

FROM

Sen. Dick Clark (Iowa)

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Chairman_____
Director of Regulation**X** **OCC**

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Encl ltr from Jim R. Hulbert, Iowa City, w/cy newsclipping re efforts of John Laitner to appear "as a full party to the proceedings" on the Duane Arnold Energy Center

REMARKS

Address reply to:
Honorab! Dick Clark
United States Senator
Federal Building
Cedar Rapids, Iowa 52401
"Dear Senator Clark"

REFERRED TO

DATE

IS NOTIFICATION TO THE JCAE

Shapar f/action

5/7/73

RECOMMENDED? _____

Cys:

PDR (50-331)-

Docket Files

Return incoming attachment with response, indicate on outgoing ltr

Copy sent PDR

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DIRECTOR OF REGULATION
COMMUNICATIONS CONTROL

Form HQ-32 (6-70)
USA EC

United States Senate

May 1, 1973

Respectfully referred to:

Congressional Liaison
Atomic Energy Commission
Washington, D.C. 20545

RE: Jim R. Hulbert
Iowa City, Iowa

In replying, refer to: 102/kg

Because of the desire of this office to be responsive to all inquiries and communications, your consideration of the attached is requested. Your findings and views, in duplicate form, along with return of the enclosure, will be appreciated by

Rec'd Off. Dir. of Reg.
Date 5/1/73
Time 2:05

Dick Clark

Please reply to:

Form #2

U.S.S.
SENATOR DICK CLARK
Federal Building
Cedar Rapids, Iowa 52401

— 'They Can Simply Wipe You Out on Procedural Grounds' —

Environmentalism Facing Opposition, Frustration

When John A. Laitner wrote last fall asking to take part in hearings on a nuclear power plant being built near Cedar Rapids, he little knew what was in store for him. Since then, he's been laboriously trying to make his way through a maze of federal regulations, calculated, he thinks, to exclude the public from the Atomic Energy Commission (AEC) hearing process. Frustrated repeatedly on procedural grounds, Laitner appears to have little chance of getting into the issue he wants to discuss before the AEC: Whether nuclear power plants such as the one being built near Cedar Rapids are safe, or even necessary.

Assisted by the Iowa Student Public Interest Research Group (ISPIRG) but mostly working alone, Laitner faces some formidable opposition: An array of lawyers and technical experts working for the electrical companies building the Duane Arnold Energy Center at Palo Alto, west of Cedar Rapids. He heard from them not long after he read a newspaper article announcing a hearing on the Palo Alto plant's license, and forming persons interested in a hearing that they could file petitions to "intervene" in the proceedings. Presuming that the announcement meant what it said, Lait-

ner wrote a letter to the AEC, asking to appear "as a full party to the proceedings."

Within five days, attorneys for the power companies countered with a brief asking the AEC to turn down Laitner's request.

They said Laitner had not complied with AEC rules that require petitions to intervene to be filed under oath, accompanied by an affidavit showing the petitioner's interest in the proceedings and telling what the petitioner wants to say at the hearing.

All that came as a surprise to Laitner.

"I immediately wrote to Sen. (Harold) Hughes and other people to find out what I should do," he said.

Laitner ultimately obtained legal assistance through ISPIRG and went to work on amending his petition to meet the AEC requirements.

Meanwhile, two days after the power companies attorneys filed their brief opposing Laitner's petition to take part in the AEC proceedings, the companies sent representatives, to Laitner's home to set him straight on his questions about the Palo Alto nuclear power plant.

Laitner said afterward that his uninvited guests did not want to discuss his concerns about nuclear energy in general.

The questions that Laitner



JOHN LAITNER

asked the companies' representatives at the meeting in his home have now been submitted by the power companies as evidence that Laitner should not be allowed to take part in the hearings.

In a brief filed earlier this year, the lawyers for the companies contend that Laitner's questions "are broad policy concerns more appropriate for consideration in forums other than a licensing proceeding for a specific plant. It seems clear that it is just these types of issues

which Laitner would presume to pursue were he admitted as a party to the proceeding; it is equally clear that such an inquiry in the context of a specific licensing proceeding would be utterly fruitless."

The power companies' brief also contends that Laitner is wrong in what he says about hazards connected with the operation of the Palo Alto plant.

That may be, Laitner concedes, but he asks how he and other concerned citizens can satisfactorily explore their concerns about nuclear energy if they are not allowed to question power company and AEC witnesses at the hearing.

And he says that if operating licenses are granted "plant by plant" without public discussion of concerns about nuclear energy in general, "you can ignore the total environmental impact" of granting the licenses.

But what concerns Laitner most of all is the tedious, complex and expensive procedures an ordinary citizen has to go through to become involved in the licensing procedure.

"Unless you have financial and technical backing, you are excluded. This is far beyond what the hearing process means," he says.

The hearing now is scheduled for May 3, and so far, the only right Laitner has is to make

a limited appearance of no more than five minutes. He will not be permitted to ask any questions.

"I question whether in fact

this is in the public interest; whether they have the right to deny the public the right to ask these kinds of questions," he says.

"They can simply wipe you out on procedural grounds without ever getting into substantive issues."

420 So. Union St.
Iowa City, Iowa

Sen. Claiborne

A note to let you know that the

unresponsive AEC hearings on

the Duane Arnold reactor

license irritates me. John

Laitner has been one rare

individual and he is not being

encouraged in his citizenship

encouraged by this federal agency.

Are you also angry?

Sincerely,

Jim Hulbert
(Hulbert)