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My ref:

Your ref:

2 August 1983

Dear Minister

Ⓟ  
2/4

SEA DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE

The annual operation for sea disposal of low-level radioactive waste is still blocked by action by the National Union of Seamen, at the instigation of Greenpeace, and supported by some other unions. Initially the government has adopted a low profile. This week I have asked Len Murray informally if he can help, and I hope discussions involving the unions will take place. But we now need to agree on what should be done if such discussions fail to resolve the problem.

The Nuclear Industry Radioactive Waste Executive (NIREX) was set up last year to dispose of low and intermediate-level wastes, and this operation is its own first attempt to do so. Sea disposal of these particularly wastes has been endorsed as safe and environmentally acceptable, on the basis of a extensive scientific evidence, by the independent Radioactive Waste Management Advisory Committee and by international expert bodies. In the autumn NIREX will be making a major announcement about preferred sites for land disposal facilities for intermediate-level wastes to come into operation by the end of the decade. If sea disposal is frustrated, this would make land disposal the only option for solid wastes and aggravate the opposition we can in any case expect to new facilities for that purpose. It would also give enormous encouragement to campaigns against movement of spend fuel within the UK and internationally and against discharges to the Irish Sea from British Nuclear Fuels Limited, Sellafield. There would be serious implications for the government's waste management policies, and hence for the whole future of nuclear power in this country. We shall not necessarily need sea disposal permanently, especially if the UK because isolated internationally, but we must not give it up before alternative methods of disposal are available, and we must not appear to capitulate to pressure when we have an unanswerable scientific defence.



Admittedly the stated aim of the protestors is only the suspension of dumping until a further review of the scientific evidence has been completed within the London Dumping convention. However if there were failure to dump this year it might be that an operation in the following 2 years would effectively be ruled out and, because the issue would have been so politicised, it is doubtful whether it would be possible to resume even then (whatever public position we might take). Other countries which favour this method would be forced to stop or deterred from starting or restarting. Because of these unacceptable consequences, it is essential that we work up all the possible options for carrying out this year's operation, and that NIREX and URAEA are encouraged to adopt a determined stance.

/ I am enclosing an appraisal prepared by my officials in conjunction with yours and other Departments', in which the options appear in para 12. As the costs and complications of delay will increase, and the uncertainty has harmful results in itself, I suggest we allow not more than another fortnight (until August 11) for discussions with the unions. If no results have been achieved by then, and an application by UKAEA for an injunction still looks too uncertain, the necessary arrangements should be made to carry out the operation by other means, even if that entails a greatly reduced tonnage. This year the principle of the operation is more important.

I hope that you and other colleagues will agree with this approach. If so, it is probably unnecessary for us to meet at this stage. Officials should continue to develop detailed plans both for an operation and for effective presentation of the arguments, and make a submission to us at an appropriate stage. In the absence during August of myself and William Waldegrave, Ian Gow will be dealing with this.

I am copying this letter to the Prime Minister and to Geoffrey Howe, Nigel Lawson, Peter Walker, George Younger, Nicholas Edwards, Tom King, Leon Brittan, Michael Heseltine, John Biffen, Norman Tebbit, Michael Havers and Sir Robert Armstrong.

*Yours sincerely*  
*Helen Ghosh*

PATRICK JENKIN  
(approved by the Secretary of  
State and signed in his absence)

The Rt Hon Michael Jopling MP



CORRECTED VERSION.

## SEA DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTES

### APPRAISAL BY OFFICIALS

#### Background

1. The UK has disposed of low-level radioactive waste at sea each year since 1949. The waste comes from hospitals, nuclear power stations, industry, research and defence establishments. It is encased in concrete, inside steel drums, and dropped at an internationally agreed site in the North Atlantic where the water is 2½ miles deep, about 500 miles south-west of Lands End. There have been increasing and photogenic attempts at disruption by protesters, especially by Greenpeace in mid-Atlantic, but these have never prevented the operation: injunctions have been successfully obtained in previous years against Greenpeace in the UK and the Netherlands. Previous operations have been organised by the United Kingdom Atomic Energy Authority (UKAEA), but this year's is organised by the new Nuclear Industry Radioactive Waste Executive (NIREX) working through UKAEA where appropriate.

#### International position

2. The Convention on the Dumping of Wastes at Sea (LDC, the London Dumping Convention) was signed in 1972 and ratified by the UK in 1974. It prohibits disposal of highly radioactive waste at sea, but disposal of low-level radioactive waste is allowed if a special permit is issued by the competent national authority (in this case MAFF under the Dumping at Sea Act 1974). Among the 52 countries which have ratified the Convention there has been increasing



pressure in recent years from Spain, the non-nuclear and Nordic countries against those countries which continue to use sea disposal: Belgium, Switzerland, the UK and (until last year) the Netherlands. The USA, France, Italy, the FRG and Sweden have used it in the past and France and Italy may do so again in the near future. Belgium, Switzerland and Italy hope to use the UK ship, but for separate operations.

3. There has been no serious challenge on scientific grounds of the safety of this method. At the LDC Consultative meeting in February 1983 the UK countered opposition by proposing a further review of the scientific evidence. However a resolution was subsequently passed which has no legal force but called for the suspension of dumping until that review was complete. This has been widely misrepresented as a binding requirement on the UK.

#### Regulatory Requirements

4. Apart from LDC, the UK also complies with detailed procedures and guidelines laid down by the Nuclear Energy Agency (NEA) of the Organisation for Economic Operation and Development, which has also assessed and designated the site, and sends an international observer. Disposals also have to be authorised under the Radioactive Substances Act 1960 by MAFF and DOE; and there are DTp and HSE regulations. The latter, and the special requirements for cabins and communication equipment, restrict the number of possible ships.

#### This year's operation

5. It was intended to use this year a specially adapted cargo vessel, MV Atlantic Fisher which was due to load 3500 te of packaged waste at Sharpness (Glos) in the week beginning July 4. Most of the waste is currently in railway wagons at the Central Ordnance Depot



Bicester (transferred from Didcot to avoid protests), at Thatcham Ordnance Depot (waste from AWRE Aldermaston) and at UKAEA Winfrith. Some of the waste is still in store at Harwell and Winfrith.

6. The operation is presently blocked by an instruction from the Executive ~~from~~<sup>of</sup> the National Union of Seamen (NUS) to its members not to sign as crew of the Atlantic Fisher, which is at Barrow-in-Furness. The instruction was issued on environmental grounds (quoting the LDC resolution) and there is no trade dispute. The NUS line has been supported by the Merchant Navy and Airline Officers Association (MNAO), the Associated Society of Locomotive Engineers and Firemen (ASLEF) and the Transport and General Workers Union (TGWU), and has received considerable sympathy from the National Union of Railwaymen (NUR). However the attitude of the latter unions has not been tested in practice.

#### Legal action

7. UKAEA (on behalf of NIREX) and Fishers (the shipowners) have taken Counsel's opinion on obtaining an injunction against the NUS, a form of action made possible by the Employment Act 1982. They were advised they had a good case but the outcome was by no means certain in relation to seamen (as distinct from other groups of workers) because of the terms on which they are employed. Further considerations are that there might have been repercussions on general relations with the unions, and an injunction would not necessarily have been obeyed. In the event UKAEA decided that an injunction should not be sought at this stage. A delayed application would have to <sup>have</sup> been made during the legal vacation and the chances of success would be less.

#### Media interest

8. Media interest has been moderate, with the Guardian and TV News carrying the most reports, and has now declined. Recent



themes have been the government has abandoned the operation, and that the Royal Navy may be used (as the unions predicted at the outset).

Parliamentary interest

9. Parliamentary interest has also been limited until this week, but has been stimulated by the misleading reports of a quite unconnected incident at Chatham in which the armed forces were alleged to have requisitioned a tanker. This has led to an Early Day Motion linking the two subjects with 72 signatures.



### International reaction

10. The governments of Portugal, Spain, Denmark and Norway have made known their opposition, and protests have been received from pressure groups in a number of countries. Controversy has been fuelled by the present uncertainty. It is unlikely that our relations with other governments will be seriously affected, with the possible exception of Spain, although there could be repercussions on other international environmental issues and on approvals by other governments for scientific cruises and overseas research projects.

### Approaches to the unions

11. The following approaches have been made since the transport unions announced their intentions:

- i. a letter on 24 June from the Under Secretary in DOE to General Secretaries explaining why the government considers the method environmentally acceptable and offering to arrange a meeting
- ii. a letter on 15 July from the Chief Executive of UKAEA to the General Secretary of the TUC
- iii. a presentation by UKAEA on 22 July for national officers of the TGWU
- iv. a letter from Fishers to the NUS on 25 July proposing a meeting under the auspices of the General Council of British Shipping, but this has met with refusal. British Rail have been asked whether they can arrange a parallel meeting with ASLEF
- v. an informal approach by the Secretary of State for the Environment to the General Secretary of the TUC on 26 July.

There has been no formal response so far from the TUC. A meeting on 27 July of the TUC Fuel and Power Committee endorsed the use of sea disposal, but this would not necessarily have a decisive effect.



The options

12. The options for carrying out this year's operation can be described as follows:

A: as originally planned, apart from delay. This presupposes either a situation in which members of all the unions involved are prepared to defy their executives or a change of ~~of~~ line by the unions. The latter situation could come about if recent approaches and any subsequent negotiations prove successful, or if the device of an injunction was revived and proved effective, or perhaps if some NUS executive members changed sides. None of these things can be relied upon. In the circumstances NUS might seek to include issues of waste management policy in any negotiations: for example the types of waste dumped or a time-limit on the practice

B: a different ship with a crew from a different union. This presupposes that all the unions except NUS could be persuaded to drop their opposition. In that case it would be possible to use a stern trawler with TGWU crew which is a MAFF research vessel. It could only carry a limited amount of waste: 135 te on deck and possibly a further 100te in the hold. Because interference from Greenpeace would be easier than with the Atlantic Fisher, an escorting vessel would be required, probably a civil tug. Such close MAFF involvement in the operation is arguably inappropriate in view of that Ministry's regulatory role, and the effects on industrial relations in the rest of its fleet would have to be carefully watched. The trawler concerned is due to come out of dry dock shortly, but would require minor structural modifications. If the rail unions as well as NUS remained obdurate, there could



be a road variant of this option (see below)

C: a ship with a non-union crew. There are numerous stern trawlers in non-union fishing fleets which are now laid up. These would have a similar capacity to the MAFF trawler but several of them could be used, which, would also be of considerable help in countering protest action at sea; ~~and would help to overcome any shortage of cabins for observers etc.~~ <sup>the number of</sup> ~~would have to be considered~~ This option looks promising but a fuller assessment will not be available until next week. It is assumed that the rail unions would not co-operate in such an operation but road could be used: this would require a considerable number of lorry movements, (40 for each 500te of waste) in convoys of 6-7 with an escorting van, and these would be more subject to disruption than trains. A variant of this option in which the Atlantic Fisher would obtain a foreign crew, possibly changing flag for the purpose, is unattractive because of the repercussions on the rest of Fishers fleet and perhaps more widely

D: the entire operation carried out by the armed services.

MOD take the view that this case does not meet the normal criteria for military assistance to ~~the~~ <sup>ministries</sup> civil power, and that ~~the powers to requisition ships for defence purposes might well not be applicable.~~ Some royal fleet auxiliaries are technically suitable. MOD therefore believe that the Atlantic Fisher would have to be given a naval crew. This would have to be with the agreement of the owners, which might not be given, and in any case on past experience it would lead to NUS action against movements to and from the Falkland Islands.

but have an NUS crew: naval ships are unlikely to be technically suitable



It should be noted that for a token operation involving up to 470te, waste could be moved by road from stores at UKAEA Harwell and Winfrith without disturbing the rail wagons. In options A-C it is assumed for the moment that waste would be loaded at Sharpness, because the docks there have always been co-operative, even though they are in the TGWU and the National Dock Labour Scheme.

### Time Constraints

13. Most of the drummed waste is at present loaded on railway wagons. The drums are unsuitable for prolonged exposure to rain and limited contamination of the drums, wagons and surrounding soil may occur following a storm. Corrosion may also commence which could subsequently spread if the drums have to be stored for several years. During the summer the longest period of outdoor storage which is desirable is about 6 weeks (eg until mid-August). Use of tarpaulins would allow this period to be extended for a further 6 weeks.

X 14. Using the Atlantic Fisher, dumping could take place up to the end of October. Unless the ship is fully loaded (3,500 te) there are unlikely to be tidal problems at Sharpness - the ship could sail on any high tide. Using a stern trawler, dumping of a limited cargo is probably possible at any time except in the most inclement weather. There should be no problems at Sharpness Dock with such a vessel.

### Expenditure and storage implications

15. Expenditure in relation to the operation, including the cost of keeping the Atlantic Fisher available, is being met by UKAEA on behalf of NIREX. Key figures are:



basic cost of operation £800k

cost of a week's delay £100k

cost of returning waste to store £80k.

NIREX expenditure is financed in 2 ways:

- operational expenditure by a charge to the waste producer;

- overhead expenditure one-third by UKAEA, one third by BNFL, and one-third by the Central Electricity Generating Board and the South of Scotland Electricity Board.

The basic cost is operational expenditure but it is not known how the additional costs will be apportioned. UKAEA on behalf of NIREX has a 5-year contract with Fishers designed to ensure that the costs attributable to the conversion of the Atlantic Fisher are recovered by Fishers.

16. If substantial quantities of waste had to be unloaded and returned to store, the implications would depend on whether this was a one-off situation (as with a token operation followed by normal operations in succeeding years) or the result of a permanent or long-lasting cessation of sea disposal. For one year there would be no serious embarrassment, although there would be extra doses to employees from handling and storage, and problems from the need for higher stacks ~~from~~ drums at Harwell. At Aldermaston it would probably be necessary to provide temporary covered storage of an 'air hall' type at a cost of say £50k. For a continuing situation there would need to be considerable extra storage, especially for wastes from Aldermaston and from Amersham International, Cardiff. The most probable form would be a central store for 20,000te at Harwell (probably not requiring planning permission) at a capital cost of £3-5m and <sup>annual</sup> operational cost of about £200k. There might also



need to be increased tank capacity at Aldermaston for liquid wastes. As the waste would ~~may~~<sup>then</sup> probably go to land disposal facilities (for which the estimated cost is £75m over 10 years, but which will be needed in some form in any case), further expenditure would be needed for plant to provide a different form of packaging.

17. The major impact of abandonment would be indirect and not readily quantifiable costs for other forms of waste management and the credibility of nuclear power.

NS.

DOE

28 July 1983



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Home Affairs

FROM THE MINISTER OF STATE, SCOTTISH OFFICE

NEW ST. ANDREWS HOUSE  
ST. JAMES CENTRE  
EDINBURGH EH1 3SX



CONFIDENTIAL

The Rt Hon Ian Gow MP  
Minister of State for the Environment  
Department of the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB

A 2 8/8

23 August 1983

SEA DISPOSAL OF LOW LEVEL RADIOACTIVE WASTE

Patrick Jenkin copied to George Younger his letter of 2 August to Michael Jopling on this subject.

I agree that the UK's stance on sea disposal of nuclear waste can be justified on the basis of our scientists' advice and that it is important that the principle of the operation be safeguarded, bearing in mind that this is the first year of operations for NIREX. I therefore endorse the suggestion in your letter that if discussions with the unions produce no result by 11 August then plans should go ahead for a NIREX operation by other means this year, even if this entails a greatly reduced tonnage. I would however caution against option 'D' ie the entire operation to be carried out by the Armed Services. This could be counter-productive.

I am copying this letter to the recipients of yours.

GRAY OF CONTIN



HOME Affairs; Nuclear Waste

July 79







Ministry of Agriculture, Fisheries and Food  
Whitehall Place London SW1A 2HH

From the  
Minister of State

CONFIDENTIAL

The Rt Hon Patrick Jenkin MP  
Secretary of State for the Environment  
2 Marsham Street  
London SW1P 3EB

12 August 1983

*Dear Patrick,*

*D 15/8'*

SEA DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE

In Michael Jopling's absence, I am replying to your letter of 2 August about this year's sea dump of low-level radioactive waste.

Although it is clear that the use of the "Atlantic Fisher" would be by far and away the best option from all points of view, I agree that we should explore other suitable ways of carrying out this year's sea dumping operation. Before taking any final decision, we would among other issues need to satisfy ourselves that the arrangements were consistent with our obligations under the London Dumping Convention, and that they were on a sufficient scale to be credible internationally.

But the immediate question posed by your letter is whether we should in fact start to make the necessary arrangements to carry out the operation by suitable means other than the "Atlantic Fisher" if discussions with the unions have not borne fruit by 11 August. I gather that, since you wrote, the possibility (to put it no higher) has arisen that some sort of satisfactory solution might come out of the Trades Union Congress, which meets in the week beginning 5 September. Since the use of the "Atlantic Fisher" is so much to be preferred to any of the other options set out in the paper circulated with your letter, it does seem to me that we would do well to stay any action on the alternatives which might put that in jeopardy. Might it not, therefore, be better to await the outcome of the TUC discussion before deciding on what our next step should be?

I am copying this to the recipients of your letter.

*Yours sincerely,*  
*John*

BELSTEAD



HOME AFFAIRS: Disposal of Nuclear Waste  
July 79



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MINISTER OF STATE FOR  
THE ARMED FORCES

D/MIN(AF)/JS/9/9/1

11<sup>th</sup> August 1983

*Mr Patrick*

*JS*  
*12/8*

SEA DISPOSAL OF LOW-LEVEL RADIO-ACTIVE WASTE

In Michael Heseltine's absence I am replying to your letter of 2 August.

I am content that work on alternative options should proceed but with the exception of the armed services option - option D - the use of which would I believe be counter-productive. I see that Geoffrey Howe in his letter of 3 August is averse to option D on international grounds. There are also compelling defence reasons at the present time for avoiding steps which could precipitate industrial action by the NUS. The unimpeded and smooth running of the 'sea-bridge' to the Falklands is of great importance to us, particularly until the strategic airfield is completed. The Royal Fleet Auxiliaries are civilian manned, largely by NUS members, and the merchant vessels on charter to the MOD for use in the South Atlantic are similarly largely crewed by NUS members. In these circumstances I believe there may be much more to lose than to gain from using the armed services to maintain our programme for the disposal of nuclear waste at sea.

I am copying this letter to recipients of yours.

*Yours etc.*

*JS*

JOHN STANLEY

The Rt Hon Patrick Jenkin MP

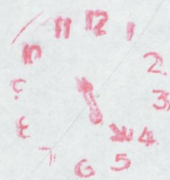
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Hone Affairs : Disposal of  
Nuclear Waste

7/79

12 AUG 1979





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Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Patrick Jenkin MP  
Secretary of State  
Department of the Environment  
2 Marsham Street  
LONDON SW1P 3EB

11/8  
11<sup>th</sup> August 1983

*Dear Patrick,*

SEA DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE

You wrote to Michael Jopling on 2 August (copied to colleagues) seeking agreement to continuation of the policy of sea disposal of low-level radioactive waste including, if necessary, arrangements to carry out the operation by means other than the Atlantic Fisher. In this instance, Peter Rees has the major interest in the Treasury and I am replying for him in his absence.

I am content with the general strategy which you propose provided any additional cost that may arise is accommodated within existing cash limits, external financing limits and programme allocations.

Copies of this letter go to recipients of yours.

BARNEY HAYHOE

CONFIDENTIAL



Home Affairs July 79

Disposal of  
nuclear waste

11 1 AUG 1983





SECRETARY OF STATE FOR ENERGY

THAMES HOUSE SOUTH  
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01 211 6402

The Rt Hon Patrick Jenkin MP  
Secretary of State for the Environment  
2 Marsham Street  
LONDON  
SW1P 3EB

DR  
9/8  
8 August 1983

*R. Cabinet*

SEA DISPOSAL OF LOW LEVEL RADIOACTIVE WASTE

Thank you for the copy of your letter of 2 August to Michael Jopling.

I fully agree that if the NUS and their allies in the trade union and environmentalist movement succeed in preventing the 1983 nuclear waste dump the ultimate consequences for the nuclear industry are likely to be far reaching. It is therefore of the greatest importance that we should achieve a dump this year even if, as you mention this involves a reduced tonnage.

When Giles Shaw visited Harwell on 1 August, it was impressed on him that the trade union movement was by no means generally opposed to the dump and following the meeting of the TUC Fuel and Power Committee on 27 July there must be some chance that a change of heart on the part of at least some of the unions involved can be achieved. I also agree, therefore, that this should be the priority of all concerned over the next week or so.

If that fails, the other options will need to be pursued vigorously. But it is essential that these alternatives including the possibility of using a government-owned trawler as an alternative to the Atlantic Fisher, should have been fully prepared so that they are available for use at short notice. I understand that officials are in touch with NIREX on this point. The option of seeking an injunction against the NUS, which the AEA have deferred for the time being, would also need to be reconsidered, and I understand that the legal advice is also under discussion with the Authorities. We cannot afford to let the situation drift towards the Autumn when the weather in the Atlantic deteriorates.

I agree that there is no need for a Ministerial meeting at this stage. A copy of this letter will be sent to the recipients of yours.

*Peter Walker*

PETER WALKER



Home Affairs : Disposal of Nuclear Waste  
July '79

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09 APR 1983



Home Affairs

FCS/83/160SECRETARY OF STATE FOR THE ENVIRONMENTD  
4/8

Thank you for your letter of 2 August in which you asked for agreement to continuation of the policy of sea disposal of low level radioactive waste including, if necessary, arrangements to carry out the operation by means other than the Atlantic Fisher.

I was glad to see that in your Department's paper it was felt that an operation carried out by the armed services would not be appropriate. The choice of that option would have been likely to further raise the level of international opposition to our operations.

The approaches set out at B and C of the appraisal, using a different ship with a crew from another union or a ship with a non-union crew, would be acceptable to us. Although they would attract opposition from overseas the strength of this opposition would not be such as to constitute an overriding factor in our consideration of such an operation.

However, it is important that we should be consulted on the timing of any disposal. In my view it would be helpful if the operation could take place within the near future. The longer the uncertainty continues the greater the scope for opposition to the policy of sea disposal, particularly since opponents to the policy are likely to think, in the absence of any clearly announced decision, that their protests may actually influence the outcome. Furthermore, the operation would be likely to arouse considerable criticism in Spain which sees itself as being particularly threatened by the dumping, and might have implications for the planning of ministerial visits and trade promotion projects. Our forward planning will be complicated until we have confirmation of the timing of any dump.





If in the event the practical difficulties of a sea disposal operation were to prove insuperable, and it was decided to abandon the dumping for this year, I think it would then be important to remove uncertainty and announce our decision as soon as possible.

A decision not to dump this year would be almost certain to bring even greater opposition within the UK and abroad to a dump in the following year, since protestors would be encouraged by their success on this occasion. I therefore very much agree with you that if we do not dump this year, it might be that an operation in 1984 'would effectively be ruled out'. In such circumstances I suggest that if no dump is possible this year there would be considerable advantage to be gained in public relations, both domestically and internationally, from an announcement that we had decided to await the results of the work being carried out by the London Dumping Convention's ad hoc group of experts who will be reporting in 1985. We could stress at the same time our firm intention to resume dumping if the review (as we expect) reconfirms that this poses no risk to human health or the marine environment.

An announcement on these lines would not only be helpful in our international relations on environmental issues (where our attitude on 'acid rain' is already considered provocative by some of our friends) but also in international discussions on nuclear matters, particularly those relating to non-proliferation, where we have always argued that broad international benefits and safety should come before more narrow national interests.

/I





I am copying my letter to the recipients of yours.

*JS*

Foreign and Commonwealth Office  
3 August 1983



HOME AFFAIRS: Disposal of Nuclear Waste  
July 79

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