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N. J. Scientists' Committee for Public Information
268 Edgewood Avenue -- Teaneck, New Jersey

November 23, 1964

Troy B. Conner Jr., Esquire
Trial Counsel
AEC Regulatory Staff
U. S. Atomic Energy Commission
Washington, D. C. 20545

Re: Docket No. 50-219

Dear Mr. Conner:

The New Jersey Scientists' Committee for Public information has instructed me to reply to your communication of November 9, 1964 in response to my letter of October 28, 1964 to Mr. Samuel W. Jensch, Chairman of the Atomic Safety and Licensing Board. The remarks contained herein represent the joint views of our entire Committee.

We appreciate that the AEC Staff has no objection to the insertion of our statement in the record of the proceeding held at Toms River, New Jersey, October 14-16, 1964. However, we are not in accord with certain comments in your letter. In addition, we feel that the tone of the letter is not constructive in that facts are presented so as to leave erroneous impressions.

You refer to Mrs. Gloria Roberts' authorization to make a "limited appearance" on behalf of our Committee at the hearing. In a letter dated October 14, 1964 to Mr. Jensch, I expressed our appreciation for that opportunity and for the Board's courtesy. Then you state, "Neither Mrs. Roberts nor any representative of the Committee responded to the Board's call for the Committee's presentation." We interpret this as a form of criticism, the inference being that for some reason we had been

derelict.

The fact is that Mrs. Roberts was present throughout the entire day of the hearing on October 14 prepared to present our statement, after having requested the opportunity to do so formally at 10 a. m. or so that morning. In my letter of October 14 to Mr. Jensch, I stated I realized that "your Board was deluged with witnesses" on October 14, but "unfortunately, Mrs. Roberts is unable to make the trip to Toms River again" and that "medical obligations have made it impossible for me to appear personally therefore our Committee is hopeful that it will be possible for the enclosed statement to be inserted into the record."

Hence, your statement, "Neither Mrs. Roberts etc., etc.,, " by itself, conveys the impression that our Committee simply ignored the opportunity presented. We are at a complete loss to understand why you would make such a statement out of context, and then disseminate it to the persons named in your Certificate of Service. The significant fact is that our Committee made every effort to participate in the Toms River hearing via advance telegram requesting to be heard; the appearance and readiness of Mrs. Roberts to speak in our behalf on October 14 and the mailing of our statement to Mr. Jensch during the course of the hearing, which he did not receive, as I explained in my October 29 letter, through no fault of ours, as you are aware. These facts are unmentioned in your letter. We wonder, therefore, why you decided that this entire question of our failure to respond to the Board's call, or more correctly, our inability to do so on October 15 and October 16, "should be noted." We reject your implications.

I now draw attention to your comment that "the basis" of our suggestion to delay issuance of the construction permit "appears to be that the Committee considers that insufficient public notice of the hearing was given." Your conclusion was based on my statement that a delay be considered "until all interested groups in New Jersey have a fuller opportunity to study the matter further." What you failed to mention was that I further stated in my letter dated October 28, 1964, "We feel the hearings were not sufficiently publicized in New Jersey, and therefore the residents of this state are not adequately informed as to the various issues regarding possible hazards and safety measures to prevent these." Public information in this matter is paramount in our thinking, with the view that a well-informed citizenry can make intelligent decisions about any of the issues which vitally affect it, and be in a position to express its voice either at hearings or any other appropriate outlet.

The question of whether the hearing was adequately publicized in New Jersey is a matter of opinion. It is true that notice was placed in the Federal Register thirty days prior to the hearing, but it is equally true that the vast majority of New Jersey residents are completely unaware of the Register's existence. Nor do we doubt that press releases were made of the proposed hearing and that the availability of Staff's "Hazards Analysis" were "the basis of news items in various newspapers in New Jersey." At the same time many newspapers in New Jersey did not publish notice of the hearing in advance. Associated Press International of New Jersey sent out no advance release about the hearing; similarly,

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neither did United Press International of New Jersey, whose Bureau Manager expressed further that "coverage was not generally good about the proposed hearing." In no way did our Committee hold the AEC responsible for any of this, but we disagree that our position, that the hearings were inadequately publicized, is "without merit."

It appears to us that you ignore the main consideration which is that the citizens of New Jersey, generally, were not sufficiently aware of the hearings in advance, much less about the issues pertaining to the application of New Jersey Central Power and Light Company.

As for the "availability" of the Staff's "Hazards Analysis", it is not a document which, from the date of its availability to the date of the hearing, can be lightly perused without intensive study, including a study of supporting Government documents, not to mention voluminous data submitted by Jersey Central (which we are not certain is available to the public at all prior to the hearing).

Finally, I did not deem it necessary in the aforementioned letter of October 28 to delineate what you consider "unspecified" groups who would desire to have a fuller opportunity to study the matter further. I referred generally to any group that might be interested. Further, I saw no point in acquainting you with the fact that the New Jersey State Radiation Protection Commission (an unspecified group) felt it had not had as much time as it required to make a comprehensive study of the "Hazards Analysis" report prior to the hearing. I assumed this was made clear at the hearing.

In all of this, I have been quite detailed. The reason in that our Committee does not feel it should have been taken to task, in the manner as it was done, for voicing our conviction that the construction permit be delayed, and that our views were summarily dismissed in semantic fashion thereby.

In the AEC's "Outline For The Conduct of Proceedings by An Atomic Safety and Licensing Board", among the purposes of such hearings is "to educate and inform the public on these matters" (safety and other questions). It seems to us, therefore, that the Atomic Energy Commission should be pleased that our Committee, or anyone else, is interested in informing the public about the scientific facts relevant to a matter of such dimensions; that the AEC would desire the general public to learn as much as possible whether a specific proposed nuclear plant has potential risks as well as advantages; that the AEC would welcome the support of an informed public in making its decision on the issuance of a construction permit; that if controversy arose about certain aspects in the minds of people, the scientific facts would speak for themselves, and an enlightened citizenry could then judge the AEC's decision more objectively.

From press reports, we have noted that during the course of and at the completion of the Toms River hearing, the Board was "somewhat troubled by certain technical considerations involving the core of the nuclear reactor" and that "the design of the core had not been completed, nor had the final core analysis been completed." If this be true, then our Committee must ask why is it so objectionable to the Staff that the construction permit be

delayed? Had the technical concerns of the Staff about the core been adequately answered by New Jersey Central by November 9, the date of your reply to me? Was the Board satisfied by November 9 that the terms of the proposed permit were consistent with its evaluation of the application and with public health and safety? We believe our concern is legitimate in that such questions raised by your Board, together with those of the New Jersey State Radiation Protection Commission, merit the delay.

Our position, therefore, may be summarized as follows:

(1) In our view, New Jersey Central Power and Light Co. had not, during the course of the hearing, adequately satisfied certain questions raised by both the Board and the New Jersey State Radiation Protection Commission, relevant to some structural safety limitations in design and potential environmental hazards to the public. This view is maintained by us despite the withdrawal of the Department of Public Health's objection to the issuance of a construction permit.

(2) The pertinent questions mentioned in (1) should be adequately demonstrated by Jersey Central Power at this stage, rather than during construction, even though an operating license may be provisional.

(3) We do not agree therefore with New Jersey Central's view that our position is erroneous as expressed in my October 28, 1964 letter to Mr. Jensch as follows: "...witnesses representing New Jersey Power and Light Co. did not in our view, answer adequately certain questions related to structural design, safety factors, disposal of radioactive wastes, etc. at the hearings."

Troy B. Connor Jr.

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(4) The New Jersey Scientists' Committee for Public Information reaffirms its conviction that as scientists, we have a responsibility to help in the education of the community at large concerning the nature, application and potential hazards to the public health of ionizing radiation resulting from nuclear processes and other sources. Since knowledge is an essential ingredient in the development of a rational control of nuclear processes, we intend to continue to disseminate information on these matters to the community, based on the principles of scientific objectivity.

Since you had mailed copies of the "AEC Staff's Reply" to my letter, I would appreciate if you sent copies of this reply to all the individuals named in your Certificate of Service of November 9, 1964. Our Committee would also appreciate being informed at that time when the AEC arrives at a decision about the issuance of a construction permit to the applicant.

Very truly yours,

Charles R. Roberts

Charles R. Roberts, M. D.
Co-Chairman
New Jersey Scientists' Committee
for Public Information

Q³
United States Senate

December 7, 1964

DOCKET

NO. 50-249

File Copy

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Respectfully referred to
Congressional Liaison Officer
Atomic Energy Commission
Washington 25, D. C.

with thanks for such favorable consideration
as the communication herewith submitted war-
rants, and for a report thereon, to accompany
return of inclosure.

By direction of

Harrison A. Williams, Jr. U. S. S.

PLEASE RETURN ATTACHED CORRESPONDENCE.

RE: Mr. Frank Krajacich

HAW:jd

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SENATE OFFICE BLDG WASHDC

MR DEAR MR WILLIAMS, EMPLOYMENT FOR BUILDING AND CONSTRUCTION
TRADES OF OCEAN AND ATLANTIC COUNTIES VERY POOR CURRENTLY WITH
GREAT UNEMPLOYMENT TO MEMBERSHIP. JERSEY CENTRAL POWER
AND LIGHT COMPANY ATOM POWER JOB AT FORKED RIVER NJ UNABLE TO START CAUSED BY
DELAY IN ISSUANCE OF ATOMIC ENERGY COMMISSIONS PERMIT FOR CONSTRUCTION.

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ISSUED IMMEDIATELY. WE REQUEST WHAT HELP YOU CAN GIVE IN EXPEDITING
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FRANK KRAJACICH, BUSINESS REPRESENTATIVE, CARPENTERS LOCAL
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