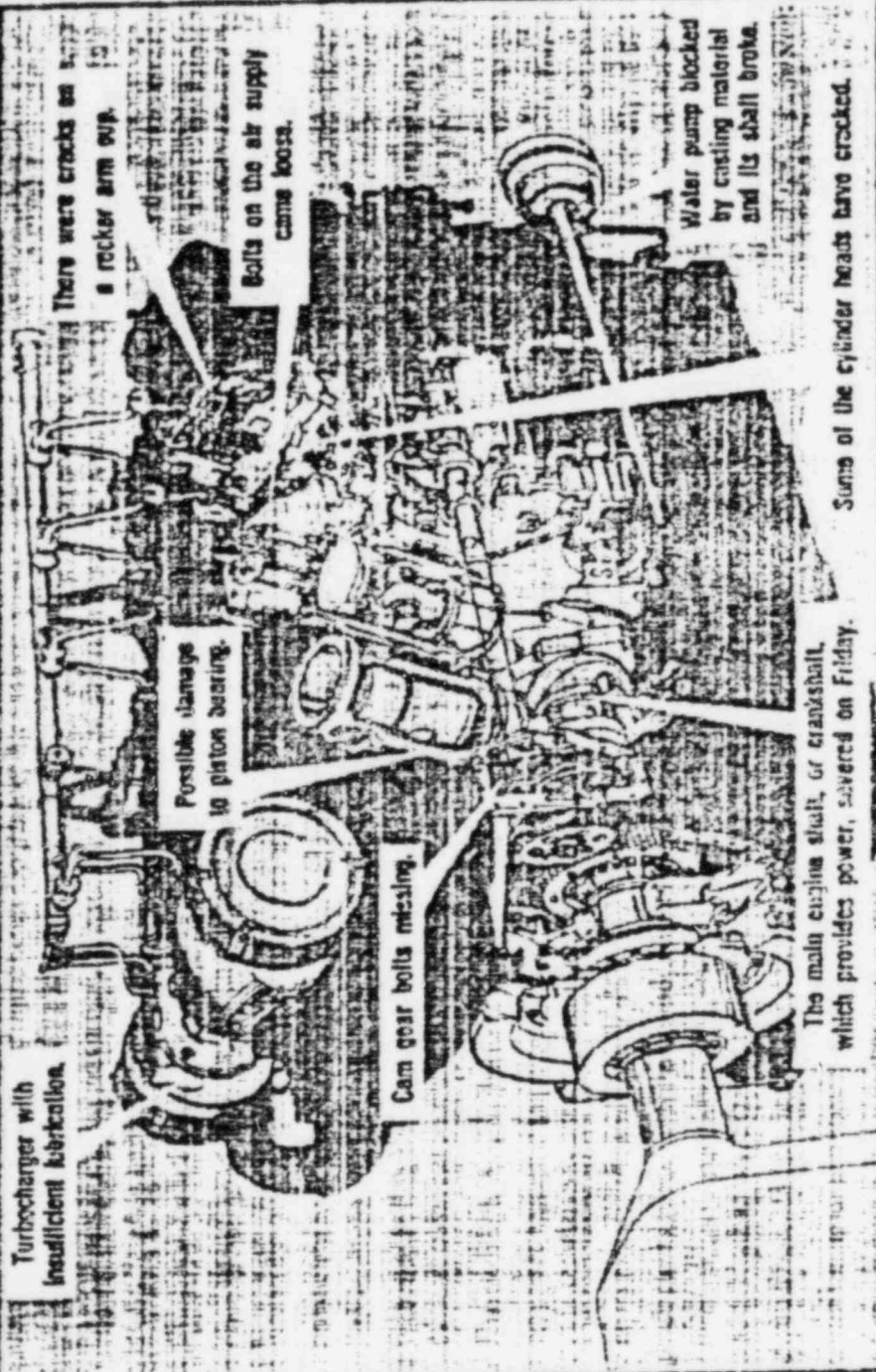
Federal officials also said that one of the generator's eight cylinders is scratched and that metal shards are in the cylinder's oil sump, indicating possible damage to the piston bearing. The agency quoted LILCO as describing the mishap a "major failure." It also said that to repair the generator, LILCO may have to remove it from its building, a process LILCO officials said might take months and could entail tearing out a wall.

Even without that step, estimates to repair the generator at the nearly-completed, \$3.4-billion reactor range from several weeks to months. LILCO says that delay adds \$40 million a month to the cost of the plant, which was to start operation in October.

As long as the plant is not operating, LILCO will not be able to add the cost to its rates, said Paul Gioia, chairman of the state Public Service Commission. Gioia's staff estimated that the delay could be up to four months. The \$767.1-million — or 56.5 per cent — increase was to be phased in over three years.

Problems in the Diesel Engine

An engine similar to Shoreham's, showing some of past and present problem areas.



Newday Illustration / Don Abraham

with \$306 million raised by April 30, 1984. Of that, \$217 million was to be for Shoreham. Gioia said the generator problems will be added to the PSC's investigation of LILCO's Shoreham management.

Details began emerging yesterday of possible causes for the failure and various options confronting LILCO. The damaged 20-foot shaft is severed into

pieces 5 and 17 feet in length, NRC officials said. Initially, LILCO was unsure the shaft had severed because the room in which it was housed was very hot and access was difficult, utility officials said.

LILCO officials added that it would be too expensive to remove the damaged diesel and replace it, even though all three units, ordered in 1975, cost only \$2.11 million.

Removal costs would be steep, they said, because LILCO, in effect, constructed the building around the locomotive-sized generators. After the units were installed, the wall was sealed, the generators fixed in place and the whole area tested and approved to withstand strong earthquakes.

"If we were to install new ones, we

—Continued on Page 23

Shoreham Damage Worse Than Believed

—Continued from Page 5

would have to rewire, repipe and schematically redesign supports for the generators," said LILCO spokesman Charles Salit. He said that task would take months. LILCO would also have to tear down a wall in the building, reset it after installing the new equipment and then retest the building.

The units were made by Transamerica Delaval, which has been cited for diesel problems at other reactors. Warranties on two of the three LILCO units appear to have expired. Various NRC reports have blamed LILCO for maintenance failures and Delaval for manufacturing defects. Delaval has declined to comment. But LILCO vice president Ira Freilicher said yesterday, "If there is something here that's Delaval's fault, warranty or no warranty, we are going to seek recovery from Delaval."

The diesel generator tests comprised the last of 133 safety tests scheduled for the Shoreham plant before operation. Two of the three generators are needed to supply power to safely shut the reactor in some kinds of accidents, but all

must operate properly if the utility is to get an operating license.

The other 129 tests have been successfully completed, Salit said. The final diesel test was scheduled for Aug. 22, but it has been indefinitely postponed, as have federal hearings on the units.

The Shoreham diesels, installed in 1978 and 1979, have had numerous equipment problems, including cracked cylinder heads, excessive vibration, missing bolts, defects in parts and misaligned parts. LILCO was fined \$40,000 by the NRC this past April for incorrect testing. Neither LILCO nor NRC officials would list possible causes for the generator problems. But four authoritative textbooks on diesel generators indicate that cracks can occur from poor manufacture, cooling, or alignment during maintenance.

The Shoreham diesels have been tested many times during the past two years, and some of the problems have been found during the tests, Salit said. For example, LILCO replaced all 24 cylinder heads this year. But an NRC staff

report says it is not possible to decide if the new heads are adequate until the failed shaft is analyzed.

Edward Greenman, an NRC official who oversees Shoreham inspections, said his agency has no preference for how LILCO resolves the problems. "They can replace a part or the whole machine, as long as they can assure the staff, the NRC and the public that the generators are reliable," he said. "If they can't demonstrate that, they can't run the plant."

Also yesterday, Gov. Mario Cuomo's commission investigating Shoreham heard testimony from Brookhaven National Laboratory scientists supporting the plant and from various nontechnical residents opposing it.

THE WALL STREET JOURNAL
Friday, August 19, 1983

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Lilco Generator Woes Mean Nuclear Facility To Face Further Delay

By a WALL STREET JOURNAL Staff Reporter

MINEOLA, N.Y.—Long Island Lighting Co. said new problems with diesel generators will force another delay in its schedule for bringing the Shoreham nuclear plant into operation.

The crankshaft of one of the plant's three emergency generators broke during a test Friday. The incident will delay further tests of the equipment and probably prolong Nuclear Regulatory Commission hearings into various problems the company has had with the generators, Lilco said.

Lilco was planning to load fuel at the plant in October, but now says that "under the most favorable assumptions," fuel load-

ing won't occur until the first quarter of 1984. "Under more adverse assumptions, fuel loading would begin significantly later," the company added.

The situation will push the date of commercial operation beyond Lilco's target of May 1, 1984, the company said. It didn't estimate a new target date, but plans six to nine months for testing between fuel loading and commercial operation.

"We won't know for several weeks exactly what we're dealing with" in the generator problem, a spokesman said. The delay may mean an adjustment in the 56.5% rate-increase request pending before the state Public Service Commission, the company indicated.

The company made the disclosure in a filing with the Securities and Exchange Commission in connection with an announced increase to \$75 million from \$50 million in a sale of preferred stock scheduled for Monday. A spokesman said the move reflected good market conditions and wasn't related to the diesel generator problems.

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August 18, 1983

(BY TELECOPIER)

T. S. Ellis, Esq.
Hunton & Williams
707 East Main Street
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Re: Request for Discovery

Dear Tim:

Last Saturday you informed me by telephone that the crankshaft on diesel generator No. 102 had broken in two during testing with the "new-style" Transamerica Delaval cylinder heads installed. In the LILCO Report and Request for Temporary Deferral, dated August 15, 1983, LILCO stated that the cause of the failure is unknown, and the time necessary to determine the cause and the ramifications of the failure is uncertain. In LILCO's Supplemental Report on the Diesel Generators, dated August 16, LILCO stated that in its "preliminary view" the breaking of the crankshaft is not related to issues raised in Suffolk County's contention regarding the cracking of cylinder heads, but that "no firm conclusions" can yet be reached.

The NRC Staff, in its Response to the LILCO Report, dated August 16, 1983, indicated that the relationship between the crankshaft failure and the cylinder head issue "cannot be ascertained prior to dismantling the disabled diesel to determine the cause of failure." It also noted that the crankshaft failure may impact upon the County's contention regarding vibration of the Shoreham emergency diesels. The County, in its filing dated August 15, 1983, agreed that the crankshaft failure may be related to both the cylinder head and the vibration issues, but no conclusions can be reached until the cause of the crankshaft breaking is ascertained.

Accordingly, matters relating to the crankshaft failure are clearly relevant to the County's diesel generator

T. S. Ellis, Esq.
August 18, 1983
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contentions. Therefore, Suffolk County is requesting ongoing discovery (as set forth below) as to the crankshaft failure until it is determined to the County's or the Board's satisfaction that there is no relationship between the breaking of the crankshaft and either the cylinder head cracking issue or the vibration issue. The County hereby requests:

1. That LILCO promptly notify the County of its plans (and any changes thereto) to determine the cause(s) of the crankshaft failure, including the kinds of examinations, tests and analyses it will carry out, the schedules for them, and the identification of persons who will be involved in the failure analyses and their responsibilities.
2. That LILCO give the County reasonable advance notice of all examinations, tests and analyses to be carried out in connection with the attempt to determine the cause(s) of the crankshaft failure, including without limitation any diesel engine tear-down, and permit representatives and consultants of the County to witness such examinations, tests and analyses.
3. That LILCO promptly provide the County with copies of all documents (as defined below), whether preliminary or final, as and when they come into LILCO's possession or under its control, pertaining to the crankshaft failure or the attempt to determine the cause(s) of the failure. 1/
4. That LILCO give the County reasonable advance notice of all meetings concerning the crankshaft failure which are to be attended by NRC Staff personnel, or to which such Staff personnel are invited, and that representatives and consultants of the County be invited to attend such meetings.
5. That LILCO promptly notify the County by telephone of any and all significant developments in the attempt to determine the cause(s) of the crankshaft failure.

For purposes of this request, the word "documents" is to be given its broadest meaning, to include, without limitation,

1/ An example would be the report on the analysis of the oil in diesel generator No. 102, referred to by Mr. Novarro in his comments to the Cuomo Commission on August 17, 1983.

T. S. Ellis, Esq.
August 18, 1983
Page 3

correspondence, memoranda, written data, photographs, reports, notes, drawings, computer printouts, written analyses, and other forms of written data and material.

As you know, the Board's Memorandum and Order Deferring Filing of Testimony and Commencement of Hearing on Diesel Generators, dated August 16, 1983, requires the parties to file by August 25 a status report regarding any progress in determining the cause(s) of the crankshaft failure, and expects the parties to coordinate their "efforts and views." Other than your August 13 telephone call informing me of the failure, the County has not received any other information directly from LILCO regarding the crankshaft failure. This discovery request is consistent with the Board's August 16 Memorandum and Order, and obviously a rapid response by LILCO will be required if the County is to be capable of filing a meaningful status report with the Board.

Enclosed is a request to the Staff which we are delivering today concerning the crankshaft failure.

By the way, I should remind you that we have not yet received from LILCO the documents which were the subject of the County's August 12 Renewal of Motion to Compel Discovery, and which the Board in a conference call suggested be supplied to the County.

Very truly yours,

Alan Roy Dynner

ARD/dk
Enclosure

cc: Bernard M. Bordenick, Esq.
(By Telecopier)

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August 18, 1983

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(BY TELECOPIER)

Bernard M. Bordenick, Esq.
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Bernie:

Attached is a Request for Discovery which we telecopied today to Mr. Ellis concerning the crankshaft failure in diesel generator No. 102 at Shoreham. For the reasons stated therein, Suffolk County also is requesting the cooperation of the Staff concerning that failure and the attempt to determine its cause or causes, as follows:

1. That the Staff promptly notify the County of its plans (if any) to determine or assist in determining the cause(s) of the crankshaft failure, including what it intends to do and when.
2. That the Staff inform the County of, and permit County representatives to witness, examinations, tests or analyses carried out or witnessed by Staff personnel in connection with the attempt to determine the cause(s) of the crankshaft failure.
3. That the Staff promptly provide the County with copies of all documents, reports, analyses, and other data pertaining to the crankshaft failure or the attempt to determine its cause(s).
4. That the Staff give the County reasonable advance notice of all meetings with LILCO or its consultants concerning the crankshaft failure to be attended by Staff personnel, and that County representatives and consultants be invited to attend such meetings as observers.
5. That the Staff notify the County promptly by telephone of any and all significant developments in the

KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS

Bernard M. Bordenick, Esq.
August 18, 1983
Page 2

attempt to determine the cause(s) of the crankshaft failure.

Your cooperation in these reports will be greatly appreciated.

Very truly yours,

Alan Roy Dynner

ARD/dk
Enclosure

cc: T. S. Ellis, Esq.
(By Telecopier)

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED

'83 AUG 23 A11:25

In the Matter of

LONG ISLAND LIGHTING COMPANY

(Shoreham Nuclear Power Station,
Unit 1)

OFFICE OF SECRETARY
DOCKETING & SERVICE

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

CERTIFICATE OF SERVICE

I hereby certify that copies of SUFFOLK COUNTY'S ANSWER AND OPPOSITION TO LILCO'S MOTION FOR A PROTECTIVE ORDER, and SUFFOLK COUNTY'S NOTICE OF POTENTIAL MOTION TO ADMIT NEW CONTENTION ON DIESEL GENERATORS, dated August 22, 1983, have been served to the following this 22nd day of August, 1983 by U.S. mail, first class, except as otherwise noted.

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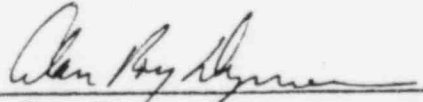
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DATE: August 22, 1983

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