



UNITED STATES
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD PANEL
WASHINGTON, D.C. 20555

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USNRC

March 1, 1985

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BRANCH

Herbert H. Brown, Esquire
Kirkpatrick & Lockhart
1900 M Street, N.W.
Washington, D.C. 20036

RECEIVED MAR -4 1985

Dear Mr. Brown:

I have your February 27, 1985 letter, the second you have written, concerning the resignation of Judge Laurenson from this agency and his replacement by Judge Morton Margulies as chairman of the atomic safety and licensing board considering the Shoreham emergency planning issues.

I can only reiterate that my role in acting upon Judge Laurenson's resignation was essentially ministerial. I assign cases to judges in rotation pursuant to Section 3105 of the Administrative Procedure Act. As you are perhaps aware, the Panel's workload is quite heavy at this time. The only action I took was to assess that workload to determine which, if any, of the Panel's board chairmen was available to replace Judge Laurenson. As it turned out, the person available was Judge Margulies.

I took the phrase "with your permission" in Judge Laurenson's January 7 letter of resignation to be an expression of courtesy. It had no substantive significance. I have no authority to prevent anyone from leaving a federal government position. Other than the normal personnel paperwork in connection with Judge Laurenson's departure from this agency, there was no implied "reply" by myself or anyone else to his letter of resignation other than the normal expressions of good will to a departing colleague.

Finally, each of the administrative judges of this Panel, whether a chairman or a member of a board, is, pursuant to the Administrative Procedure Act, completely independent in carrying out his or her responsibilities in any case, a status which I am firmly convinced is vital to the integrity of our adjudicatory process. I scrupulously observe that independence in carrying out my own administrative responsibilities. Consequently, once I had appointed Judge Margulies to replace Judge Laurenson, I was not privy to any discussions they may have had in the course of Judge Laurenson's turning over his files. That "transition"

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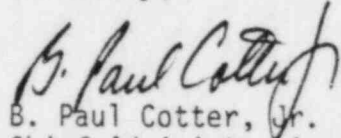
Mr. H. H. Brown

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was a matter of board deliberations protected by the Administrative Procedure Act and beyond my purview.

Sincerely,

A handwritten signature in cursive script, appearing to read "B. Paul Cotter, Jr.", written in dark ink.

B. Paul Cotter, Jr.
Chief Administrative Judge

cc: Fabian Palomino, Esquire
NRC Commissioners
Herzel Plaine, Esquire
Service List