

OAK RIDGE NATIONAL LABORATORY

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NUCLEAR DIVISION



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OFFICE OF THE DIRECTOR

October 2, 1974

Mr. L. Manning Muntzing
Director of Regulation
Regulation
U. S. Atomic Energy Commission
Washington, D. C. 20545

Dear Mr. Muntzing:

Subject: Atomic Safety and Licensing Appeal Board Decision on Indian
Point No. 2 ALAB-188

In a recent Decision regarding Indian Point Unit No. 2 (ALAB-188), the Atomic Safety and Licensing Appeal Board (ASLAB) made certain statements which may have damaged the professional reputation of a former ORNL scientist. Examples of these statements are the following:

"The point is that Goodyear's use of the data is worthless to prove anything about the Mid-Atlantic fishery [emphasis supplied by Appeal Board]. With these obvious discrepancies and other similar ones in Goodyear's testimony, we must completely reject his thesis that he has 'proven' that the Chesapeake cannot be a major source of the Mid-Atlantic fisheries." (RAI-74-4, p. 364)

and again referring to the Mid-Atlantic fisheries issue

"His [Goodyear's] conclusion is based on data from which certain numbers were selected on no apparent basis other than to attempt to establish support for a theory."

These statements would be serious enough even if they remained buried in the Docket File. However, they have been rather widely quoted. The Evening Star of Peekskill, New York, on April 16, 1974, quotes both of the above statements apparently on the basis of a press release from Consolidated Edison. Nuclear Industry in its May issue quotes both of these statements under the heading "Good News:".

Whether or not the accusations of improper use of data by Dr. Goodyear are founded or unfounded (we believe they are unfounded), there is a serious issue raised. In effect Dr. Goodyear was accused, tried, and convicted by

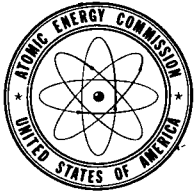
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FROM Oak Ridge National Laboratory		CONTROL NUMBER 7763	FILE LOCATION
		DATE OF DOCUMENT 10/2/74	ACTION COMPLETION DEADLINE 10/22/74
TO L. Manning Muntzing		ACTION PROCESSING DATES Acknowledged _____ Interim Reply _____ Final <i>10/15/74 Muntzing</i>	PREPARE FOR SIGNATURE OF: _____ Chairman _____ Director of Regulation <input checked="" type="checkbox"/> OGC
DESCRIPTION Ltr <input checked="" type="checkbox"/> Original <input type="checkbox"/> Copy <input type="checkbox"/> Other <i>10/25/74</i>		REMARKS FDR? <u>Yes</u> <i>By S. E. ...</i>	
REFERRED TO	DATE	IS NOTIFICATION TO THE JCAE RECOMMENDED? _____	
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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

Docket No. 50-247

Dr. Herman Postma, Director
Oak Ridge National Laboratory
Oak Ridge Operations Office
Post Office Box X
Oak Ridge, Tennessee 37830

Dear Dr. Postma:

Thank you for your letter of October 2, 1974, regarding the recent Atomic Safety and Licensing Appeal Board Decision (ALAB-188) relating to the Indian Point Unit No. 2 facility.

The problem which you identify in your letter is indeed a difficult one, not only for you but for the Regulatory Staff of the Commission as well since we rely ~~so heavily~~ on the expertise of ORNL scientists. The problem, however, would appear to be limited to this particular Decision since we have not been able to identify any other proceeding in the past in which it has arisen. While that fact may be of little comfort and certainly does not resolve the problem which you have raised, it does indicate that we are not dealing with a pattern but only with an isolated situation.

Considering the facts of this proceeding and the determination by us, with the concurrence of ORNL staff, not to appeal from the Decision, there would appear to be no appropriate action that can be taken in this proceeding. As you are aware, the Appeal Board is a quasi-judicial body established by the Commission to review initial decisions of the licensing boards. In that capacity, the Appeal Board is totally independent of the Regulatory Staff.

The fact that we are not in a position to rectify this particular matter should not, however, be interpreted to mean that we intend to ignore that situation as isolated as we see it to be. The Regulatory Staff has been and will continue to be very sensitive with respect to ~~protecting the names and professional reputations of its witnesses. It is certainly in our best interest to do so, if for no other reason, than to protect the credibility of the regulatory review process.~~

In the future, we shall endeavor to not do so.

Dr. Herman Postma

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~~You may be assured that in the future we will be even more alert to protecting the good names and reputations of our scientific witnesses.~~

We are grateful that you communicated your concerns to us. ~~We will keep these concerns firmly in mind in the future.~~

Sincerely,

L. Manning Muntzing
Director of Regulation