

United States of America  
Nuclear Regulatory Commission

DOCKETED  
USNRC

Atomic Safety and Licensing Board '83 DEC -5 A10:31

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In the Matter of )

PUBLIC SERVICE COMPANY of )  
NEW HAMPSHIRE, et al. )

(Seabrook Station, Units 1 and 2 )  
----- )

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Docket Nos. 50-443-OL  
50-444-OL

ATTORNEY GENERAL FRANCIS X. BELLOTTI'S  
MOTION FOR LIMITED APPEARANCE HEARINGS  
TO BE HELD IN MASSACHUSETTS

Attorney General Francis X. Bellotti moves, on behalf of the citizens of Massachusetts, and in particular the citizens of the six Massachusetts towns that are within the Emergency Planning Zone (Newbury, Newburyport, West Newbury, Salisbury, Amesbury and Merrimac), that the Atomic Safety and Licensing Board conduct hearings during the Spring of 1984 in at least two Massachusetts sites for the purpose of the taking of limited appearance statements relative to the Seabrook Nuclear Power Station.

Federal regulations permit the making of limited appearance statements by persons who are not parties to the proceedings. 10 CFR §2.715(a). Limited appearance statements assure that all members of the public are given the right to participate in NRC proceedings by a method appropriate to their interest in the matter. 10 CFR Part 2, Appendix A, Section V(b)(5).

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PDR ADOCK 05000443  
G PDR

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Although limited appearance hearings have been held in New Hampshire, it has been difficult for some Massachusetts residents to travel to those sites, as time must be taken from job and family responsibilities, and, in some cases, considerable distance travelled. The attached letters document the interest on the part of some Massachusetts residents in expressing their views at hearings held reasonably close to their homes. Further, the attached letters from the city officials of Amesbury, Merrimac, and Newbury indicate that town officials as well as citizens of their respective towns would welcome the opportunity to express their views regarding the Seabrook Nuclear Power Station. The letter from the Amesbury Town Manager also reflects that a suitable location for a limited appearance hearing is readily available in that town.

Since limited appearance hearings present an opportunity not only for a concerned citizen to express a view or position but also "to raise questions which he would like to have answered" provided they are "within the scope of the proceeding" (10 CFR Part 2, Appendix A, Section V(b)(4)), the views of the citizens of Massachusetts would not be adequately expressed if they are required to submit written statements in lieu of the limited appearance hearings.

No limited appearance hearings have been held in Massachusetts. Given the fact that six Massachusetts towns are within the ten-mile radius of the Seabrook Nuclear Power

Station, an opportunity to make limited appearance statements should be made available to the citizens of these towns. If limited appearance hearings were held in Massachusetts, citizens of other towns which are affected by the Seabrook Station would have the opportunity to express their views as well.

Conclusion

For the reasons stated above, Attorney General Francis X. Bellotti requests that the Atomic Licensing and Safety Board hold limited appearance hearings in two Massachusetts towns. Because of the harshness of New England winters, and the convenience of holding these limited appearance sessions simultaneously with the evidentiary hearings on off-site emergency planning, it is further requested that these hearings be held in the Spring of 1984.

Respectfully submitted,

FRANCIS X. BELLOTTI  
ATTORNEY GENERAL

---

Margaret A. Zaleski  
Assistant Attorney General  
Public Protection Bureau  
One Ashburton Place, 19th Floor  
Boston, Massachusetts 02108  
617-727-4475

Date: December 2, 1983

RECEIVED  
SEP 28 1983  
E.P.D.

ATTACHMENT 1

DOCKETED  
USNRC

September 14, 1983

83 SEP 23 P4:15

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

The Honorable Helen Hoyt  
Atomic Safety and Licensing Board  
U. S. Nuclear Regulatory Commission  
Washington,  
D.C. 20555

SERVED SEP 26 1983

Dear Judge Hoyt:

A number of Massachusetts residents recently traveled a considerable distance to participate in NRC pre-licensing hearings for Seabrook Station, held last month at several New Hampshire locations. Most of us took time off from jobs and family responsibilities to make the trip.

As you are aware, there are six Massachusetts communities, including the City of Newburyport, which are located within ten miles of the proposed Seabrook plant. It is interesting to note that the one hearing which was very well attended was the one near the Massachusetts border in Seabrook itself.

We realize that there will be another round of hearings in December, at which public input on the issue of emergency planning will be solicited. We urge you to include a Massachusetts site for one or more of these hearings, preferably centrally located in Newburyport. Many, many Massachusetts residents would welcome an opportunity to express their views on emergency plans if such a hearing were held reasonably close to their own home towns.

Sincerely,

Cary Boyd  
Newburyport, MA

Elizabeth M. Barnes  
Newburyport, MA

Barbara A. Oswald  
Newburyport, MA.

Holly Beardsley  
Newburyport, MA.

Mr. Joann A. Hotwell  
Dept. of the Attorney General  
Environmental Protection Division  
1 Ashburton Place 19th floor  
Boston, Mass 02108

Christopher S. Nord  
2 Vernon Street  
Newburyport, Ma. 01950  
465-4781

RECEIVED

ATTACHMENT 2

SEP 14 1983

E. P. D.

September 12, 1983

HELLO:

I am writing to document an experience with the Atomic Safety and Licensing Board (ASLB) that left me angry and supremely frustrated. On Wednesday, August 31, the ASLB held "Limited Appearance" hearings at the Seabrook Fire Station (Passaconaway Building), ostensibly to receive the testimony of local residents regarding the licensing of of the Seabrook nuclear power plant. In order to reserve a ten-minute period for my testimony, I was instructed to call the Nuclear Regulatory Commission in Washington, D.C. (202-492-7000; my nickel), to give my name to one David R. Lewis, Administrative Law Clerk. I called Mr. Lewis the Friday before the hearings (8/26), at which time he assured me that my phone call was all that was needed, and that I was, in fact, the seventh person to sign up.

The night of the hearings, I arrived at the fire station just as the room was called to order, and took the opportunity to sign up again, on a list held by an aid to the ASLB judges who was seated at the back of the meeting hall. In the course of almost four hours of testimony, my name was never called. At 10:45, as the presiding judge, Helen Hoyt, was about to adjourn the hearing, I raised my hand in desperation, but was not recognized. When the meeting was adjourned, I made my way to the stage and asked Judge Harbour if my name was even on his list. He replied that the entire list of people who had reserved their place via Washington had been called first, after which names were called from the list gathered that night. When I asked to see the lists, I was refused with polite apologies.

Something smelled (smells) fishy. I can see two prominent explanations for what happened to me. One is that in the bureaucratic fumbling preceeding the hearing, my name was somehow lost. Two things strike me about that theory: first, that no one else in the hearing seemed upset by their name being passed over-- in other words, why was my name the only one lost?; second, that it strikes me as a fairly slim possibility that my name be passed over or "lost" from two lists, the D.C. list and the meeting hall list. Which leads me to the second possibility-- which has found support in two offices of the Massachusetts state government, apparently based on other people's experiences with the ASLB and their subsequent complaints: that my name was purposely overlooked, the ASLB preferring not to provide a high-visibility forum for me. I am aware that this may be quite presumptuous on my part, but I am forced to consider that it may not be. I am also aware that



this implies a lack of faith in the ASLB as a truly impartial judicial body. To this I can only say that after eight years of personal study and involvement in the controversy over Seabrook's construction, there is no longer any question in my mind that the Nuclear Regulatory Commission and its Atomic Safety and Licensing Board act to facilitate (ie. "make easier") the licensing of nuclear plants.

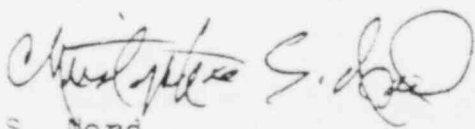
Let me give one example of what the ASLB might rather not have me say in the setting of public hearings. For more than a year, I have gathered evidence from the areas near three operating nuclear power plants in New England-- Vermont Yankee, Maine Yankee, and Pilgrim-- indicating a rise in leukemia and other cancers paralleling the span of each plants' normal operation. From this perspective, a pattern of ill effects has become clear. Perhaps more importantly, this investigation has brought to light the repeated intervention of a single federal agency-- namely the Centers for Disease Control in Atlanta, Georgia-- in countering and quieting these isolated and yet analogous local suspicions of health hazards. This is accomplished through a combination of statistical juggling, smooth public relations, and the credibility and clout that statements from a federal "health" agency automatically carry in the minds of a frightened local population that has been taught to believe the "experts".

This is just one area of the row over Seabrook for which I have information I would like to share. The two other primary issues that I personally want to be able to address before the ASLB are 1) evacuation planning, and 2) the possible use of Seabrook's spent fuel for making nuclear weapons.

Finally, let me say what I want. The Atomic Safety and Licensing Board should hold "Limited Appearance" hearings in Massachusetts, so that residents in the six Mass. towns within the ten-mile radius of Seabrook have ample opportunity to be heard. To this end, I call on the City Council and Mayor of my residence, Newburyport; my State Legislator, Barbara Hildt; my State Senator, Nicholas Costello; and the offices of the Attorney General and the Governor of the Commonwealth of Massachusetts-- to work from their respective positions to ensure that myself and other knowledgeable and concerned local residents receive the hearings we are entitled to (I am aware of four "Limited Appearance" hearings that have been held in New Hampshire to date). Furthermore, I propose that the roster for reserving time to give testimony be handled locally--ie. by the town or city where hearings are to be held-- in order to minimize the risk of bureaucratic "error".

Thank you for hearing me out. I would appreciate being kept informed of any progress in this matter. If I can help in any way, let me know.

Sincerely,

  
Christopher S. Nord



# Amesbury

Town Manager  
William J. Grom

Town Hall, Amesbury, MA 01913  
Tel. 388-0290

October 11, 1983

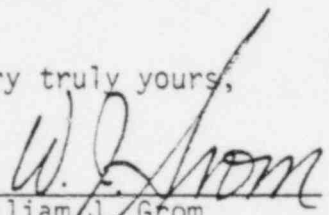
Ms. JoAnn Sollecito  
Mass. Attorney General  
Public Protection Bureau  
One Ashburton Place  
Boston, Mass. 02108

Dear Ms. Sollecito:

In response to your phone call on Oct. 11, 1983, I feel the citizens of Amesbury would welcome the opportunity to express their views regarding the Seabrook Nuclear Power Plant before members of the Nuclear Regulatory Commission.

I would be happy to make the Amesbury Town Hall Auditorium available for such a meeting.

Very truly yours,

  
William J. Grom  
Town Manager

WJG/dls

# Office of the Selectmen

ATTACHMENT 4

4 School Street  
Merrimac, Massachusetts 01860  
Tel. (617) 346-8862

11 October 1983

Attorney's General Office  
C/O Margaret Zaleski  
Public Protection Bureau  
1 Ashburton Place  
Boston, MA 02108

Dear Ms. Zaleski:

The Merrimac Board of Selectmen is interested in joining our neighboring town of Amesbury, MA in requesting a limited proceedings hearing with the NRC so that the portion of the public which still has questions could be satisfied as to their concerns.

Sincerely,

*Nancy C. MacBryen*  
*George P. Stevens*  
*George A. Waterhouse*  
Board of Selectmen *Sh*

MAC:slc





TOWN OF NEWBURY

ATTACHMENT 5

Office of  
SELECTMEN  
AND BOARD OF HEALTH  
NEWBURY, MASS. 01950

October 13, 1983

Massachusetts Attorney General's Office  
Public Protection Bureau  
1 Ashburton Place  
Boston, Mass. 02115

Attention: Margaret Zaleski

Dear Mrs. Zaleski:

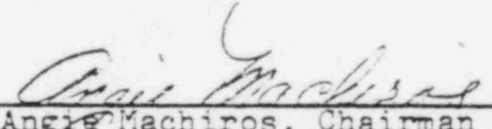
Re: Evacuation Plan Hearings

Confirming my telephone conversation of this date with Joan Sollecito, with reference to the above, it is the town's feelings that holding the NRC hearings for the surrounding towns involved, in a centrally located area, would be most helpful. However, I would also like to suggest, that first, a workshop be held among elected officials and officials whose responsibility places a role in the implementation of this plan, so as they can express their thoughts and views, followed by a meeting with the citizens or interested parties of these communities.

Please do not construe this as an attempt to delete public input, however, it is our opinion that by using this format, these hearings can be more productive.

To reaffirm these suggestions, I would like to inform you that we are mandated by our citizens through an Article sponsored and passed, that the evacuation plan is subject to town meeting approval.

Most sincerely,

  
Angie Machiros, Chairman  
Newbury Board of Selectmen

AM/dh

cc: Jo Ann Shotwell, Esq.

United States Senate

WASHINGTON, D.C. 20510

Room 2003F JFK Building  
Boston, MA 02203  
(617) 223-1890  
September 16, 1983

Chairman  
Federal Energy Reg. Comm.  
825 Capitol Street  
Washington, DC 20426

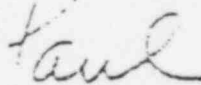
Dear Mr. Chairman:

I am writing to you at the request of Mr. Christopher Nord, who has contacted me regarding his desire to testify before the Atomic Safety and Licensing Board.

I understand that Mr. Nord requests hearings in Massachusetts. I am sure you will give Mr. Nord's request every appropriate consideration.

Thank you for your time and cooperation.

Sincerely,



PAUL E. TSONGAS  
United States Senator

PET:jtt  
Enclosure.

1983 SEP 20 11 30 AM

CERTIFICATE OF SERVICE

I, Margaret A. Zaleski, Esquire, counsel for Massachusetts Attorney General Francis X. Bellotti, hereby certify that on December 2, 1983, I made service of Attorney General Francis X. Bellotti's Motion for Limited Appearance Hearings to be Held in Massachusetts, with attachments, by mailing copies thereof to the parties named below:

Helen Hoyt, Chairperson  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

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Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dr. Jerry Harbour  
Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing Appeal  
Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Atomic Safety and Licensing  
Board Panel  
U.S. Nuclear Regulatory Commission  
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Roberta C. Pevear  
Designated Representative of  
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Edward F. Meany  
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155 Washington Road  
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Mrs. Sandra Gavutis  
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City Manager  
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Portsmouth, N.H. 03801

Patrick J. McKeon  
Selectman's Office  
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Jane Doughty  
Field Director  
Seacoast Anti-Pollution League  
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Richard Sullivan, Mayor  
Town Hall  
Newburyport, MA 01950

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Mr. Angie Machiros, Chairman  
Newbury Board of Selectmen  
Town of Newbury, MA 01950

Diana P. Randall  
70 Collins Street  
Seabrook, N.H. 03874

Patrick J. McKeon  
Chairman of Selectmen, Rye,  
New Hampshire  
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Rye, N.H. 03870

Donald E. Chick  
Town Manager  
10 Front Street  
Town of Exeter, N.H. 03833

Selectmen of North Hampton  
Town of North Hampton  
New Hampshire 03862

Senator Gordon J. Humphrey  
1 Pillsbury Street  
Concord, N.H. 03302  
(Attn: Herb Boynton)

Anne Verge, Chairperson  
Board of Selectmen  
Town Hall  
South Hampton, N.H. 03842

Maynard B. Pearson  
Board of Selectmen  
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Amesbury, MA 01913

Mr. Daniel Girard  
Civil Defense Director  
25 Washington Street  
Salisbury, MA 01930

Senator Gordon J. Humphrey  
U.S. Senate  
Washington, D.C. 20510  
(Attn: Tom Burack)

Signed under the pains and penalties of perjury, this 2nd  
day of December , 1983.

Margaret A. Zaleski  
Margaret A. Zaleski  
Assistant Attorney General  
Public Protection Bureau  
One Ashburton Place  
Boston, MA 02108