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JUDGE TO RECEIVE ATOM DOCUMENTS

Administration Bars Appeal
on Blast in the Aleutians

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WASHINGTON, Oct. 29 —

The Nixon Administration decided today to obey a court order directing the Atomic Energy Commission to produce for court inspection certain documents that seven environmental organizations say demonstrate the environmental hazards of the planned nuclear test on Anchitka Island.

Thomas L. McKeivitt, a Justice Department Attorney, told Federal District Judge George L. Hart this afternoon that the Government would obey his order of three days ago, and Judge Hart ordered the documents produced at 10 A.M. tomorrow.

The judge said that he would read the documents over the weekend and hold a hearing at 10 A.M. Monday, when he will announce whether he will turn them over to the lawyers for the environmental groups.

Judge Hart's ruling was upheld yesterday by the United States Court of Appeals for the District of Columbia, which gave the Government until today to decide whether it would appeal to the Supreme Court.

However, the appeals court declined to block the test of the five-megaton nuclear warhead, which environmentalists fear could release radioactive material or cause a seismic sea wave. President Nixon authorized the test on Wednesday and ordered that preparations be completed within a week.

Today Judge Hart asked the Government lawyer to have the Atomic Energy Commission furnish a guard for the papers. Saying that "I haven't the foggiest notion what is being talked about," he also asked for an expert to be supplied to answer any questions.

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Mr. McKeivitt said that two experts would be supplied—one from the commission and another from the Environmental Protection Agency.

Judge Hart had ordered, and lawyers for the environmental groups had agreed, that any parts of the documents dealing with security or foreign affairs should be deleted, and that only those parts dealing with environmental effects should be delivered to the courts for its inspection in private.

When Congress appropriated money for the test, code-named Cannikin, it barred detonation before mid-1972 unless the President authorized an earlier date. The test involves a prototype of the warhead designed for the Spartan antimissile missile, to be detonated in a mile-deep shaft in the Aleutians.

Dr. James R. Schlesinger, the Atomic Energy Commission chairman, in announcing Mr. Nixon's decision to proceed with the test, reiterated the commission's contention that risks of environmental damage had been "exhaustively considered." He discounted the fears that a venting of radioactive gases or a seismic sea wave might be caused by the explosion, the equivalent of five million tons of TNT.

The environmental groups, headed by the Committee for Nuclear Responsibility, contend that the requested documents contain statements indicating the test is dangerous. The courts upheld their contention that the Government is required under the National Environmental Policy Act to produce its documents assessing what impact the blast will have upon the environment.

The Administration made no statement today of its reasons for not appealing the decision.

Still before Judge Hart is a motion by the environmental groups for a preliminary injunction against the test on the grounds that the environmental law has been violated. Their lawyers are expected to ask for a ruling on this motion.