

PDR

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JEFFREY B. ROSE

ATTORNEY AT LAW

173 WEST MADISON STREET

SUITE 1004

CHICAGO, ILLINOIS 60602

(312) 750-1027

May 6, 1985

Mr. Guy H. Cunningham, III
Executive Legal Director
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Re: Zinovy V. Reytlblatt
Claim for Damages

Dear Mr. Cunningham:

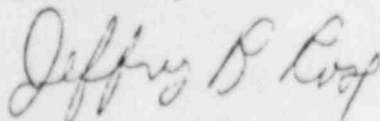
On behalf of my client, Dr. Zinovy V. Reytlblatt, I am requesting a reconsideration of your March 15, 1985 denial of Dr. Reytlblatt's claim. This claim is based on the NRC's improper submission of Dr. Reytlblatt's report, "Containment System Leakage Testing Requirements," to the Oak Ridge National Laboratory (ORNL).

I have enclosed herein a copy of an affidavit, signed by Dr. Reytlblatt, in which he disputes your contention that he gave his permission to submit his report to ORNL on May 5, 1983. According to Dr. Reytlblatt, he informed Messrs. Arndt and Shomaker, during his meeting with them on that date, that he did not want his report sent to ORNL because he was currently involved in a dispute with that organization.

Dr. Reytlblatt is prepared to prove that the improper submission of his report enabled ORNL to make use of his proprietary information in the preparation of ORNL's report, NUREG/CR-3549, entitled, "Evaluation of Containment Leak Rate Testing Criteria." As a result, Dr. Reytlblatt was deprived of an economic benefit to which he was entitled.

Of course, you may disagree with the various legal theories put forward in our original statement of our claim to you, dated October 31, 1985. However, if the facts are in accordance with Dr. Reytlblatt's version, I am confident that a federal court will find some suitable remedy for your breach of Dr. Reytlblatt's proprietary report. I do not think it likely that the courts would ratify the violation by a federal agency of its own regulations.

Sincerely,



Jeffrey B. Rose
JBR/mms

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Enclosure