

OCT 29 1974

Docket No. 50-247

Dr. Herman Postma, Director
Oak Ridge National Laboratory
Oak Ridge Operations Office
Post Office Box X
Oak Ridge, Tennessee 37830

Dear Dr. Postma:

Thank you for your letter of October 2, 1974, regarding the recent Atomic Safety and Licensing Appeal Board Decision (ALAB-188) relating to the Indian Point Unit No. 2 facility.

The problem which you identify in your letter is indeed a difficult one, not only for you but for the Regulatory Staff of the Commission as well since we rely on the expertise of ORNL scientists. The problem, however, would appear to be limited to this particular Decision since we have not been able to identify any other proceeding in the past in which it has arisen. While that fact may be of little comfort and certainly does not resolve the problem which you have raised, it does indicate that we are not dealing with a pattern but only with an isolated situation.

Considering the facts of this proceeding and the determination by us, with the concurrence of ORNL staff, not to appeal from the Decision, there would appear to be no appropriate action that can be taken in this proceeding. As you are aware, the Appeal Board is a quasi-judicial body established by the Commission to review initial decisions of the licensing boards. In that capacity, the Appeal Board is totally independent of the Regulatory Staff.

The fact that we are not in a position to rectify this particular matter should not, however, be interpreted to mean that we intend to ignore that situation as isolated as we see it to be. The Regulatory Staff has been and will continue to be very sensitive with respect to

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Dr. Herman Postma

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OCT 29 1974

the professional reputations of its witnesses. Where they are unjustly criticized, we shall endeavor to set the record straight.

We are grateful that you communicated your concerns to us.

Sincerely,

(signed) L. Manning Muntzing

L. Manning Muntzing
Director of Regulation

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See attached yellow for previous concurrences.

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| OFFICE → | OGC | OGC | DR | DR | |
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| DATE → | 10/24/74 | 10/2/74 | 10/ /74 | 10/2/74 | |