

STANLEY H. MENDES

STRUCTURAL ENGINEER

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April 15, 1974

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

Docket Nos. 50-275
50-323

Dear Mr. Shapar:

It has been over nine weeks since my letter of February 19, 1974, was sent to you. The purpose of this letter is to determine when you will respond to my request for the information requested in that letter.

By one of those inexplicable coincidences, at the very moment I was dictating this letter to my secretary, a telephone call was received from a Mr. Joseph Sento, who was making inquiries at the request of Mr. Larry Chandler. Mr. Sento indicated that they had anticipated I would participate in the pre-hearing procedures on the licensing of the nuclear facilities at Diablo Canyon held the latter part of March in San Luis Obispo, and that they had expected to respond to my letter at that time.

So that the situation is quite clear, please accept the following.

1. My letter of January 9, 1974, directed to Dr. Dixy Lee Ray as chairman of the U. S. Atomic Energy Commission, was sent as a citizen of the United States of America, not in my role as consultant to Scenic Shoreline Preservation Conference, Inc.
2. The issue I raised was that on several occasions, I had been precluded from giving testimony at a public hearing and I wanted to know, "Why?"

In plain language, it is my belief, based upon the actions taken by the Atomic Energy Commission and staff, that I was improperly excluded from testifying at public hearings.

Dr. Ray directed you to look into the matter and respond. I am still looking only to you for response, unless you inform me that you have delegated this matter to someone else. My letter of February 19, 1974, enumerates three requests for information. I assume you will comply with item #3 in due time when the "safety evaluation" is published.

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With respect to items #1 and #2:

- #1. The "Commission Memorandum and Order dated April 21, 1972" was, I presume, a formal action of the Commission. I assumed that this action was taken after the Commission discussed the matter and likely after they had been presented with certain data and information from staff and others. My request to you is to provide an exact copy of the "Commission Memorandum and Order, dated April 21, 1972" and also to provide data and information which was considered, and which likely influenced the action the Commission took.
- #2. Since the same "Commission Memorandum and Order, dated April 21, 1972" was used as the basis for refusal to permit me to give testimony at the public hearing, I desire to be informed as to all pertinent data and information upon which the Commission based its decision. What logic or rationale caused the Commission to again refuse to permit me to give testimony? The Draft Environmental Statement of December 1972 addressed itself to issues of geology, seismology and design. These are environmental matters. This was admitted by including them in the Draft Environmental Statement.

My request for additional data and information is, I believe, a reasonable one. I am sincerely trying to understand the reasoning which resulted in the actions taken to preclude my testimony. Based upon information presently available to me, the actions appear to be improper. My position may change if the facts of the matter, when available and duly considered, warrant a reversal.

Please advise me as to approximately when I may expect a response.

Very sincerely yours,

Stanley H. Mendes

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SHM:pm

cc: Dr. William Aron