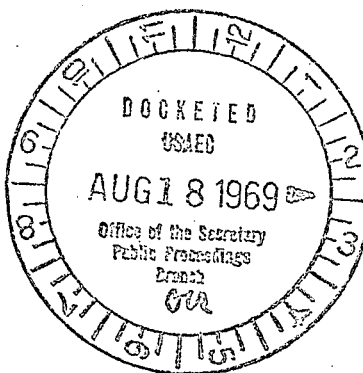


Committee To End Radiological Hazards

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



DOCKET NUMBER
PROC. & UTH. FAC. 50-286

Mary Hays Weik
Secretary
GR 7-5935

August 14, 1969

Secretary
U.S. Atomic Energy Commission
Att: Public Proceedings Board
Washington, D.C. 20545

Re: Initial Decision on the
Construction license for
Indian Point Reactor No.3
DOCKET 50 - 286

Dear Sir:

As a party to the above proceedings, I must seriously protest the untrue statement on Page 4 of the Initial Decision, received today, that as the only intervenor party "appearing pro se" at the Hearing, I did not present testimony which would "constitute evidence as defined" in the hearing rules.

And again, on page 39 of the same document, where it is stated, referring to a point (7) made by the representative of the "Citizens Committee For Protection of the Environment" that it was rejected on the grounds "that an intervenor"(Weik) made unsubstantiated statements relative to causal relation to cancer deaths . . ."

It is clearly stated in Article 2.743 (a) of the AEC's "Rules of Practice" that

"Every party to a proceeding shall have the right to present such oral or documentary evidence . . . as may be required for full and true disclosure of the facts."

The hearing record of April 28, 1969 will show that I did present such testimony in the form of a documentary list of the deaths by cancer of seventeen citizens of Montrose, New York, which had occurred in a sharply localized area directly downwind to the Indian Point atomic plant.

This document was the result of a great deal of effort. With the help of a Montrose resident, I had personally collected the record of every case entered, and had them certified by the signatures of all the recording officials at the various points of record, together with all collateral facts: date and place of death, name of attending physician, and ^{his} detailed diagnosis of cause of death.

As the hearing record of that day will show, if it is a verbatim report, I specifically offered this document in evidence to the Board, together with a special map showing exact location of the home of each victim, and a copy of a page (126) from a current U.S. Government report, "Considerations Affecting Steam Power Plant Site Selection" (issued in Feb/69 by the US Office of Science & Technology, in cooperation with the AEC and other federal agencies) which showed (Figure 22) the travel pattern of an effluent plume from a power plant such as that at Indian Point - requesting that they all be entered in the Hearing record. For reasons I could not at the time understand, my offer was not accepted, although I had gone to a great deal of trouble to have the documents prepared for submission as evidence.

(cont'd)

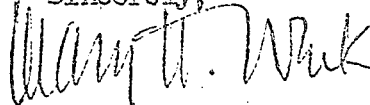
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As the Board was fully aware, I was appearing in my own behalf, without an attorney, as was my right as a citizen intervenor. Nothing was said by the Board about "sworn" or "unsworn" statements. I did not submit a final statement of "Findings and conclusions" because there had been no stipulation of any such document. But such omission by lack of legal knowledge should hardly be penalized, if the statement in Par. 2,756 ("Informal Procedures") of the Rules of Practice is sincere in intent:

"The Commission encourages the use of informal procedures . . . consistent with the orderly conduct of the proceeding and the necessity for preserving a suitable record for review."

I took part in the hearing in all good faith, and carefully followed all Commission procedures. I must therefore insist as a citizen and intervenor that my protest of these unfair and inaccurate statements be taken into consideration and the proper corrections made, for the sake of all concerned (including the Commission's good name); and that a thorough investigation of the deaths reported at Montrose be undertaken by the Commission without delay.

Sincerely,



Mary Hays Weik

Dr. P. Courvoisier
Office Federal De L'Economie Energetique
5303 Wurenlingen
Switzerland

involved of the 7 deaths

Dear Dr. Courvoisier:

In reply to your request for information on evidence presented by Mrs. Mary Hays Weik at a Hearing on Indian Point Reactor No. 3, I believe you will find of interest the enclosed copy of a letter from Mrs. Weik protesting the Board's view that Mrs. Weik "made unsubstantiated statements relative to casual relation to cancer deaths." A reading of the transcript provides little more information on the evidence presented; other than Mrs. Weik stated that ~~many of the deaths~~ were of women from 30 to 40 years of age with small children.

The record of the Hearing does not contain the details with respect to names, dates, and locations mentioned in Mrs. Weik's letter. The transcript of the Hearing shows that she stated that she wished to offer her document in evidence, but when requested to comply with applicable procedures for placing the material in the record, including provision of copies for other participants in the Hearing, she indicated that she had not expected such formality and, in effect, withdrew any offer of formal submission. With respect to casual relation, Mrs. Weik's position was that a high local concentration of deaths concentrated in a small area downwind, similar to that which might be defined by an effluent plume from Indian Point 1, presented a situation which the Government should investigate.

We do not at this time have statistical information in the area of Montrose. We are informed that the New York State Health Department will review available information as a result of Mrs. Weik's statements. The outcome of such a review will not, of course, persuade Mrs. Weik and others that there has not been a much higher than normal number of deaths from cancer in a very small area which must be due to the influence of Indian Point 1 rather than to statistical variation.

page 2

OFFICE ▶						
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DATE ▶						

P. Courvoisier

- 2 -

I hope this limited amount of information will provide answers to some of your questions. If the New York State Health Department develops a report on the matter, we will be glad to send you a copy.

Sincerely,

Clifford K. Beck
Deputy Director of Regulation

Enclosure:

Copy of ltr fm
Committee to End
Radiological Hazards
dated 8/14/69

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FROM
F. Courvoisier
 Office Federal De L'Economie Energetique
 Switzerland

CONTROL NUMBER
2304
 DATE OF DOCUMENT
 7/24/69

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TO
C. K. Beck

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REMARKS

Requests information on leukemia statistics in Montrose, near Indian Point 1, as presented by Mary Hays Weik at hearings on Indian Point 2 and 3, and the answer the ASLB gave to Mrs. Weik

REFERRED TO	DATE
Western Action	8/21/69
Cys: Beck	
Hann	
Henderson	
Shaper	

FROM
P. Comvoisier
 Office Fédéral De L'Economie Energetique
 Switzerland

CONTROL NUMBER
2004

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7/24/69

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REMARKS

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Western Action	8/21/69
Cys: Beck	
Hann	
Henderson	
Shapar	

RPS -

Attached at background is
the answer I found that
Foster gave to Steik at
the Indian Point 3

hearing. I don't know
if there was any other
answer by "the Board."

James Cook