

Janet Y. Willen
125 East 72 Street
New York, NY 10021

28 February 1980

Harold Denton
U.S. Nuclear Regulatory Commission
1717 H St., N.W.
Washington, D.C. 20555

Dear Mr. Denton:

The enclosed copy of an editorial appeared in yesterday's New York Times. I am enclosing a copy of my letter to The Times' editor concerning this editorial, and I thought it might be of interest to you.

With best wishes.

Sincerely,

Janet Y. Willen
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Let Nuclear Critics Make Their Case

The nuclear critics who are trying to shut down the reactors at Indian Point, 35 miles up the Hudson from midtown Manhattan, complain that the regulatory game is rigged against them. They are probably right. Consider the cavalier treatment given a recent petition raising serious questions about the safety of the site.

The petition was submitted to the Nuclear Regulatory Commission last September by the Union of Concerned Scientists, one of the more responsible groups critical of nuclear power. It called for the reactors to be shut down while the commission determined whether the site, in such a populous area, was suitable, and if so, whether added safety features were needed. The proposal was hardly radical. Everyone agrees that no reactor should or would be built today in such a densely populated area, and so it was legitimate to ask whether reactors should continue to operate on such a site.

It seemed then, as now, that the chance of a catastrophic accident was so small, and the cost of a shutdown so high, that the reactors should probably keep operating for the rest of their useful lives. But we were not sure, and we looked forward to a full airing of the issues.

What happened? The petition was referred to the staff of the Nuclear Regulatory Commission, which was already considering safety improvements for Indian Point and for the Zion site, north of Chicago. That staff, of course, is the very group that has allowed these reactors to operate for years. It is hardly likely to

shut them down now and admit that past practice was a terrible mistake. As is customary, the staff met privately with the utilities and negotiated an agreement on safety improvements and further studies.

Then, a public meeting was staged. The critics, still unaware of the staff's final plan, had to speak first; the staff then presented its plan. And the five commissioners, who were also hearing the plan for the first time and were in no position to ask penetrating questions, told the staff to go ahead and carry out the plan. There was no sign at any point in this kangaroo conference that the possibility of a complete shutdown had been given the serious attention it deserves.

This is no way to reassure the public that important questions of safety are being analyzed carefully and impartially. The commissioners are now — after the fact — seeking comments on the merits of the planned improvements and on whether they should hold further hearings. Our vote is an unqualified yes.

The commissioners need to devise some forum in which the critics can make their best case for shutting the plants down and can cross-examine the regulatory staff to bring out its underlying assumptions. The reactors at Indian Point and Zion constitute a large part of the total risk to the American population from nuclear power. Their fate should not be determined in behind-the-scenes deals between a handful of regulators and nuclear plant officials.

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27 February 1980

The New York Times
Letters to the Editor
229 West 43 Street
New York, NY 10036

Responding to the editorial, "Let Nuclear Critics Make Their Case", appearing in today's issue of The Times, may I inquire whether you also wish to "Let Nuclear Supporters Make Their Case"?

May I ask some further questions about the editorial?

1. What is "cavalier treatment of a petition"?
2. What does "one of the more responsible group of critics" mean, i.e. responsible for delivering an uninterrupted flow of electricity to New York's citizens?
3. When is "site suitability" for a nuclear plant decided, and by whom?
4. The editorial says that "Everyone agrees that no reactor should or would be built today in such a densely populated area.." Is this also true in other countries like Japan, England, and Sweden? Assuming it is true, what is the definition of "densely populated"? And if the safety features needed for "dense population" are in place and working, why should there be a question about whether the reactor should continue to operate? Does the safety record of the utility play any role in this decision?
5. Should resolving "important safety questions" (which are important and which unimportant?) depend on the chance inquiries and petitions of an anti-nuclear group, hoping to score points by further delaying and crippling not only the Nuclear Regulatory Commission (NRC), but the industry.

6. Is the primary responsibility of NRC to make certain that utilities operate their reactors safely?
7. If NRC staff and commissioners are diverted to "hearings", and spend many hours preparing for them, can they possibly have sufficient time to discharge their main responsibility?
8. If the NRC and the utility in question are not to meet to discuss safety plans for the facility, with whom should NRC meet to discuss these questions? Should they meet with individuals with limited or no knowledge of reactor operations, or those with no responsibility for the operation of the plant in question?
9. Why should "critics" be privileged to make their "best case for shutting the plants down.." and bring out the underlying assumptions of NRC? Can they not learn all this on their own time and without impeding the work of a government agency?

My questions are not intended to imply that because there is a regulatory agency in place it necessarily does its job perfectly. But is it really logical to assume NRC can do any work properly if it must constantly respond to its critics with their "what if" scenarios? Is it not time for us to inquire what the agenda and responsibilities of nuclear critics are in terms of keeping America safely and properly supplied with sufficient energy?

Sincerely yours,

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