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MAY 2 / 1974

Docket No. 50-247

Daniel R. Muller, Assistant Director for Environmental Projects, L

SUBJECT - IP-2 (ASLAB-188) APPEAL BOARD DECISION MEETING IN OAK RIDGE

As a result of the meeting on April 9, between the OGC, EP and ORNL during which the ALAB-188 was discussed, ORNL team members for IP-3 initiated a review of the decision for errors. It was agreed that they would identify errors in the decision resulting from misunderstanding, unsupported conclusions, or incomplete understanding of the record.

Each of these errors should be accompanied by bases with citations in the record which support the staff position that the Board is in error. It was agreed by all parties that this work should be immediately initiated and that Mr. Treby of OGC would visit ORNL on May 15 to determine the adequacy of the ORNL findings with respect to the preparing of a motion for reconsideration.

On May 16 we held the meeting which had been previously scheduled for May 15. The attendance list is attached. At this meeting, ORNL personnel presented a draft of the work which included the following topics:

- a. Entrainment models and "f" factors.
- b. Compensation
- c. Other fish species

In addition, ORNL provided a cross index of the portions of the record concerned with the various subjects that we consider in error in the decision and a volume containing a copy of the record pages cited as the basis for the error.

It was readily recognized that Mr. Treby was looking for more than we had prepared. It became apparent that he was looking for some summary information which would describe clearly the items in question, identification of the error and the citations in the record which support the contention.

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This particular problem was addressed and it was decided that the staff would continue their rprocess of determining the error in the decision and citing the appropriate record pages which support the contention. We recommended to Mr. Treby that the discussion of the various items covered by the decision are summarized very well in the various Findings of Fact and Conclusions of Law. We suggested that a review of these documents should give him a better picture of the various positions. With that background, the documents we had prepared concerning errors in the decision and the citations to the record should be much clearer. It was agreed in the meantime, we would continue to look at the Mid-Atlantic Fishery question and the entrainment question and provide record citations to support any contention of error.

Mr. Treby indicated that he, Mr. Gallo, and Mr. Gray will be in Oak Ridge on Monday and Tuesday, May 20 and 21, 1974 to go over the work completed and to decide what options are open with respect to the ALAB-188. Mr. Treby suggested that some of the options would be:

- a. Motion for reconsideration.
- b. The fresh look into the FES suggested by the Board and reopen the IP-2 hearing.
- c. Fresh look into the FES IP-2 and present the result in the IP-3 hearing.

We agreed to continue the work at ORNL and meet with OGC on Monday and Tuesday to evaluate our position and options.

G. W. Knighton, Chief
 Environmental Projects Branch No. 1
 Directorate of Licensing

Attachment:
 List of Attendees

OFFICE ➤	EP-1					
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DATE ➤	5/21/74					