

Dockets Nos. 50-3
50-247 ✓
and 50-286

OCT 11 1974

Mrs. Frances Tyson
15 Westminister Road
Summit, New Jersey 07901

Dear Mrs. Tyson:

Your letter of September 29, 1974 to Mr. L. Manning Muntzing, Director of Regulation, has been referred to me for reply. In your letter you express concern about potential seismic effects near the Indian Point Nuclear Facility. You also discuss alternative sources of power to replace nuclear power plants.

With respect to seismic effects, we are conducting a detailed study of potential seismic effects at the Indian Point location. Included in our study is an evaluation of the Ramapo fault.

Alternate sources of energy are under consideration by the Atomic Energy Commission. The safety of nuclear power plants and the research and development of alternative sources of energy are discussed in the enclosed presentation prepared for Dr. Dixy Lee Ray.

We hope this information will answer your questions.

Sincerely,

Original Signed By
K. R. Goller

Karl R. Goller, Assistant Director
for Operating Reactors
Directorate of Licensing

Enclosure:
Presentation

8110230616 741011
PDR ADOCK 05000003
H PDR

RECEIVED
OCT 11 1974
LB

OFFICE >	ORB#3	ORB#3	L:AD/GRs			
SURNAME >	PBERickson:kuf	GLear	KRGoller			
DATE >	10/ /74	10/ /74	10/ /74			

FROM

**Mrs. C. W. Frances Tyson, Superintendent,
N. J.**

CONTROL NUMBER

7748

FILE LOCATION

DATE OF DOCUMENT

9-29-74

ACTION COMPLETION DEADLINE

10-10-74

TO

Muntzing

ACTION PROCESSING DATES

Acknowledged _____

Interim Reply _____

Final _____

PREPARE FOR SIGNATURE OF:

Chairman_____
Director of Regulation**X** **Giambusso**

DESCRIPTION

Ltr.

☒ Original☐ Copy☐ Other

**Urges reconsideration of licenses issued for the Indian
Point Plants and suggests development of other sources
of power.**

REMARKS

REFERRED TO

DATE

Giambusso f/action

10-3-74

IS NOTIFICATION TO THE JCAE

RECOMMENDED? _____

Cys:

Case

Docket Files) 50-3

PDR) 50-247 ✓

LPDR) 50-286

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (1-73)
USAEC

Copy sent 10/14

the ASLAB of misrepresenting facts. However, as the appeal procedure is set up, he did not have an opportunity to defend himself or to clarify the record with respect to specific accusations made by the Appeal Board, and even now he has no apparent mechanism to vindicate himself relative to the Appeal Board's actions. Thus, the damage to his reputation has occurred without due process.

One of the difficulties in this case is that the ASLAB had to make its judgments on the basis of the voluminous and, to say the least, confusing record of the Indian Point Unit No. 2 hearings before the Atomic Safety and Licensing Board. However, much corroborative and explanatory information concerning the AEC staff position and especially that of Dr. Goodyear was never introduced into the record.

The ORNL and AEC Regulatory staffs have carefully reviewed the Indian Point No. 2 record during the past several months. The conclusion of this examination is that the record is inadequate to challenge the Appeal Board conclusions not only on the Mid-Atlantic fishery issue, but also on the other substantive issues involved. This is not to say that the staff position in the Indian Point Unit No. 2 hearings was wrong on these issues, but merely that the record is too incomplete with respect to documentation to support a challenge.

In our continuing evaluation of the Indian Point situation the ORNL team has independently corroborated much of what Dr. Goodyear did, especially relative to the conceptualization of entrainment models. With respect to the Mid-Atlantic fisheries the team concludes that Dr. Goodyear properly raised an important issue, but that the available data are inadequate to establish what fraction of the Mid-Atlantic striped bass fishery is due either to Chesapeake or to Hudson River spawning. In fact, the importance of the issue has been recognized by the applicant, and research sponsored by the applicant is being conducted which may provide answers about the sources of the Mid-Atlantic and New England striped bass fisheries.

In judging what happened at the Indian Point Unit No. 2 hearing, it is important to remember the atmosphere in which Dr. Goodyear and others were forced to work. This hearing was an adversary proceeding, and this is an unfamiliar environment to most scientists. Opinions are required on very complex issues for which there is almost never sufficient information. In the case of the Indian Point Unit No. 2 hearing, tight deadlines were placed on the preparation of testimony, and often careful peer review could not be obtained under the constraints of these deadlines.

In view of these considerations, we regret and deplore the damaging statements made by the Appeal Board. We feel that the statements are grossly unfair and unwarranted. The conclusion of the Appeal Board could have been made without damaging the reputation of Dr. Goodyear. Clearly something needs to be done to protect the rights of staff scientists.

We would argue that the AEC should institute procedures which will prevent the repeat occurrence of an incident like this. For example, Appeal Boards

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could be instructed to keep the personalities involved out of their decisions. In the case of Dr. Goodyear this could have been done easily without reducing the forcefulness of the final conclusions. The Board could have merely referred to the staff position or staff testimony rather than to Dr. Goodyear by name. We hope that such procedures will be adopted and that unfortunate incidents such as this one can be avoided in the future.

The Laboratory and other contractors will find it exceedingly difficult to get responsible experts to testify unless a means is found to protect them from damage to their reputations and professional integrity when they have indeed acted responsibly. The rapidity with which positions must be formulated and an often incomplete data base, the poorly defined ground rules, and the strange arena in which each person must now testify make demands on our staff that should not be compounded by the presently poor procedures.

Sincerely,



Herman Postma
Director

HP/bw

cc: A. Giambusso, USAEC
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R. F. Hibbs, UCC-ND
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