



SENATOR NICHOLAS J. COSTELLO
THIRD ESSEX DISTRICT

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
ROOM 217, STATE HOUSE, BOSTON, MA 02133
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HUMAN SERVICES AND
OFFICE OF ELDERLY AFFAIRS
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NATURAL RESOURCES AND
DRAMA/CULTURE

October 4, 1983

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Helen Hoyt, Esq., Chairman
Dr. Emmeth A. Luebke
Dr. Jerry Harbour
Administrative Judges
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Administrative Judges:

I am writing with regard to the recent limited appearances relating to the Seabrook nuclear station.

I am deeply disturbed by the location and scheduling of the hearings, and by the Panel's apparent lack of commitment to soliciting the fullest input from the public.

The majority of the hearings were held in small New Hampshire communities at some considerable distance from the Seabrook site. More important, no hearings were held in Massachusetts, in spite of the fact that the great majority of residents within the 10-mile and 25-mile radii of Seabrook live in Massachusetts, not New Hampshire.

The scheduling of the hearings made it difficult for local residents to make arrangements to be heard. I myself was unable to contact any representative of the Panel in the local area in order to arrange a time to appear. I subsequently contacted the NRC in Washington. Initially I was told that the final public hearing in Seabrook was being cancelled. Although this cancellation was subsequently reversed, the NRC was still unable to arrange a time for me to appear. Furthermore, it has been brought to my attention that Mr. Chris Nord of Newburyport, a constituent of my district, was denied the opportunity to speak, although he had been listed among those who wished to make a statement. I am enclosing a copy of Mr. Nord's letter to me.

In view of these facts, it is difficult to avoid the conclusion that the Panel's procedures were deliberately designed to limit and undermine the public's opportunity to be heard, on an issue which directly affects public health and safety.

I am deeply concerned that the people whom I represent be given the fullest opportunity to comment before the Panel. Consequently, I request that the Panel schedule further hearings for public input. I further request that those hearings be held in Newburyport, Mass., or another Massachusetts community within a 10-mile radius of Seabrook.

I further request that the public receive ample advance notification of the time and place of these hearings, and that the panel maintain a local office or telephone in advance of the hearings so that area residents may contact the panel for information about procedures and scheduling.

Finally, I specifically request that Chris Nord of Newburyport be scheduled to offer his public oral comments at a time acceptable to him.

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SENATOR NICHOLAS J. COSTELLO
THIRD ESSEX DISTRICT

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AGRICULTURE

Helen Hoyt, Esq., Chairman (cont.)

In your position as members of the Licensing Board Panel, you hold enormous influence over the future safety and well-being of the residents of the district I represent. In my view, you have a corresponding responsibility to assure that those residents have the fullest opportunity to be heard with respect and serious attention.

I will look forward to your reply. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading "Nicholas J. Costello".

NICHOLAS J. COSTELLO
State Senator

NJC/jc

cc: The Honorable Edward M. Kennedy
The Honorable Paul E. Tsongas
The Honorable Nicholas Mavroules
Chris Nord

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

September 12, 1983

*Dear Rich: I called your office
about this. But I wanted to get
it to you in writing.*

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
Christopher S. Nord

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