

Committee To End Radiological Hazards

Box 148, 150 Christopher Street  
New York 14, New York

Mary Hays Weik

Secretary  
GR 7-5935

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ATOMIC ENERGY COMMISSION

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April 12, 1969

Mr. Samuel W. Jensch, Chairman  
Atomic Safety and Licensing Board  
U.S. Atomic Energy Commission  
Washington, D. C. 20545

OFFICE OF  
HEARING EXAMINERS

Re: Consolidated Edison Company  
of New York, Inc.  
Docket No. 50-286

Dear Sir:

The copies sent me last month of Petitions To Intervene by the three parties entered in the case above show them filed in the following order:

- March 4, 1969 - Mary Hays Weik
- March 6, " - Citizens' Committee For Protection of Environment
- March 11, " - State of New York

Since my petition is on record as the earliest filed, this would seem to establish my right to be heard first in the reconvened hearings.

If this hearing is to be the open and equitable airing of facts it is assumed to be, and not a mere public relations spectacle, the Commission's own Rules of Practice will have to be followed, in spirit as well as in letter, to insure equal consideration of all those who are taking part. The original Notice of this hearing, dated Jan.31/69, stated (page 7): "A person permitted to intervene becomes a party to the proceedings and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing."

In the light of this rule, it seems hardly reasonable to allow precedence once more to Staff and Applicant (who have already spoken) to present additional testimony at the reconvened hearings; while parties such as myself have not even been allowed to present their case. More than a day's time of the initial hearing has already been taken up by the Applicant in repetitious and often inaccurate testimony, whose many misstatements went unchallenged by the legal and scientific members of the Hearing Board - which allowed without question a verbatim copy of Dr. McCullough's 1966 guarantee of the safety of the Indian Point II reactor to be entered in the 1969 record as a guarantee of the safety of Indian Point III!

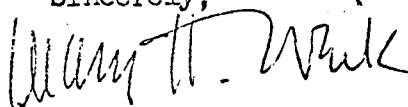
I have endeavored in all good faith to follow the hearing procedures outlined. In accordance with the instructions of the Staff, I sent two subpoenas to your office for execution, and had them served for the date specified, March 26, with the required tender of \$25 in one case and \$20 in the other, both of which sums were accepted and retained by the parties subpoenaed. Neither witness appeared at the hearing. But no attempt was made by the Board to schedule my intervention for the March 26 date or to enforce the ignored subpoenas, although the Board is expressly given the power (Para.(g) of Section 2.720 of the Commission's Rules of Practice) to "seek judicial enforcement of a subpoena issued to a party which has not been quashed."

On the other hand, the attorney for the Citizens' Committee For Protection of the Environment, who had previously circulated a letter stating he would not appear at the initial hearing, was allowed his request to present a witness there on the day concerned

I see no reason to put off any longer the appearance to which I am entitled as a citizen, which has been so unfairly delayed. On April 28th, the first day of the reconvened hearing, I shall expect to present my arguments. I shall send a notice to my witnesses, Dr. Hollis S. Ingraham, Commissioner of Health for New York State, at Albany, and Maurice M. Feldman, Water Commissioner for New York City, instructing them to appear on that date; and I shall trust you to honor the Commission's Rules of Practice (Section 2.720, par.(g), and see that both of these men obey the subpoena.

We have in this country laws for "Contempt of Congress." What we need today is a law for "Contempt of the People."

Sincerely,



Mary Hays Weik