

Linda C. Anderson
1943 East 27th Street
Brooklyn, New York 11229



DOCKET NUMBER
PROD. & UTIL. FAC. 50-286

9/14/76

September 14, 1976

Mr. Marcus A. Rowden, Chairman
Nuclear Regulatory Commission
1717 H Street, Northwest
Washington, D.C. 20555

Dear Mr. Rowden:

I recently heard that Con Edison has asked to be excused from a provision in their operating license to carry out certain geological and seismological investigations, in their Indian Point #3 reactor.

How will your commission rule in this matter? If you grant them their request, please send me a detailed explanation fore I am opposed to this change in their license.

I await your answer,

Very truly yours,

A handwritten signature in cursive script that reads "Linda C. Anderson".

LINDA C. ANDERSON

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Docket Nos. 50-3
50-247
50-286 ✓

The Honorable James L. Buckley
United States Senate
Washington, D. C. 20510

Dear Senator Buckley:

Thank you for your inquiry of July 7, 1976, forwarding the resolution which was adopted by the Legislature of Rockland County on June 15, 1976. We have received the identical resolution from Victoria K. Seigerman, Clerk to the Legislature of Rockland County, and we are enclosing a copy of our reply to her. As you requested, we are returning your inquiry.

We are pleased to be of assistance in this inquiry.

Sincerely,

William J. Dircks
Assistant Executive Director
for Operations

Enclosures:

1. Ltr to Ms. Victoria K. Seigerman
fr H. R. Denton dtd 7/15/76
2. Referral slip dtd 7/7/76
transmitting ltr fr
Ms. Victoria K. Seigerman
dtd 6/22/76

OFFICE >	DSE	DSE	OELD	NRR	EDO	CA
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JUL 15 1976

Ms. Victoria K. Seigerman
Clerk to the Legislature of
Rockland County
County Office Building
New City, New York 10956

Dear Ms. Seigerman:

Your letter to Mr. Anders dated June 22 brought to our attention Resolution No. 383 of the Legislature of Rockland County and asked that we initiate action to implement its intent. I believe that our current program of seismic and geologic research, discussed below, embraces the intent of the Resolution.

The Commission is actively engaged in ongoing cooperative agreements with a number of universities, the geological agencies of several states, the U. S. Geological Survey and the U. S. Army Corps of Engineers to develop and exchange information related to earthquake research. These agreements include studies concerned with obtaining the seismic and geologic data needed to improve our ability to assess appropriate aseismic design for nuclear facilities. The overall program is extensive, including the known seismic zones of the United States. We believe that it will lead to significant refinements in our current licensing procedures with respect to earthquake design.

We have requested funding from the Congress to continue our cooperative program of seismic and geologic research during Fiscal Year 1977. As part of that request, we plan to undertake a comprehensive study to quantify the safety margins inherent in current seismic design requirements for nuclear facilities. We are aware that significant conservatisms exist in our acceptance criteria for most of the parameters input to seismic design, and plan to quantify each of these in a manner that leads to quantification of the overall design margins.

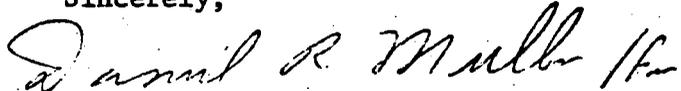
While the Commission's program of seismic research is primarily concerned with assessing appropriate earthquake design for a given site, we do fund some studies related to earthquake prediction. The principal Federal responsibility for earthquake prediction

related research is, however, within the U. S. Geological Survey. We maintain close communication with the Geological Survey on this and other research which could impact nuclear facility licensing policy. Information is exchanged through frequent informal meetings and an annual meeting at which Survey research significant to the siting of nuclear facilities is reviewed.

With respect to the public hearings concerning the Ramapo fault, these hearings initially opened at White Plains, New York, and the proceedings continued there between April 20 and April 23. Because members of the hearing board work on several cases simultaneously, it is often not possible to schedule lengthy proceedings so that they can be conducted in their entirety near the plant site.

I appreciate the interest that you and the Rockland County Legislature have expressed in the Commission's nuclear siting program. I believe that the above comments respond fully to the concerns raised in Resolution No. 378. However, should you have any further questions, please contact me.

Sincerely,



Harold R. Denton, Director
Division of Site Safety and
Environmental Analysis
Office of Nuclear Reactor Regulation

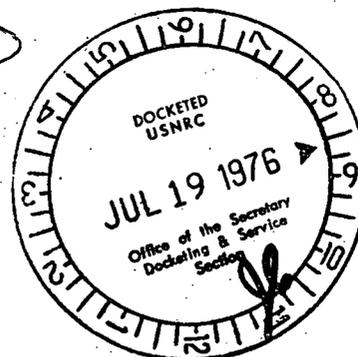
UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 16, 1976

SECRET NUMBER

PROD. & UTIL. REG.

50-3249,286



The Honorable Bella S. Abzug
House of Representatives
Washington, D. C. 20515

Dear Representative Abzug:

Your recent letter to me requested that the Appeal Board hold the remaining portion of the Indian Point seismic hearing somewhere in the vicinity of the power plant site rather than in Bethesda. As you know, the first three days of the hearing were held in White Plains in April. Since that time we have given serious consideration to holding additional sessions in Westchester County. After weighing all the relevant factors, however, we have determined to complete the hearing in Bethesda.

We do recognize that, as your letter points out, concerned citizens who live in the general vicinity of the plant will now be unable to attend the hearings. In our judgment, however, this factor does not furnish sufficient justification to return to the New York area. In the first place, although there was a large turnout on the first day we were in White Plains, by the third day only 15 members of the public were in attendance. Of course, more people might attend if it were practical to schedule evening sessions. But we suspect that the dropoff in attendance was primarily due to the extremely technical nature of the evidence being presented, which must be quite difficult for most laymen to comprehend. This might operate to minimize attendance at evening sessions as well.

While the reduced attendance certainly has influenced our judgment, the factor which proved most important to our decision was our own work schedule. The press of our responsibilities in our appellate cases -- each of which entails collaborative effort and collegial consultation among the three members of the particular board involved -- precludes our being away from the office for extended periods except in rare circumstances. The members of individual



The Honorable Bella S. Abzug -2- July 16, 1976

boards are drawn from a total complement of only seven full and part-time members. If three of us are away at once for any significant length of time, many boards will have their ability to function markedly affected. By holding the evidentiary hearing in Bethesda, we can work during non-hearing hours with our colleagues on other cases and thus assure that we fulfill our responsibilities in those matters.

For example, next week the Indian Point case will be put aside one morning while two of us on that board sit with another colleague to hear oral argument on an appeal which involves a party's right to participate in an upcoming operating license hearing. Additionally, two of us have just finished considering and ruling upon an emergency request that work under the just-issued construction permits for the proposed reactors in Seabrook, New Hampshire be stayed pending our decision on the appeals to be taken by the citizens groups who opposed the issuance of those permits. Neither of these important tasks could have been undertaken in timely fashion had we been away from the office for the extended period devoted to concluding the Indian Point hearing.

In short, our judgment is that, balancing all relevant factors, the public interest would be best served by conducting the remainder of the evidentiary hearing in Bethesda. We do appreciate, however, your taking the time to express your views on this matter.

Very truly yours,



Michael C. Farrar
Chairman
Atomic Safety & Licensing
Appeal Board

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

July 16, 1976

DOCKET NUMBER

PROD. & UTIL. ~~REG.~~ 50-3,247,286

Robert Abrams, President
Borough of the Bronx
851 Grand Concourse
Bronx, New York 10451



Dear Mr. Abrams:

Your recent letter to me requested that the Appeal Board hold the remaining portion of the Indian Point seismic hearing somewhere in the vicinity of the power plant site rather than in Bethesda. As you know, the first three days of the hearing were held in White Plains in April. Since that time we have given serious consideration to holding additional sessions in Westchester County. After weighing all the relevant factors, however, we have determined to complete the hearing in Bethesda.

We do recognize that, as your letter points out, concerned citizens who live in the general vicinity of the plant will now be unable to attend the hearings. In our judgment, however, this factor does not furnish sufficient justification to return to the New York area. In the first place, although there was a large turnout on the first day we were in White Plains, by the third day only 15 members of the public were in attendance. Of course, more people might attend if it were practical to schedule evening sessions. But we suspect that the dropoff in attendance was primarily due to the extremely technical nature of the evidence being presented, which must be quite difficult for most laymen to comprehend. This might operate to minimize attendance at evening sessions as well.

While the reduced attendance certainly has influenced our judgment, the factor which proved most important to our decision was our own work schedule. The press of our responsibilities in our appellate cases -- each of which entails collaborative effort and collegial consultation among the three members of the particular board involved -- precludes our being away from the office for extended periods except in rare circumstances. The members of individual boards



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For example, next week the Indian Point case will be put aside one morning while two of us on that board sit with another colleague to hear oral argument on an appeal which involves a party's right to participate in an upcoming operating license hearing. Additionally, two of us have just finished considering and ruling upon an emergency request that work under the just-issued construction permits for the proposed reactors in Seabrook, New Hampshire be stayed pending our decision on the appeals to be taken by the citizens groups who opposed the issuance of those permits. Neither of these important tasks could have been undertaken in timely fashion had we been away from the office for the extended period devoted to concluding the Indian Point hearing.

I should add that your letter indicates you may be laboring under the misapprehension that, were we to hold the hearing in your area, local residents would be able to "participate". Although we are conducting what is known as a "public hearing", this means essentially only that the public is welcome to attend and to observe the hearing. It does not mean that local citizens -- except those who have intervened in and become formal parties to the proceeding -- can participate. In that regard, it is not the purpose of the hearing to sound out public opinion on the issues before us. Rather, our hearings can be analogized to judicial trials, in which the ultimate decision must be based only on the formal evidence which is presented by the parties to the proceeding.

To be sure, it is customary at the beginning of hearings to entertain "limited appearance" statements from the public. These, however, are not evidence upon which we are permitted to base our decision. Rather, they simply serve to let the public express its concerns; the parties can then introduce evidence addressed to those concerns which are relevant to

Robert Abrams

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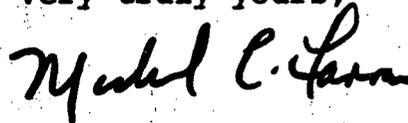
July 16, 1976

the matter in issue. We have already heard limited appearance statements and would not be doing so again; in any event, their significance in this case is reduced because it was an awareness of the relevant public concerns which prompted the convening of this special hearing.

You can be assured that there has been no indication that the evidence which will be adduced by the parties in Bethesda, and upon which we will base our decision, will be in any way different from what it would have been had the hearing been held in the New York area. This being so, I cannot agree with you that it is "ridiculous to hold hearings relating to serious problems in the [New York] metropolitan area" in Bethesda.

In short, our judgment is that, balancing all relevant factors, the public interest would be best served by conducting the remainder of the evidentiary hearing in Bethesda. We do appreciate, however, your taking the time to express your views on this matter.

Very truly yours,



Michael C. Farrar, Chairman
Atomic Safety and Licensing
Appeal Board