18048

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of:	
GEORGIA INSTITUTE OF TECHNOLOGY	Docket No. 50-160-Ren
Atlanta, Georgia	ASLBP NO. 95-710-01-Ren
Georgia Tech Research Reactor	
Renewal of License No. R-97	

THE GEORGIA INSTITUTE OF TECHNOLOGY'S REPLY TO THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF (1) GANE, AND (2) THE NRC STAFF

MICHAEL J. BOWERS
Attorney General

DENNIS R. DUNN
Senior Assistant Attorney General

ALFRED L. EVANS, SR.
Senior Assistant Attorney General

PLEASE ADDRESS ALL COMMUNICATIONS TO:

ALFRED L. EVANS, JR.
40 Capitol Square, S.W.
232 Judicial Building
Atlanta, Georgia 30334-1300
(404) 656-3389

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of:	)	
GEORGIA INSTITUTE OF TECHNOLOGY	)	Docket No. 50-160-Ren
Atlanta, Georgia	)	ASLBP NO. 95-710-01-Ren
Georgia Tech Research Reactor	)	
Renewal of License No. R-97	)	

THE GEORGIA INSTITUTE OF TECHNOLOGY'S
REPLY TO THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF (1) GANE, AND (2) THE NRC STAFF

I.
GANE

In prefatory comment to its *Proposed Findings of Fact and Conclusions of Law*, the Georgia Institute of Technology set forth its view (immediately before launching into the 68 pages of those proposed findings and conclusions), that in light of the ultimate facts in the case being entirely undisputed, the detailed findings of fact it was presenting to the Board were really quite unnecessary to the Board's decision. *Id.*, at pp. iii to xii. Georgia Tech premised its position upon what the

ultimate issue alleged by GANE was, this being the measuring rod upon which the substantive merits of GANE's intervention necessarily depended. Plain and simple, this ultimate and controlling issue is whether: *"the management problems at GTRR are so great the public safety can not be assured."* It was the uniform testimony of all thirteen expert witnesses testifying on the point, *including the two expert witnesses proffered by GANE*, that GANE's assertion was without merit. Since the uniform expert testimony on this the ultimate and dispositive question was not contradicted by any expert opinion to the contrary, it is, under customary rules of the law of evidence, legally binding upon a judicial or quasi-judicial fact-finding body as this honorable Board. The rules of evidence involved are, as we pointed out in the preface to our proposed "findings," threefold:

(1) A party (here GANE) who proffers witnesses (here Copcutt and Boyd) is bound by the testimony of those witnesses save in extraordinary circumstances which are nowise involved in this case. *See*, p. xi.

(2) Positive testimony as to a particular fact, where it is as here uncontroverted, cannot properly be disregarded or rejected by the "fact-finder." Here we have thirteen expert witnesses (including those called by GANE) saying the same thing about the same ultimate issue. *Id.*, at p. xi.

(3) Public officials (as Dr. Karam) enjoy a rebuttable presumption of their performing their official duties (here operation of the reactor in a manner which safeguards public health and safety) in a proper manner, a presumption which has not been rebutted in this case by any evidence to the contrary. *Id.*, at p. xii.

We respectfully submit that the purported "Proposed Findings of Fact" which GANE has since filed but reinforces the correctness of our position that the unanimity of expert opinion on the ultimate question GANE presents obviates the need for any detailed findings of fact and conclusions of law. GANE's submission continued to fail to set forth *any factual evidence* which in any way controverts or contradicts the uniform opinion of the thirteen experts testifying on the matter--including the two experts proffered by GANE itself.

Indeed, GANE's purported "Proposed Findings of Fact" are really not "findings of fact" at all in the ordinary sense of numbered paragraphs setting forth contended evidentiary "facts" of record supported by record references. It is essentially more of the same unsupported and subjective perceptions, feelings, contentions and argument which we have heard all along. To illustrate, GANE states at p. 2:

> "It is our *contention, still strongly held,* that management at Georgia Tech does not offer the public the highest level of protection *to which we feel* they are rightly entitled." (Emphasis added).

A "contention" no matter how "strongly held," and no matter how one may "feel" about it, is not even remotely an evidentiary fact of record as is supposed to be the subject of proposed "findings of fact."

The same is true with respect to the "management structure" which GANE informs us has caused it "trepidation," namely the Manager of the Office of Radiation Safety reporting to the Director of the facility rather than to some one higher up in the management structure. *Id.*, at p. 3. We are told that this "provokes more concern and uncertainty" on GANE's part. *Id.*, at p. 3. While GANE points to the unremarkable fact that experts associated with Health Physics prefer an organization where they have more operational independence (does this really come as a monumental surprise?), GANE in no way negates, contradicts, or controverts the uniform testimony of all of these experts (including the two proffered by GANE), that their preference is not to be equated with an opinion or belief that there "preference" goes to the safe operation of Georgia Tech's reactor under the differing structural organization which it, along with various other research reactors, uses. In sum, GANE's so-called "Proposed Findings of Fact," etc. do not live up to their title. They are not what could by any stretch of the imagination reasonably be considered to be the "Proposed Findings of Fact and Conclusions of Law" called for by this Honorable Board in its Memorandum and Order" of July 3, 1996.

For all of the reasons stated here and in our previously filed proposed findings of fact and conclusion of law we respectfully submit that GANE's submission is of no moment and should be discounted entirely.

II
NRC STAFF

The NRC Staff's Proposed Findings of Fact and Conclusions of Law are a model of thoroughness, accuracy, and professionalism. We agree with the Staff's "findings" in all *material* respects, and certainly we agree with the ultimate conclusions of law the Staff has drawn from these facts, *in toto*.

We would not, on the other hand, want to convey the impression that out agreement and indeed admiration of the Staff's submission is sans critical review, and but a visceral response or a *pro forma* stamp of approval, simply because we like the end result. We have reviewed the Staff's presentation in detail. As would reasonably be expected in 150 pages dealing with very complex matters, we do find two points (extraordinarily few given this complexity and the mass of materials covered), where we believe that some clarification or modification is appropriate in order to prevent a hurried or less critical reading resulting in a misunderstanding, or in the possibile drawing of erroneous inferences, from the wording

of the proposed "findings" of the Staff. We do wish to emphasize that both matters are right trivial. Both relate to events in 1987 and 1988 and have nothing at all to do with GTRR's post-restart operations from November 1988 to date. We simply thought that it nonetheless might not be amiss to mention the two problem areas briefly *en passant*.

1. Was the cadmium contamination air-borne and widespread?

The NRC Staff's review of the cadmium 115 spill which occurred at GTRR in August 1987 is thoroughly detailed at pp. 46 to 58 of its "findings." As to the spill itself, the Staff did not dispute, but rather agrees with, GTRR's contemporaneous assessment that as spills go it was a relative minor occurence, not of that level of severity to cause it to have been a "reportable" event under either Licensee Technical Specifications or federal regulations. *Id.*, at p. 58. As the Staff's "findings" make clear, the real problem was not the spill *per se*, but what it revealed respecting inadequacies and deficiencies at GTRR involving:

> "Both operational and health physics issues related to the pre-experiment review and calculation of dose rate levels for the topaz and cadmium container, as well as health physics issues related to post-accident radiation surveys and evaluation of personal exposures." *Id.*, at p. 49; see also, pp. 50-53.

Georgia Tech agrees with the NRC Staff's assessment of what the problems were at GTRR before, at the time of, and following the spill in August 1987 up until the January and March 1988 "shut down" orders.

The one aspect which we believe merits clarification does not in any way relate to the Staff's overall analysis and assessment of the critical facts of the matter. What it does have to do with is a memo of one of the disgruntled radiation safety technicians implying that the contamination from the August 1987 Cadmium spill had become air-borne and widespread throughout the containment building. It is the Sharpe Memo. *Id.*, at pp 47-48. Dr. Karam, along with his Assistant Director (McDowell) subsequently came to question both the accuracy and truthfulness of this "inference" by a very hostile radiation safety technician of widespread air-borne contamination. For a number of reasons satisfactory to them, they concluded that Sharpe had inaccurately, and quite probably deliberately (given the level of hostility on the part of the HP staff, including Sharpe, towards GTRR generally and Dr. Karam in particular during the summer and fall of 1987 following "reorganizaton"), attempted to magnify the seriousness of the spill by making it appear that it had become (1) air-borne, and (2) widespread throughout the containment building.

The precise point of our clarity question has to do with the wording of a sentence which we assume relates solely to the Staff's own evaluation about the reliability and accuracy of the Sharpe Memo, which differs from that of Dr. Karam. The sentence in question reads:

> "Thus, absent any other documentation, there does not appear to be any convincing reason to doubt the accuracy or reliability of Mr. Sharpe's memorandum."

We would quite agree that in a courtroom sense there is no conclusive evidence either way on the matter. It may also well be that "convincing reason," like "beauty," lies in the eyes of the beholder. Nor do we in any way suggest that the NRC Staff could not reasonably reach the conclusion it did reach on the matter, i. e. that it saw no "convincing reason" to doubt the accuracy or reliability of Mr. Sharpe's Memorandum. The problem we see in the wording of the sentence as it presently exists is that it could readily suggest, or raise an inference, that Dr. Karam 's contrary evaluation was any less predicated on a reasonable basis than that of the NRC Staff. While we don't want to be straining at the obvious, certainly Dr. Karam had a very reasonable basis for arriving at his opinion notwithstanding the fact that others (including the NRC Staff) might with reason and logic come to a contrary view. The following are some of the reasonable bases for Dr. Karam's opinion that the Sharpe Memo's inference of widespread air-borne contamination was erroneous and probably knowingly false:

1. First of all, the decomposed cadmium involved in the spill was granular in substance, not the sort of dust or fine powder likely to float in the air. *Karam*, Tr. 3425. The weight of the particles, coupled with the laws of gravity, would have caused them to drop, not float in the air. *Karam*, Tr. 3425, 3465. The Staff's reference to Dr. Karam having recognized the possibility of *transportation* by air from the

top of the reactor to the floor below (Staff "findings" at p. 56), while technically accurate is rather misleading in its import if it is suggesting that the fact that something which can be pushed horizonally by air currents is the same as saying it is air-borne. A tennis ball placed at the top of the reactor would doubtless have been pushed over the edge by air currents and would drop to the floor below. This does not mean that the tennis ball is "air-borne" in the sense of having the ability to float elsewhere within the containment building. We believe that Dr. Karam's testimony on the point is perfectly clear. At p. 3425 of the transcript, he referred to the fact that Mr. Downs was opening the can right at or near the edge of the top of the reactor, and that since the material in it was granular, when he poured it out some of the grains may have indeed *fallen* on the floor below the reactor. As he said in response to a question about the possibility of "some air current" transporting particles down to the floor (Tr. 3465), was that the consensus at that point in time was that how the particles reached the floor below the reactor could have been a combination of the two, i.e., particles falling directly down upon the floor and other particles on the top of the reactor being "pushed" by the flow of the ventilation over top of the reactor down to the floor below. None of this, of course, even remotely suggests that the cadmium particles were air-borne in the sense of floating in the air to other points in the containment building.

2. This likelihood of the adherence of the particules of disintegrated cadmium to the laws of gravity is supported by the location of the contamination from the spill as shown by the Daily Masslinn surveys, See GT-11. These surveys showed that the contamination from the spill of the particles, as one might reasonable anticipate, was confined to an extremely small area in the containment building which was immediately adjacent to the reactor. *Karam Tr.* 2723 Insert, p. 40.

3. In addition, neither subsequent August 1987 Masslin surveys of the containment building nor of any of the daily air sample analyses taken at a nearby point (i.e. 15 feet away on the floor below from the reactor) ever reflected so much as a trace of contamination See GT-11.

4. While the HP unit had made the Sharp Memo (which implied widespread contamination) available to the NRC Inspector (Mr. Kuzo) during the December 1987 inspection, as Dr. Karam found out later during a January 1988 enforcement conference, the August Masslinn survey report showing the contamination to be limited to the small area adjacent to the reactor) had been withheld by the HP Unit from the NRC. *Kuzo*, Tr. 1881-1882. Director Karam would have to have been oblivious to the world around him if he did not wonder why the contemporaneous survey report had been withheld by the HP Unit from NRC.

5. Upon finding out about the withholding of the Masslinn survey from NRC by the HP Unit (and furnishing the report to

NRC) Dr. Karam initiated an investigation. In view of the 453-day half-life of certain cadmium isotopes, Dr. Karam knew that had the contamination been air-borne and widespread as the Sharpe Memo implied, there would likely have been some traces in the ventilation system. He had dead air spaces in the ducts examined. This included a louvered air intake only a few feet from where the particles had fallen. There were also cut-outs of air filter samples. There were no traces whatsoever of the contamination which one would reasonably have thought would have been uncovered had the contamination really been air-borne and widespread as Sharpe had implied. *Karam* Tr. 3207-3209, 3468-3470. Dr. Karam is a well recognized expert in nuclear engineering, including nuclear safety, and his opinion as to what is more likely or less likely to occur in an area where no conclusive proof is possible either way is entitled to considerable weight.

6. Finally, it appears that some of the facts which Dr. Karam considered in his assessment may not have been weighed the same by the NRC Staff. This is seen, for example, in the consideration which the Staff gives to the fact that Geiger Counters produce audible clicking sounds to indicate the presence of contamination, thereby suggesting that the three members of the HP staff would have readily known (from the absence of the clicking) if they were engaged in decontamination efforts in areas which were not contaminated.

With all due respect this seems at least a little bit naive given the volatility of the situation which existed concerning the HP staff, particularly in the time period following the July 1987 reorganization. Dr. Betty Revsin, while conducting and NRC investigation of GTRR the preceding April, indicated to Dr. Karam that the level of animosity between the operations staff and radiation safety technicians had reached the point where she thought that the HP Unit, or at least some of its members, actually wanted to close down the facility. *Karam*, Tr. 2723, Insert, p. 23. Certainly, the HP Unit's giving NRC the Sharpe Memo (implying widespread air-borne contamination) and withholding the contrary survey information, would have been more helpful than harmful to the agenda of the three unhappy employees of at least embarrassing Dr. Karam and the facility before NRC, if not closing it down. This overriding fact of a "sense of the situation" to which the NRC Staff appears to have given little or no weight, and perhaps did not understand fully would, we would suggest, have been a highly compelling reason, when viewed along with the other known facts noted, to have led Dr. Karam to a very well reasoned conclusion of his own the Sharpe Memo having been more likely than not knowingly false.

In sum, while of no particular relevance to the overall situation, we would think that the sentence in question should be modified so as to clarify that the NRC Staff's perception that there did not appear to be "any convincing reason" to

doubt the accuracy or reliability of the Sharp memo was reflective solely of NRC's own, perhaps equally reasonable assessment, and in no way to be taken as an inference or suggestion that Dr. Karam's basis for reaching his contrary opinion was without any reasonable basis.

2. The district courts' order *Millspaugh v. Karam.*

There is hidden danger in the NRC Staff's review, at pp. 65-66 of its "findings," of the litigation brought by Messrs. Millspaugh and Sharpe against Dr. Karam on February 17, 1988 (to which Dr. Stelson was subsequently added as a party defendant by plaintiffs). The danger is that without giving close heed to the technical niceties and distinction between such words of art as "termination" and "removal," one could easily and erroneously draw the conclusion that in that litigation the United States distinct covet determined that the *removal* of the two technicians from their erstwhile positions at GTRR via lateral transfer to other positions at Georgia Tech, the personnel action which actually occurred, was "retaliatory" for their having informed NRC during a December, 1987 inspection, about the Cadmium spill the preceeding August. The district court, of course, made no such finding or determination.

The key to the clarification necessary to preclude misinterpretation or erroneous inference starts with paragraph 2.2.9.8 on p. 65 of the NRC Staff's proposed findings:

> "On February 11, 1988, Dr. Karam handed letters of *termination* to the two health physics technicians, Paul Sharp and Steven Millspaugh, effective February 25, 1988. Three days later, however, following discussions with counsel [who had concerns about the niceties of procedural"due process"] Dr. Stelson rescinded the termination notices, pending a hearing; and the HP technicians were thereafter reassigned to other duties outside the NRC." [Emphasis and bracketed matter added].

With recision of the termination having come so quickly upon its notice, and long before its effective date of February 25, 1988, the situation was found by the district court to be as follows:

> "As a result of Dr. Stelson's letter, the Plaintiffs never were actually terminated from employment from Georgia Tech. Instead, they were initially placed in the Tech personnel office and subsequently were assigned to other jobs." See Order (Staff Exhibit 25), at p. 21.

It should be noted first of all that these events concerning the rescinded terminations and the decision to make lateral transfers of Millespaugh and Sharpe to other positions at Georgia Tech occurred <u>before</u> suit was filed. The district court therefore carefully confined what it viewed to be "retaliatory" to the initial and quickly rescinded (prior to its effective date) "*termination*" decision, and not with respect to the removal of the two technicians from the GTRR via lateral transfer - - the personnel action which was in fact carried out. As the district court put it:

> "The court finds that Plaintiffs' report of the Cadmium spill to the Nuclear Regulatory Commission inspectors in December, 1987, taken together with the negative publicity Georgia Tech received in January, 1988, *was a substantial factor in the initial decision of Dr. Stelson to terminate the employment of Plaintiffs.*" Order (Staff Exhibit 25), p. 25. (Emphasis added).

In noting that it was Dr. Stelson's initial and later aborted decision to "terminate" the plaintiffs which the Court thought would not have been made but for the intervention of the reports of the Cadmium spill to NRC and the widespread negative publicity which Tech received in January and early February, 1988, the Court plainly removed Dr. Karam from involvement in the retaliation question when it noted that Dr. Karam had recommended termination of the entire unit on December 9, 1987, which was prior to the NRC inspection later that month, not to mention even longer before the announced results and consequences of that inspection which came in late January 1988, coupled with the media publicity in January and February, 1988. *Id.*, at 26.

The Court expressly concluded that the removal and lateral transfer which actually occurred would have happened had the NRC actions and media coverage of January and February, 1988 never occurred and hence could not be deemed to have been retaliatory. *Id.* at pp. 26-27. As the district court put it:

> "In summary, the court FINDS and DECLARES that the referenced activities of the Plaintiffs in December of 1987 and January of 1988 were speech protected by the First and Fourteenth Amendments of the United States Constitution; that the Defendants' initial decision to terminate Plaintiffs' employment *would have violated Plaintiffs' rights, had it been implemented*; however, the Defendants' decision was retracted before it became effective." (Emphasis added).

The district court did grant prophylactic relief respecting retaliation against the two plaintiffs in their new positions of employment at Georgia Tech following their removal from GTRR based upon their having initiated litigation, or in connection with their exercise of protected speech in their new positions outside of GTRR. Moreover, this relief was directed not against Dr. Karam, but against Georgia Tech's erstwhile vice-president, Dr. Stelson and all persons acting in concert with Dr. Stelson. *Id.*, at p. 28. Following their removal from GTRR Millspaugh and Sharpe, would not, of course, have been subject to the supervision of, or the taking of any personnel action against them by Dr. Karam.

Actually, the prophylactic relief granted as to Dr. Stelson was entirely moot. Dr. Stelson had prior to the time of trial resigned from his position as Vice-President at the Georgia Institute of Technology in order to accept a consulting position in Hong Kong. It should be noted that being in perfect agreement that any retaliation against Millspaugh and Sharpe in their new positions following their removal from GTRR

would have been highly improper, no objection was ever interposed to the district court's grant of this prophylactic only relief.

Finally, it appears from a footnote (i.e. #64) on p. 67 of the Staff's "findings," that it has some reservations concerning Dr. Karam's testimony that he and Dr. Stelson "prevailed" in the litigation - - something we had thought perfectly obvious from the fact that the relief sought by plaintiffs in bringing the suit (monetary damages and reinstatement) had been rejected by the district court *in toto*. The comment that the litigation resulted in a judicial termination that retaliation had occurred is likewise not entirely accurate. The district court's finding, more precisely put, was that "retaliation" *would have occurred* had the initial determination decision of Dr. Stelson *not been rescinded* in favor of removing the two technicians from GTRR via lateral transfers to other positions at Georgia Tech - - which is what happened. *Id.* at pp. 25-28.

Perhaps a better word than "prevailed" would have been that the case was "won". It was plaintiffs Millspaugh and Sharpe who having lost in the district court appealed that lower courts' final decision and judgment to the Eleventh Circuit--which in turn affirmed the decision of the district court in favor of Drs. Karam and Stelson, among other things taxing costs against the losing parties, namely

Plaintiffs-Appellants Millspaugh and Sharpe. See Staff Exhibit 26. Of course, the very highest and best evidence, entirely unimpeachable, that Dr. Karam did indeed win (i.e. "prevail") is that upon going home that evening after receiving a copy of the district court's order, counsel opened a bottle of champagne. Counsel only opens a bottle of champagne when he wins. When he loses he is more inclined to drink black ink.

CONCLUSION

For the reasons stated herein, the so-called "findings of fact" and "conclusions of law" submitted by GANE (which are essentially mere expressions of fears, concerns and argument rather than an enumeration of facts of record), must be discounted in its entirety because of its total failure to in any way controvert the uniform opinion of all thirteen experts addressing the matter (including two experts proffered by GANE) that GANE's position Board is without merit.

With respect to the proposed "findings of fact" and "conclusions of law" of the NRC Staff, with the exception of the two picayune matters discussed herein (which are of no particular relevance in the big scheme of things anyway), we are in complete agreement with the Staff's detailed presentation of the facts and its conclusions of law. They are, as to the ultimate question before the Board, in complete

accord with the uniform opinion of all of the experts testifying on the matter. Based upon the totality of the evidence, the Board should conclude and hold that there is no evidentiary basis to support GANE's "management contention", its intervention should be dismissed, and the renewal of Georgia Tech's Operating Licence No. R-97, ought not be denied or further withheld based upon the matters presented and adjudicated in this proceeding.

Respectfully submitted,

MICHAEL J. BOWERS 071650
Attorney General

JEFF L. MILSTEEN 509820
Deputy Attorney General

DENNIS R. DUNN 234098
Senior Assistant Attorney General

ALFRED L. EVANS, JR. 251400
Senior Assistant Attorney General

PLEASE ADDRESS ALL
COMMUNICATIONS TO:

ALFRED L. EVANS, JR.
40 Capitol Square
Room 232
Atlanta, Georgia 30334-1300
Telephone: (404) 656-3389

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechhoefer, Chairman
Dr. Jerry R. Kline
Dr. Peter S. Lam

In the Matter of	)	
GEORGIA INSTITUTE OF TECHNOLOGY	)	Docket No. 50-160-Ren
Atlanta, Georgia	)	ASLBP NO. 95-710-01-Ren
Georgia Tech Research Reactor	)	
Renewal of License No. R-97	)	

CERTIFICATE OF SERVICE

I do hereby certify that copies of the foregoing Reply to the Proposed Findings of Fact and Conclusions of Law have been served upon the following persons by U.S. Mail, except as otherwise noted and in accordance with the requirement of 10 C.F.R. Sec. 2.712:

Administrative Judge
Peter S. Lam
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Administrative Judge
Jerry R. Kline
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Sherwin E. Turk, Esq.
Susan S. Chidakel, Esq.
Office of the General Counsel
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Glenn Carroll
Georgians Against Nuclear
Energy
Post Office Box 8574
Atlanta, Georgia 30306

Adjudicatory File (2)
Atomic Safety and Licensing
Board
Mail Stop: T-3 F23
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Atomic Safety and Licensing
Board Panel
Mail Stop: T-3 F23
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Administrative Judge
Charles Bechhoefer, Chairman
Atomic Safety and Licensing
Board
U.S. Nuclear Regulatory
Commission
Washington, D.C. 20555

Randy A. Nordin, Esq.
E. Gail Gunnells, Esq.
Georgia Institute of
Technology
400 10th Street
Atlanta, Georgia 30322

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

Dr. R.A. Karam
Neely Nuclear Research
Center
900 Atlantic Drive
Atlanta, Georgia 30332-0425

This 8th day of November, 1996.

ALFRED L. EVANS, JR.
Senior Assistant Attorney General