

FILED: October 7, 1983  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

In the matter of:

PUBLIC SERVICE COMPANY OF  
NEW HAMPSHIRE, et al

Docket Nos.

50-443 OL  
50-444 OL

(Seabrook Station, Units 1 and 2)

AFFIDAVIT OF ROBERT A. BACKUS  
IN SUPPORT OF MOTION FOR RECUSAL

1. My name is Robert A. Backus. I am counsel of record for the intervenor, Seacoast Anti-Pollution League, in the above-captioned proceeding.

2. I have personal knowledge of the matters hereinafter set forth.

3. The excerpts from the record, upon which the Motion for Disqualification is based, are true copies of the record of the proceedings before the Atomic Safety & Licensing Board on the dates indicated.

4. With regard to the comment of Judge Hoyt, on pg. 1687 of the Transcript that "The record will not reflect any statements by you", meaning your affiant, I can state the additional statement I wished to make on the record would have been to contest Judge Hoyt's assertion that I was making "accusations" and should take my complaints "to the bar associations". (Transcript, pg. 1686.) There was not at that time, nor any subsequent time, offered an opportunity to correct the record to indicate that I was not making accusations, but merely requesting an opportunity to explore on the record the validity of accusations made by other parties to the proceedings.

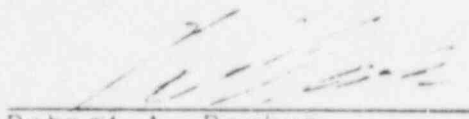
5. At the time when I was attempting to make representations on the record, as reflected at pgs. 1686-87 of the record, the atmosphere in the hearing room became so tense that two court bailiffs appeared in front of counsel table, within three feet of me, as I was attempting to make a statement on the record. The appearance of these bailiffs, an event unprecedented in my professional career of fourteen years as a member of the New Hampshire Bar, is depicted in the photograph included with one of the articles attached to this motion, "Seabrook hearings close with drama", Foster's Daily Democrat, August 24, 1983. These bailiffs appeared across from me at counsel table, notwithstanding the fact that at no time did I raise my voice, or make any gesture which would in any way indicate any threat to the decorum of the hearing, or to any participant in the hearing.

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6. Photocopies of the newspaper stories and editorial referred to in the Motion for Disqualification, and offered in support thereof, are true copies of the story and editorial as they appeared in the newspapers in question.


7. This Affidavit, and the accompanying Motion, are made in good faith, and not for the purpose of delay.

Dated: October 7, 1983

  
Robert A. Backus

STATE OF NEW HAMPSHIRE  
HILLSBOROUGH, SS.

Then personally appeared the above-named Robert A. Backus and made oath that the above statements by him subscribed are true and correct to the best of his knowledge and belief. Before me.

  
~~Notary Public~~  
Justice of the Peace