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Dear Senator Case:

I am pleased to furnish information in response to your referral of January 24, 1967, which enclosed a copy of a letter to you from Mr. Larry Bogart, Director of The Conservation Center, New York City, together with a reprint of an article published in the December 1966 issue of The Rotarian.

The development of power reactors for peaceful use has over the years progressed with the paramount consideration of public health and safety built in from the very beginning. The current increase in nuclear power plant projects reflects industry's confidence both in the economics of nuclear power and in the record of safe operating experience that has been accumulated to date. Before any nuclear power plant can be undertaken, all radiological safety factors — in which siting considerations are an integral part — must be thoroughly evaluated and approved in the AEC's licensing process.

The Commission's Advisory Committee on Reactor Safeguards, as required by law, reviews all power reactor construction permit applications. That Committee reviewed the Indian Point Unit 2 application and recommended it for approval.

Our copy of a transcript of Dr. Edward Teller's testimony of January 10, 1967, at the air pollution conference in New York City shows that he recommended exploration of the possibility of locating reactors underground — particularly with reference to building such plants within cities — as another possible method of achieving safety. But he spoke favorably of the present system of multiple safeguards being applied to above-ground nuclear reactors. In fact, Dr. Teller emphasized that a study of underground reactors "should not interfere with immediate and existing plans to build more reactors, according to the present good practices."

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We are not able to comment on Mr. Bogart's reference to unnamed "experts" who have "cautioned against locating nuclear reactors on major rivers." In the case of Indian Point Unit 2 -- as with other power reactors -- the plans had to meet the requirements of the AEC's criteria for siting. The application was evaluated and reported on favorably by both the AEC regulatory staff and the Advisory Committee on Reactor Safeguards. Finally, an atomic safety and licensing board conducted a public hearing on the matter and, on October 3, 1966, issued a favorable decision which directed the issuance of a construction permit. The Commission itself, in its review of the proceeding, was satisfied that the record supported the board's findings and conclusions in accordance with the Commission's regulations.

We regret that Mr. Bogart believes that "a group of citizens can't be heard," which apparently refers to the board's denial of a petition by The Conservation Center to intervene in the proceeding. The record of the proceeding shows that Mr. Bogart was in communication with the AEC well in advance of the publicly announced hearing and that he was informed of the procedures required for intervention. Nevertheless, no attempt was made by The Conservation Center to comply with the Commission's Rules of Practice, for timely and proper intervention, and the board consequently denied the petition. Subsequently, on October 21, 1966, the Commission received an "Appeal from Initial Decision, Exceptions and Brief in Support Thereof" from The Conservation Center. A copy of the Commission's memorandum and order of December 20, 1966, denying the appeal and describing the circumstances is enclosed for your information.

Finally, with regard to the reprint of the article, "Atomic Power and the Problems of Public Safety," which appeared in the December 1966 issue of The Rotarian, we note that many of the statements attributed to Mr. Adolph Ackerman are the same points raised in his testimony before the Joint Congressional Committee on Atomic Energy during its June 1965 hearings on indemnity legislation. Our comments concerning Mr. Ackerman's testimony were furnished to the Joint Committee on Atomic Energy following those hearings, and are summarized in the enclosed copy of a letter from the director of AEC's Division of Public Information to the editor of The Rotarian.

In keeping with the AEC's rules in licensing proceedings, a copy of your letter with enclosures and this reply have been placed in the Commission's Public Document Room.

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Senator Case

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If you should need further information on this matter, let me know.

Cordially,

(Signed) Glenn T. Seaborg

Chairman

Honorable Clifford P. Case
United States Senate

Enclosures:

1. Commission's Memo and Order of December 20, 1966
2. Letter from John Harris, DPI, December 14, 1966

bcc: Chairman (2)

Commissioner Johnson

Commissioner Nabrit

Commissioner Ramey

Commissioner Tape

SECY (2)

OGC (2)

OCR (2)

GM (2)

PDR

Supplementary Docket

Formal Docket

H. L. Price

C. K. Beck

M. M. Mann

C. L. Henderson

H. K. Shapar

W. G. Dooly

John Harris

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Dispatched by Long. R.H. 2/27

DEC 4 1966

Mr. Karl K. Krueger, Editor
ROTARIAN MAGAZINE
1600 Ridge Avenue
Evanston, Illinois 60201

Dear Mr. Krueger:

The article "Atomic Power and the Problem of Public Safety" by Helen Matheson in your December 1966 issue has come to our attention. We appreciate that this article was in response to a previous favorable story on atomic power safety and that, as your editors' note states, your magazine has not taken a position on the matters mentioned in the recent story.

Nevertheless, many of the statements attributed to Mr. Adolph Ackerman in the article make it necessary for us to comment so that the 400,000 subscribers of ROTARIAN can judge the facts.

As you may know, Mr. Ackerman raised most of the same points in his testimony before the Joint Congressional Committee on Atomic Energy in June of 1965 when that committee was considering a 10-year renewal of the Price-Anderson Indemnity Act.

Following those hearings, the Joint Committee requested the Atomic Energy Commission's views on Mr. Ackerman's statements. Since these AEC comments are also applicable to many of the matters discussed in the ROTARIAN, let me quote them:

"(a) that no factual basis has been found to support Mr. Ackerman's charge of a 'breakdown in engineering and corporate responsibility,' attributed to the indemnity provisions of the Price-Anderson legislation;

(b) that Mr. Ackerman's apparent approach to the safety problem through the single discipline of civil engineering ignores the fact that the complex technology of nuclear power plant design and operation is more dependent on the vital talents of several other branches of engineering, such as mechanical, chemical, physical, metallurgical, electrical, electronic computational and instrument engineering. We believe that all appropriate engineering talents are being utilized;

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(c) that the AEC, in carrying out the public health and safety responsibilities with which it is charged by the Congress, has exercised continuing research and regulatory efforts in the development of the safety philosophy which guides the design and safety evaluation of nuclear power reactors. This philosophy provides both for multiple safeguards against the occurrence of a serious accident, and for containment of fission product release in the extremely unlikely event of such an accident;

(d) that this 'defense in depth' strategy has not been seriously challenged to date by any accidents or equipment failures, and this accident prevention philosophy is well demonstrated by the various component failure examples cited by Mr. Ackerman, none of which has resulted in any public safety problem;

(d) that, while catastrophic accidents can be postulated and their possibility cannot be absolutely ruled out, the probability of such accidents at nuclear power plants approved by the AEC is so remote that it does not constitute an undue risk to the public health and safety; and

(f) that the need for continuous, trouble-free operation is so vital to nuclear power economics as to coincide to a large degree with the objectives of protecting the safety of the public. This is counter to Mr. Ackerman's views that governmental indemnity is a controlling influence on engineering design of nuclear power plants to the extent that public safety is being sacrificed under competitive pressures."

More and more utilities are turning to the atom as a source of electric power generation. We believe they are making their decisions to "go nuclear" on the basis of sound economic and engineering judgments.

The atomic energy industry has an exceptional record of safety. There has never been a radiation accident at a central station nuclear plant which has affected the public. From its very inception, people who have dealt with atomic materials have recognized their potential hazard and have taken steps to protect employees and the public. We intend to do everything possible to maintain that record.

I am enclosing a copy of the Joint Committee on Atomic Energy hearing record which deals in more detail with the matters raised by Mr. Ackerman.

Sincerely yours,

John A. Harris, Director
Division of Public Information