



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

December 2, 1983

OFFICE OF THE
EXECUTIVE DIRECTOR
FOR OPERATIONS

Note to: Chairman Palladino
Commissioner Gilinsky
Commissioner Roberts
Commissioner Asselstine
Commissioner Bernthal

SUBJECT: SHOREHAM

For your information regarding Alfred E.
Kahn's response to the recent series of
articles on the Shoreham Commission
activities.

William J. Dircks/EDO

Attachment
Ltr to Editor/NYT
fm AKahn dtd 11/23/83

CC: SECY
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ALFRED E. KAHN
SPECIAL CONSULTANT

November 23, 1983

The Editor
The New York Times
229 West 43rd St.
New York, NY 10036

SHOREHAM

To The Editor:

Now that the assertedly unanimous conclusions of Governor Cuomo's Advisory Commission on the Shoreham Nuclear Plant have reached the front page of The New York Times before ever having been adopted or even voted upon by the Commission, it is necessary for the responsible members of the Commission to break the silence that we have heretofore observed, and do what we can to correct the serious misimpression that has been left about the status and content of our report and recommendations.

In doing so, I will not presume to formulate a set of conclusions that would more accurately represent the views of the Commission. That is the process in which we are still engaged.

The purpose of this communication is simply to correct the egregious error that The Times has been misled into committing. The opinions, conclusions or recommendations as they are set forth in your story of November 21st not only do not fairly represent the unanimous opinion of the Commission, as the

story maintains, but in my judgment do not represent a fair statement of the views of a majority of the Commission.

The leaks that occasioned your story, and the distorted view that they convey are only the latest incidents in what has been a profoundly vexatious process. What the public has now witnessed and the members of the Commission have experienced over these long months can soberly be characterized as an abuse of the democratic process, an abuse of which your reporters have been the unwitting victims and agents.

The Commission was a monstrosity from its conception. It has a contingent of three members--transformed, by a dazzling feat of prestidigitation into four--who came into our deliberations with a sincerely held position of total, unshakeable opposition to the Shoreham plant--a position they were unwilling from the very outset to test, modify or qualify--and determined to interpret no piece of evidence, no scrap of testimony except in a manner adverse to the plant and the Company. Its nine other members doubtless represent a wide dispersion of views and preconceptions, but--so far as I have been able to tell from their behavior on the Commission--they have been willing to weigh the evidence responsibly, and eager for the opportunity to work out reasoned, balanced conclusions. Most of them seem to be fully aware that intellectually responsible opinions about the issues before us can be couched only in terms of possibilities or probabilities, subject to a dismayingly wide range of uncertainty. Its chairman has been patient and tolerant to a fault, in a sincere but in my judgment ill-advised quest for consensus. This attempt to bridge the unbridgeable was doomed from the outset.

There was and remains another course, and that would be to write two reports. The one, by the minority of three-transmuted-into-four, which those members could have written before they ever sat on the Commission,

except to the extent that its proceedings have provided them with additional tidbits of argument and information to cite in support of their predetermined position.

The other, which we hope can still emerge from the Commission, drawing on the very large body of information and analysis it and its staff have compiled, would try to capture the consensus views of the residual majority more faithfully than the series of propositions reproduced in The Times' articles. I doubt that it would give the Governor clear instructions. The issues surrounding the Shoreham plant are excruciatingly complex; and they raise the most profound social, political and moral questions. Policy decisions have to be made today on the basis of assessments of eventualities--economic, technological, geological and meteorological, political, even military--extending far beyond even the thirty or so years expected life of the plant. Putting down the words to capture these complexities, and the wide variety of views that may responsibly be held about them, is an extraordinarily difficult task.

Developing such a reasoned, responsible report, however, requires an open process of give and take, among reasonably open minds. It cannot be performed successfully by any group constituted as this one was. The two leaked reports in The Times are only the most recent demonstrations of the futility of such a process.

I think I should point out that I am a Special Consultant to a firm, National Economic Research Associates, which has on occasion represented the Long Island Lighting Company in relevant regulatory proceedings, although I have not.

Alfred E. Kahn

Alfred E. Kahn is the Robert Julius Thorne Professor of Political Economy at Cornell University and a member of Governor Cuomo's Shoreham Commission.

ner/a

cc: William Dirks