

STANLEY H. MENDES

STRUCTURAL ENGINEER

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February 19, 1974

Docket Nos. 50-275

50-323

Mr. Howard K. Shapar  
Assistant General Counsel  
Licensing and Regulation  
United States Atomic Energy Commission  
Washington, D. C. 20545

Dear Mr. Shapar:

Your letter of January 29, 1974, as signed by Mr. Thomas F. Engelhardt, has been received and reviewed. While it is informative, it does not satisfactorily explain several very important details. I will discuss these more at length later.

Based upon your letter, it is my understanding, 1) that the fundamental position of AEC is that all necessary and proper public hearings have been held, 2) that adequate consideration has been given to the seismic design and relevant geological and seismological data, and 3) that the seismic design for the facility was adequate. If such were the case, and your position were substantial, then surely you would have had nothing to be concerned about if I raised a few simple questions about the appropriateness of the relevant geological and seismological data or the appropriateness of basic design criteria related to Design Earthquakes B and D. The actions of the Commission speak much more loudly and clearly than your words.

It is my belief that you are obligated to be properly responsive to reasonable requests of any citizen, particularly with respect to matters of public record. Based upon the foregoing belief, the following information is respectfully requested.

1. Please provide a copy of "the Commission's applicable regulation" referred to in paragraph four, page one of your letter of January 29, 1974. In addition, provide pertinent data and information which was considered and upon which the "Commission Memorandum and Order dated April 21, 1972," was based.

I sincerely question whether the Commission had the authority to exclude my testimony by the Order since my testimony was related to environmental considerations.

2. Refer to paragraph five, page one and paragraph one, page two of your letter of January 29, 1974. Please provide me with all pertinent data and information upon which the Commission based its decision that I could not be provided the opportunity

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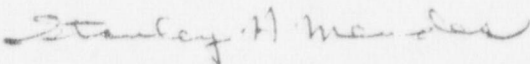
to testify since the hearing was restricted to consideration of environmental matters.

The action of the Commission was totally inconsistent with the Draft Environmental Statement of December 1972. The Statement itself raised the issues of geology and seismology and design by the inclusion of 2.4.1 Geology, and 2.4.2 Seismology, pages 2-27 through 2-29 inclusive. By the inclusion of these sections with no opportunity for me to testify regarding the appropriateness of information contained therein, I was effectively "gagged". For all intents and purposes, the Commission could and did speak to matters of geology, seismology and design while I was not permitted to do so. In that respect, the public hearings on the Draft Environmental Statement were, in fact, "rigged" to exclude probable adverse testimony..

3. Please send me a copy of "Safety Evaluation" referred to in paragraph three, page two of your letter of January 29, 1974.

Your early attention to my request for additional data and information will be greatly appreciated.

Very sincerely yours,



Stanley H. Mendes

SHM:pm

cc: Dr. William Aron