

November 30, 1972

George W. Brown, Ph.D.  
The Anchorage  
Route 3  
Solon, Iowa 52333

In the Matter of Iowa Electric Light & Power Company, et. al  
Duane Arnold Energy Center  
Docket No. 50-331

Dear Dr. Brown:

Please refer to your letter dated November 14, 1972, in which you expressed disagreement with the second paragraph of page 2 of the regulatory staff's answer to your petition for leave to intervene in the subject proceeding. The paragraph in question states:

"On November 3, 1972, the Commission received from Dr. Brown an undated petition for leave to intervene together with a letter dated October 28, 1972 requesting that the petition be considered as an amendment of his original letter of October 2, 1972. Attached to the petition is an unsworn and unsigned document captioned "Supporting Affidavit."

In your letter, you express the view that this statement "is an absolute falsehood". The regulatory staff respectfully disagrees.

While it is unclear whether your allegation pertains to all of paragraph 2 of page 2, we assume your remarks to be directed primarily to the characterization given the page captioned "Supporting Affidavit".

The document filed by you on November 3, 1972 as docketed in the Commission's Public Document Room and responded to by the regulatory staff consisted of six pages, as follows:

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- (a) The first two pages are a letter dated October 28, 1972, addressed to Mr. Frank Karas, Chief of the Public Proceeding Branch. Your request that the enclosed petition be considered as an amendment to your original letter of October 2 is found on page 2 of the letter.
- (b) The third page is a photocopy of what appears to be a news article published in the Des Moines Register on September 30, 1972.
- (c) The fourth page is captioned, "Petition for Leave to Intervene in Public Hearings Regarding Environmental Aspects of the Construction Permit Previously Issued for the Duane Arnold Energy Center". No date appears on the face of the page but a signature appears in the lower right corner of the page.
- (d) The fifth page is an affidavit executed in Johnson County, Iowa, and bears your signature and that of a notary public. The affidavit by you states upon oath that you " \*\*\* personally drafted the attached Petition for Leave to Intervene in Public Hearings Regarding Environmental Aspects of the Construction Permit Previously Issued for the Duane Arnold Energy Center, \*\*\* ".
- (e) The sixth and final page is captioned "Supporting Affidavit" and consists of twelve numbered items on which you "request the opportunity to assure an adequate record of testimony obtained under oath." The page contains no jurat, date or signature. There is nothing in the fourth page or in the affidavit on the fifth page which incorporates the sixth page by reference.

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George W. Brown, Ph D.

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Accordingly, we believe the staff's answer properly characterized the sixth page as being unsworn and unsigned.

Sincerely,

Robert Newton  
Counsel for AEC Regulatory Staff

cc: Mr. Frank W. Karas  
Jack R. Newman, Esq.  
ASLB  
ASLAB

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THE ANCHORAGE

Rte. 3, Solon, Iowa 52333

319-644-2232

November 14, 1972

Robert Newton  
Counsel for AEC Regulatory Staff  
U.S. Atomic Energy Commission

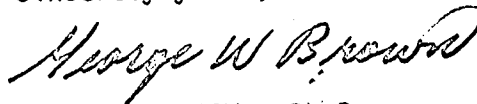
Dear Mr. Newton:

On November 14, 1972 I received a document, presumably signed by you, entitled "Answer of AEC regulatory staff to Dr. George W. Brown's petition for leave to intervene." The second paragraph of page 2 of this document states as follows:

"On November 3, 1972, the Commission received from Dr. Brown an undated petition for leave to intervene together with a letter dated October 28, 1972 requesting that the petition be considered as an amendment of his original letter of October 2, 1972. Attached to the petition is an unsworn and unsigned document captioned "Supporting Affidavit.""

This statement is an absolute falsehood. I can only conjecture regarding your motivation for attempting to falsify the record. Unless you immediately correct your statement, and distribute your correction to the same parties who received the false statement, I am prepared to produce the Notary who administered the oath, witnessed my signature, and attached both to the Petition to Intervene and Supporting Affidavit in order to publically expose your action.

Sincerely yours,



GEORGE W. BROWN, Ph.D.  
Transportation Consultant

GWB/mck

cc: Frank W. Karas  
Chief, Public Proceedings Branch  
U.S. Atomic Energy Commission