

OCT 25 1974

Note to L. Manning Muntzing

Regarding your question with respect to the attached. As we see it the only injustice, if indeed that term is appropriate, committed by the Appeal Board with respect to the ORNL complaint is the fact that it elected to single out Dr. Goodyear by name. The substance of its criticism was to a reasonable extent valid. If the Appeal Board had not gotten into personalities and limited its criticism to the validity, or lack thereof, of the Goodyear thesis, the problem with ORNL would never have occurred. Accordingly we see, and previously saw, no basis for filing a document with the Appeal Board simply to complain about its characterization of the witness.

The filing of such a document could only result in highlighting the matter unnecessarily and inviting the Appeal Board to say more on the subject including possible further adverse characterizations of the quality of the witness' testimony. This would have compounded the problem. In view of the isolated nature of the problem we elected to let "sleeping dogs lie."

Even if you question the rationale of the position, we believe it is too late at this juncture to file a document with the Appeal Board since the Decision is now final.



Thomas F. Engelhardt

cc: HKShapar

8110230602 741029  
PDR ADOCK 05000247  
G PDR

Amia A. Gilman (N.Y.)

CONTROL NUMBER

6

FILE LOCATION

DATE OF DOCUMENT

2/12/75

ACTION COMPLETION DEADLINE

2/29/75

ACTION PROCESSING DATES

Acknowledged 2/21/75

Interim Reply

Final

PREPARE FOR SIGNATURE OF:

Chairman

Director of Regulation

X Giambusso

Chairman Anders

DESCRIPTION

Ltr

Original

Copy

Other

REMARKS

U136

Encl ltr to Bernard G. Gordon, N. Y. State Senator, urging withdrawal of order requiring Con Ed to construct a cooling tower at Indian Point

Return enclosure with reply

SECY 75-2310

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE

RECOMMENDED? \_\_\_\_\_

Giambusso #/action

2/21/75

Cys:

Case  
Docket Files) 30-247 ✓  
MCA  
LTRA

Copy sent [initials]

FROM

**Gail Franke  
Buchanan, H. T.**

CONTROL NUMBER **82**

FILE LOCATION

DATE OF DOCUMENT  
**1/29/75**

ACTION COMPLETION DEADLINE  
**2/28/75**

TO

**The President**

ACTION PROCESSING DATES

Acknowledged \_\_\_\_\_

Interim Reply \_\_\_\_\_

Final \_\_\_\_\_

PREPARE FOR SIGNATURE OF:

\_\_\_\_\_ Chairman

\_\_\_\_\_ Director of Regulation

**RL**

DESCRIPTION  Original  Copy  Other

**Opposes erection of a cooling tower at Indian Point**

**Encl: newspaper clipping**

**SECY 24x 75-2316**

REMARKS

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE

RECOMMENDED? \_\_\_\_\_

**Giambusso f/action 2/21/75**

Cys:

**Case  
Docket File) 50-247 ✓  
PDR  
LPDR**

**Copy sent PDR**

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DIRECTOR OF REGULATION  
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)  
USAEC

Director of Regulation  
Signature Mail

ROUTING

Concurrence: Gossick 9/23/74  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is notification to the  
JCAE recommended? \_\_\_\_\_  
\_\_\_\_\_

Signature: Muntzing 10/29/74

Concurrences received from:

Engelhardt/Shapar ( 10/23/74 )  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description:

Ltr to Dr. Herman Postma, ORNL, fm Muntzing re recent ASLAB  
Decision relating to Indian Point 2

*Handwritten notes:*  
I don't think an inquiry has been done, why  
had we file a lawsuit with the agency? (unclear)  
no action - is at the recent stage? (unclear)  
don't think so, then we should just  
return just to point them -

LHM  
10/26  
Date ~~XXXXXX~~ 10/23/74

Originator Engelhardt

*Needs Copy*