

JOHN S. KELLY,
Director, Division of Peaceful Nuclear Explosives, U.S.A.E.C.

DIRECT EXAMINATION BY MR. YANNACONE:

- Q. Will you give us your name and address for the record, please.
A. John **S. Kelly**, 15 Orchard Way North, Rockville, Maryland.
- Q. Doctor, what is your official title?
A. It's Mr. ... I am Director, Division of Peaceful Nuclear Explosives, U.S. Atomic Energy Commission.
- Q. Would you briefly summarize for us what your job duties consist of.
A. I provide the direction for the development of the technology of using nuclear explosives for peaceful purposes, provide the administration of this program. This provides general administration, establishing policies, direct through the laboratories. In other words, I am an administrator. I do no technical work, that sort of thing.
- Q. And who do you report to?
A. I report to Dr. S. G. English, assistant general manager for research and development.
- Q. Of the Atomic Energy Commission?
A. Yes, Sir.
- Q. Also in Washington?
A. Germantown, yes.
- Q. Do you have anything to do in your regular official capacity with Project Rulison?
A. Yes.
- Q. Tell us briefly what your job duties consist of with respect to Project Rulison.
A. Well, the general overseeing the general establishment of policies and that sort of thing — general program direction.
- Q. Who reports directly to you with respect to Project Rulison?
A. Well, there are people within my staff. I have an assistant director for technical operations who handles the technical

side of things for me, generally.

Q. What is his name?

A. Richard Hamburger. And then there were all kinds of things that have to do with the policies, the contracts, contract administration, that sort of thing, that are handled through a Mr. William Oakley who is also my assistant. Then in the field, Mr. Miller, of the Nevada Operations Office, reports to me for the execution of the agreed program.

Q. Are you responsible for the overall guidelines for safety in Project Rulison?

A. In a sense, yes.

Q. Tell us what sense.

A. In a sense of I was the one who sent out this so-called Operational Directive.

Q. Which one?

A. The one that's been referred to in the testimony.

Q. We have had two of them referred to in the testimony.

A. 1 April 11, 1969. And it was basically my choice as to the use of Manual Chapter 0524, "safety."

Q. Whether any other safety criteria you might have chosen?

A. Presumably we might abuse some others. I chose to use these because they are accepted A.E.C. health and safety standards. They were recommended to me by my technical staff, by the other divisions within the Atomic Energy Commission who are competent in these areas, particularly the Division of Operational Safety.

Q. You said these are generally accepted A.E.C. standards. Accepted by whom?

A. Well, by virtue of being an A.E.C. manual chapter, they are part of the normal A.E.C. — well, the standard operating procedures, as a generic term that is used to describe that sort of thing, and they applied to the in-house and contractor activities of the Atomic Energy Commission.

Q. The standards, in an absolute sense, more or less stringent than standards applicable to those outside the family of the Atomic Energy Commission?

A. Generally, it is my understanding that they are roughly equivalent, that they are all based on and consistent with the recommendations, the guidance and so on of the Federal Radiation Council.

Q. Do you do any independent evaluation of safety standards, other than relying upon the Federal Radiation Council?

MR. EARDLEY: When you say "you," are you talking

MR. YANNAZONE: I am talking about him as a representative of his portion of the agency.

Q. (By Mr. Yannacone) do you know whether within the agency any such independent evaluation is done?

A. I think a large portion of the work of the A.E.C. Division of Biology and Medicine interrelates with this — the various organizations that contribute to the Federal Radiation Council.

Q. In other words, then, the Atomic Energy Commission is itself a member of the Federal Radiation Council?

A. Dr. Seaborg is actually, by statute, I believe, specifically a member of the Federal Radiation Council.

Q. And as a practical matter, all agency research, both in-house and contract, on biology and medicine, is channeled through appropriate channels and ultimately reaches the Federal Radiation Council, does it not?

A. I think that is generally correct

Q. Do you know whether it is possible for your division to promulgate standards of radiation levels permissible, lower than that recommended by 0524, with respect to a project such as Project Rulison?

A. I presume that it could be done, but I have never tried it.

MR. YANNACONE: I have no further questions. Thank you.

MR. EARDLEY: Okay.