

NUCLEAR REGULATORY COMMISSION

IN THE MATTER OF:

BOSTON EDISON COMPANY, et al.

(Pilgrim Nuclear Generating
Station, Unit No. 2)

2325 001

Place - Plymouth, Massachusetts
Date - May 24, 1979

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

: In the matter of: :
: : :
BOSTON EDISON COMPANY, et al. : Docket No. 50-471
: : :
(Pilgrim Nuclear Generating : :
: : :
Station, Unit No. 2) : :
: : :

Plymouth Memorial Hall
Plymouth, Massachusetts.
Thursday, May 25, 1979

The hearing in the above-entitled matter was reconvened, pursuant to adjournment, at 1:10 p.m.

BEFORE:

- EDWARD LUTON, Chairman.
- DR. RICHARD F. COLE, Member.
- DR. DIXON CALLIHAN, Member.

APPEARANCES:

- GEORGE H. LEWALD, Esq., Ropes and Gray, 225 Franklin Street, Boston, Massachusetts; and
- DALE G. STOODLEY, Esq., Boston Edison Company, Legal Department, 800 Boylston Street, Boston, Massachusetts; on behalf of the Applicant

- HENRY HERRMANN, Esq., 151 Tremont Street, 27K, Boston, Massachusetts; on behalf of the Massachusetts Wildlife Federation, Intervenor.

- WILLIAM S. ABBOTT, Esq.; on behalf of Alan R. Cleaton and Miriam Cleaton, Intervenor.

1 APPEARANCES:

2 MICHEL B. MEYER, LAURIE BURT, and FRANCIS WRIGHT,
3 Esqs., Assistant Attorneys General, Statehouse,
4 Boston, Massachusetts; on behalf of the
5 Commonwealth of Massachusetts, Intervenor.

6 BARRY SMITH and MARCIA MULKEY, Esqs., Office of
7 the Executive Legal Director, Nuclear Regulatory
8 Commission, Washington, D.C.; on behalf of the
9 Nuclear Regulatory Commission staff.

10 - - -

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P R O C E E D I N G S

2 CHAIRMAN LUTON: Good afternoon ladies and
3 gentlemen. My name is Edward Luton. With me on my left are
4 Dr. Richard Cole, and on my right is Dr. Dixon Callihan.
5 Together we constitute the Licensing Board for this construction
6 permit proceeding.

7 Let us have the parties or their representatives
8 introduce themselves at this time, beginning first with the
9 Applicants.

10 MR. LEWALD: Yes, Mr. Chairman.

11 My name is George Lewald, and my address is Ropes
12 and Gray, 325 Franklin Street, Boston, Massachusetts.

13 And on my right is Dale G. Stoddley of 800 Boylston
14 Street, from Boston Edison law department.

15 And together, we represent the Applicants in this
16 proceeding.

17 CHAIRMAN LUTON: Thank you.

18 Intervenor?

19 MR. ABBOTT: My name is William Abbott. I am an
20 attorney and I represent Mr. Alan and Marian Cleeton,
21 Intervenor.

22 CHAIRMAN LUTON: Thank you.

23 Regulatory Staff?

24 MR. MEYER: My name is Michael B. Meyer, Assistant
25 Attorney General. With me is Laurie Burt and Francis Wright,

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mm2 1 Assistant Attorney Generals. Our address is 1 Ashburton
2 Place, Boston, Massachusetts, and we represent the Commonwealth
3 of Massachusetts.

4 CHAIRMAN LUTON: Thank you, Mr. Meyer.

5 Regulatory Staff?

6 MR. SMITH: My name is Barry Smith. I am with the
7 Nuclear Regulatory Commission.

8 My cocounsel is Marcial Mulkey on my left.

9 To my right are the two project managers for this
10 case; Mr. Dino Scaletti, Environmental Project Manager and
11 Mr. Emanuel Licitra, the Safety Project Manager.

12 CHAIRMAN LUTON: Thank you, Mr. SMITH.

13 Much hearing has already been held in this case,
14 but of course, some things remain to be considered. I have a
15 list which I would like to read for purposes of having the
16 parties compare it with any list that they might be keeping of
17 things that remain to be done in the case.

18 The issues that I have are:

19 First, the radon question; the question of the
20 financial qualifications of the applicants; the matter of
21 alternative sites; the question of need-for-power; an issue
22 concerning emergency planning which is a subject of pending
23 motion by the Commonwealth of Massachusetts; a paper designated
24 "Interrogatories" received from the Interveners, Cloetons; and
25 then there is a matter of Board inquiries, if any, as to

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1 certain generic safety items; and finally, we will need to
2 give some consideration to the scheduling of future activities
3 in this case.

4 Are there any matters that I have left out, or
5 things that I have included in my list which the parties
6 feel should not be included in any list?

7 MS. BURT: Mr. Luton, I believe there are two
8 issues that are outstanding, that are the subject of the
9 contentions of the Commonwealth that need to be identified,
10 that are outstanding because of ongoing staff review.

11 Those involve the issues of theft and sabotage,
12 and the emergency core cooling system. Both of those subjects
13 were addressed in letters received in January, March and in
14 April of this year from NRC counsel Barry Smith, saying that
15 the Staff was reviewing new information in connection with
16 these contentions, and he has not yet reported whether or not
17 their position is altered.

18 CHAIRMAN LUTON: I see. The Staff has yet to
19 take a position with respect to those items while the
20 Commonwealth has contentions pending concerning each of them.

21 MS. BURT: Yes.

22 One of those issues has been subject already to
23 proposed findings and conclusions. However, the Commonwealth
24 reserves the right to cross-examine on these new
25 submissions, and also any other position that the Staff may have.

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1 CHAIRMAN LUTON: All right. Thank you.

2 I am aware of one additional item. The Office of
3 the Governor for the State of Massachusetts has indicated a
4 desire to participate in this case as an interested state
5 in accordance with the rules of practice which permits that.

6 The petition, I understand, was mailed to the
7 Board and parties yesterday and delivered to them today just
8 a short time ago. The Board has not yet had an opportunity
9 to review it, and I assume that the same is true of the
10 parties.

11 The parties may, indeed, if they think they will
12 need time to examine the filing, take that time and be prepared
13 to state their positions concerning it at a later time,
14 hopefully sometime today.

15 On the other hand, if the parties feel that they
16 are prepared to state their position with respect to participa-
17 tion by the Governor of the State of Massachusetts in this
18 proceeding, they may do so.

19 Are the parties able to address the question?

20 MR. SMITH: Mr. Chairman, Staff hasn't received --

21 CHAIRMAN LUTON: You have not?

22 I asked that they be served on all the parties
23 by Mr. Kinney.

24 MR. KINNEY: If I could introduce myself at
25 this time, my name is Patrick J. Kinney. I am the general

mm5 1 counsel of the Massachusetts Governor's Office on Energy
2 Resources, which is a branch of the Office of the Governor.

3 We have tendered a petition to joint these proceedings
4 as an interested state under section 2.713(c) of the NRC
5 rules.

6 I have here a number of extra copies that I can
7 hand out to the parties that have not received them yet. They
8 were served by mail on all the parties yesterday.

9 (Distributing document.)

10 MR. ABBOTT: Mr. Chairman?

11 CHAIRMAN LUTON: Yes, sir?

12 MR. ABBOTT: Mr. Chairman, I received this petition
13 about two hours ago.

14 We are opposed to it. We would be happy to make
15 oral argument in opposition to it at whatever time the
16 Chairman designates.

17 CHAIRMAN LUTON: You are opposed to the admission
18 of the Governor's Office?

19 MR. ABBOTT: Yes.

20 CHAIRMAN LUTON: All right, thank you.

21 MR. MEYER: Mr. Chairman?

22 CHAIRMAN LUTON: Yes?

23 MR. MEYER: I represent the Commonwealth. The
24 Commonwealth of Massachusetts does not oppose this motion, we
25 have no objection to it whatsoever.

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I would like to, for the record, resolve two matters though that appear to be of some confusion.

First, Mr. Kinney indicated orally that the petition was on behalf -- as an interested state.

The petition, on page 1, says "interested state agency," and it is an interested state agency that we do not oppose this matter.

Second, on the second page of the petition, the petition states that -- on the bottom paragraph -- "in May, 1974, the Department of the Attorney General intervened as a party to this proceeding."

In fact, the Department of the Attorney General intervened representing the Commonwealth and the Commonwealth of Massachusetts is the party represented by the Attorney General.

With those two corrections, we have no opposition whatsoever to the petition.

CHAIRMAN LUTON: I see.

Mr. Kinney, is it correct then that we should view your petition as one for participation by an interested agency of the state as opposed to the Commonwealth in its sovereign capacity?

MR. KINNEY: Yes.

We are not taking any position as to the propriety of the Attorney General representing the Commonwealth as such.

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The petition of the Attorney General was

entered about five years ago and allowed after argument of the parties at that time. We don't think it proper to raise issues that have been settled that long in the past. However, we would not like our failure to raise that issue be precedent against us in the future.

The arguments in favor of our --

CHAIRMAN LUTON: Let us get the position of the other parties right now, to the extent they are able to state them, and then we will hear from you, Mr. Kinney.

Is the Staff able to respond yet?

MR. SMITH: Mr. Chairman, as I said I just received this and I would like time to review it.

I think that we can say it is the policy of the NRC to have the states involved in our proceedings.

Can I make a couple of statements regarding prior statements made by other parties?

CHAIRMAN LUTON: Concerning this issue?

MR. SMITH: Pardon?

CHAIRMAN LUTON: Concerning this question now before us?

MR. SMITH: No, concerning outstanding issues.

CHAIRMAN LUTON: Not yet.

Mr. Lewald, are you able to respond yet, or do you need some additional time?

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MR. LEWALD: Yes, Mr. Chairman.

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The Applicant would have no objection to the appearance of the Governor of Massachusetts Office of Energy Resources in the capacity sought in this proceeding.

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CHAIRMAN LUTON: All right.

Mr. Smith, I don't know how much time you are going to need, but I have a feeling that this is a matter that we can take care of dealing with it now.

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Mr. Kinney has indicated that he would like to say some more about it, and I want to give him an opportunity to do that. And also, I would like to hear from Mr. Abbott concerning his position with respect to this.

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And I just wonder if while that is going on, you could not complete your review, and we could dispose of this as we go along.

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MR. SMITH: Of course, sir.

CHAIRMAN LUTON: All right. We will hear from Mr. Kinney, the arguments in support of petition, after which we will hear from Mr. Abbott in opposition.

Mr. Kinney?

MR. KINNEY: The case citations in support of our petition are contained in the text of the petition itself.

I think it is clear that there is precedent for allowing late-filed petitions of participants, provided that it does not unduly delay the proceedings.

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mm9 1 In this proceeding, our appearance will be limited
2 solely to the so-called need-for-power issue, which is an
3 issue that has been reopened and is now before the Board.

4 CHAIRMAN LUTON: I'm sorry, do you say that that
5 is the extent of your interest in the proceeding?

6 MR. KINNEY: Yes. The so-called need-for-power
7 issue. That is an issue that has been reopened before this
8 Board and is now pending.

9 We would await the pleasure of the Board to
10 participate in scheduling the witnesses. We, at this time,
11 would intend to have one witness, and again we would like to
12 participate in the timing of presentation of witnesses. We
13 do not anticipate that we would cause any delay.

14 Secondly, as to the text of the regulation that we
15 are going under, Section 715(c), this allows interested
16 state agencies to participate. That regulation was recently
17 liberalized in 1978 to provide not only that a state may
18 participate as an interested party, but also that state
19 agencies -- plural -- may participate.

20 We recognize that the Office of the Attorney
21 General representing the Commonwealth, has participated.
22 Their interests are primarily those in protecting the
23 environment and the reduction of utility rates.

24 We recognize and share those interests, but we
25 also need, we believe, to emphasize the issues of reliability

imm10 1 and need for power, which are not identical to those of
2 the environmental protection and rate protection.

3 So for those reasons we believe that our petition
4 should be granted, and there is ample precedent for doing so.

5 Indeed, as cited in our petition, there are
6 cases where more than one agency has been allowed.

7 The nature of our participation here is not that of
8 a full party who must state his contentions prior to the allow-
9 ance of his appearance. We, as a state agency, have a role
10 under rule 715(c) to advise the Commission, without stating a
11 detailed set of contentions prior to our appearance. And
12 I believe that was sufficient.

13 CHAIRMAN LUTON: You stated that you were prepared
14 to present a witness.

15 Presumably that would be done only if you do have
16 a position of some sort. So I take it that you will take a
17 position on the issues, on this particular issue.

18 Isn't that so?

19 MR. KINNEY: The position that we will take on
20 the need-for-power issue is that we believe there will be a
21 need for the addition of major baseload generation capacity
22 by Boston Edison Company and the other Applicants in the late
23 '80s.

24 CHAIRMAN LUTON: Okay. I don't need to understand
25 that position in detail. My interest right now is just in

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1 ascertaining whether or not the Commonwealth would be taking
2 a position.

3 The reason for that is a procedural one. In some
4 instances in the past when states or state agencies have
5 entered cases without taking any position on issues, it has
6 caused some difficulty in controlling the proceeding and in
7 running it with dispatch.

8 And I believe our Appeal Board rendered a position
9 sometime ago which permits us to require, to some extent anyway,
10 the state to formulate in some fashion, the matters that it
11 is interested in pursuing.

12 If you are prepared to do that, then there will be
13 no difficulty on that account.

14 Thank you. I just wanted to satisfy myself of
15 that.

16 Are you through?

17 MR. KINNEY: Yes, sir.

18 CHAIRMAN LUTON: All right.

19 Mr. Abbott?

20 MR. ABBOTT: Mr. Chairman, I would like to say at
21 the outset that since we have only been served with this for
22 two hours, that we would reserve the right to file an
23 answer to this petition within five days as the rule 2714
24 provide.

25 But I am prepared to make oral argument now on

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1 the essence of our opposition.

2 CHAIRMAN LUTON: Okay.

3 Would you rather have us then delay a decision
4 on this question and await your response, your written
5 response?

6 MR. ABBOTT: Yes, we would, sir, because several
7 cases have been cited by the Intervenors seeking to gain
8 status as an intervenor, all of which should be checked. We
9 may well present cases of our own. In the last two hours we
10 were unable to do that legal research.

11 However, I would like to comment maybe for five
12 minutes on the petition now, or I could wait.

13 CHAIRMAN LUTON: All right. I would be interested
14 in hearing the nature of your opposition to it.

15 MR. ABBOTT: First, Mr. Chairman, I would like to
16 point out basic inconsistencies in the petition itself.

17 On the one hand counsel in the petition states that
18 they are only going to address the issue of need for power. I
19 refer to the last sentence of the first paragraph in which
20 that is specifically stated.

21 But when we look at the affidavit of
22 Mr. Fitzpatrick which is attached and included as part of
23 the petition, we see that Mr. Fitzpatrick's purported offer
24 of issues is much broader than that.

25 It says they will offer views in certain

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1 nonsafety issues involving the construction of the Pilgrim
2 Unit 2 facility; participation of MOER; they talk about certain
3 discrete issues involved in the application by Boston Edison
4 Company.

5 So the affidavit is far broader than the statement
6 of counsel as to what specific issue is being addressed.

7 Let us assume for a minute that it is only going
8 to be need for power; the only excuse we have for this late
9 filing which I should -- as we know is some four years too
10 late -- actually five years too late -- since the deadline for
11 filing intervention applications expired in February 1974.

12 The only excuse for this late filing is the fact
13 that this is a new organization formed last month.

14 We have in front of us an executive order of the
15 Governor saying in fact the Office of Energy Resources has
16 just been formed.

17 Mr. Chairman, as we will show in our written
18 response, this is really a sham. This is an organization that
19 has been in existence for several months, in fact years. All
20 that happened last month was a name change. The directors
21 stayed the same. In fact, the executive order shows that it
22 really succeeded to the duties and responsibilities of the
23 Office of Energy. So, it is the same agency with only a
24 change of name.

25 I would like to also point out, Mr. Chairman, that

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1 there has been no compliance with any of the requirements of
2 Section 2.714 on late filings of intervention petitions. A
3 non-timely filing should not be entertained absent a
4 determination that the petitioner has made a substantial
5 showing of good cause for failure to file on time.

6 Here is a petition filed five years too late; no
7 showing of cause whatsoever. In fact, he is seeking to come in
8 to be heard on the issue of need for power which has been
9 outstanding in this proceeding since the very outset. In
10 fact, raised by the Commonwealth of Massachusetts five years
11 ago.

12 If they had a policy change in the Governor's
13 office within the past year, year and a half, that doesn't
14 mean the same agency can then come in and intervene in a
15 late filing, such as being attempted here today.

16 We have no objection to this agency making a
17 limited appearance as anybody in this room can make at the
18 special designated time.

19 But I do object, Mr. Chairman, to a double standard.

20 Five years ago I represented an organization which
21 was incorporated some five months -- four or five months --
22 after the filing deadline.

23 We sought to intervene by saying we were brand new
24 organization, incorporated with several hundred members to
25 express a particular point of view, a point of view which

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mm15 1 nobody else in the proceeding was expressing.

2 It was held at that time that that organization
3 could not intervene. In fact, we appealed it through this
4 Board up through the Appeals Board and the same decision came
5 down. I am going to quote from parts of it when I file a
6 written response next week.

7 But a single standard, single set of rules should
8 apply to this proceeding, and it would be outrageous to allow
9 an agency to come in now with a late filing with no showing of
10 good cause for not making it on time, when five years ago
11 it was held too late for an organization that was newly
12 created.

13 So, Mr. Chairman, we feel that this petition should
14 not be granted. The Commonwealth should speak with one voice.
15 We have the Commonwealth of Massachusetts, they have been
16 represented here from the outset, and that is the Commonwealth.

17 Need for power was their issue. It would
18 unnecessarily delay things to have another agency at this
19 point, make the same issue.

20 CHAIRMAN LUTON: All right.

21 (Applause.)

22 I'm not prepared to try to dispose of this petition
23 on the basis of oral arguments by the parties, particularly in
24 light of the points that have been raised. And in view of the
25 fact that there is an expressed desire to submit a writing

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1 a writing concerning the matter which is indeed the usual
2 case.

3 The motion -- the request presented in writing,
4 the parties are in fact entitled to a period of time under the
5 rules to respond. Consequently, we will ask that the parties
6 respond in writing to this petition in due course, that is,
7 in the time that is given them under the rules.

8 So, Mr. Smith, we will not need to hear from you at
9 this time on this question unless you want to, of course.

10 MR. SMITH: I think I would like to.

11 I have reviewed it, and would like to make a
12 statement.

13 CHAIRMAN LUTON: All right, you may.

14 MR. SMITH: Reviewing NRC regulation 2.714 on
15 grounds for late filing of petitions and 2.715 regarding
16 interests of states, I think that the petitioner has met the
17 requirements so long as they are ready to file testimony if
18 the Board allows a need for power along with all the other
19 parties, and there is no delay in the proceeding.

20 And I think the NRC recognizes by the rules that
21 the agencies of the state, or the state itself has a special
22 status above other parties, and that is why we don't oppose
23 this late intervention.

24 CHAIRMAN LUTON: Mr. Kinney, just let me be clear.

25 It has been said that there were some things

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1 appearing in the affidavit attached to the petition which
2 go beyond the need-for-power question of the state and it
3 causes me to ask the question, is it still correct that the
4 state agency proposes to participate only with respect to
5 the need-for-power issue?

6 MR. KINNEY: Yes.

7 The petition itself states that it will restrict
8 to the need-for-power issue.

9 The affidavit may have referred generally to issues
10 in the plural. Need for power can be divided into several
11 different subcategories. I think that might be --

12 CHAIRMAN LUTON: Okay.

13 But for now we should understand that the sole
14 interest that you intend to press is that of need for power --
15 in whatever aspect it is need for power?

16 That is your concern?

17 MR. KINNEY: Yes.

18 CHAIRMAN LUTON: All right.

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(The Board conferring.)

CHAIRMAN LUTON: All right. Pardon the delay here.
It was necessary for us to consult.

Well, as I stated, we will handle the matter of the participation by the State agency by way of written responses to the petition that has been filed.

Yes, sir?

MR. HERRMANN: Mr. Chairman, my name is Henry Herrmann. I represent the Massachusetts Wildlife Federation intervening in these proceedings. I have the following question:

Aside from the question of the standing of the Intervenor at this late date and the state agency, what will be the standing of the other participants, that is the recognized intervenors, to plead affirmatively to new issues raised by such a petition, either by way of direct evidence or by amending their own contentions as already admitted by the Board?

CHAIRMAN LUTON: Mr. Herrmann, I hope I didn't miss you when I asked the parties to introduce themselves. If I did, I apologize.

MR. HERRMANN: No, Mr. Chairman. I apologize, I was delayed in getting here.

CHAIRMAN LUTON: Okay.

The question I believe is what will be the position

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1 or what will be the ability of the other parties to examine
2 the witnesses or treat of an issue that might be raised by
3 a new party at this late date, is essentially the question, I
4 think.

5 MR. HERRMANN: Yes, sir.

6 CHAIRMAN LUTON: All parties would have full
7 participational rights with respect to the question, that is
8 the right to cross-examine any witnesses that a new party
9 might put on, an opportunity to respond to any papers that
10 might be filed in that regard. It would not, in my view,
11 constitute an occasion for new contentions by other parties
12 simply because that contention happened to now get into the
13 case.

14 I say that's so because the opportunity to state
15 new contentions has always existed assuming that the parties
16 were able to meet those requirements that are set out for the
17 submission of new contentions. And it doesn't in any way
18 depend upon the fact that a new party comes into the case with
19 a contention.

20 Other than that, I don't know how else to respond
21 to that. If you have something particular in mind, perhaps
22 I could give some more answer. But I think that view of the
23 matter is about right.

24 MR. HERRMANN: Well, particularly what I had in
25 mind, Mr. Chairman, was if this petition is acted on favorably,

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1 I imagine there will be new evidence introduced in the case,
2 and it will be evidence that has not yet been submitted
3 either in written form or heard orally by the Board.

4 CHAIRMAN LUTON: Oh, the evidence would have to be
5 submitted just as evidence on other issues is submitted, namely
6 in writing five days in advance of that session at which the
7 evidence is to be heard before the Board. It is to be given
8 to the Board and the parties before it is heard.

9 MR. HERRMANN: Well, it is clearly, then, going
10 to be evidence we, the participants, have not seen as yet.

11 CHAIRMAN LUTON: Yes.

12 MR. HERRMANN: Will that new evidence engender,
13 A, the ability not only to cross-examine by parties not to
14 that contention, which is the general doctrine anyway, to
15 amend their participatory pleadings, that is their contentions,
16 if they feel that the new evidence raises items of interest
17 which they want to address also? Is this going to open the
18 door affirmatively?

19 CHAIRMAN LUTON: Simply to respond to that, I
20 don't think that it will. But I'm not going to try to pre-
21 judge it with any kind of certainty. I don't think that it
22 will because the formulation and submission of a new conten-
23 tion does not really depend on the assertion of a new conten-
24 tion by somebody else in the case. And instead it's good
25 cause for lateness and the significance of the matter that's

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1 raised and some other things which I am unable to state at the
2 time.

3 But anyway, there is a possibility that we may
4 have that problem. I won't try to say now that we will or we
5 won't. I would say that we should await happenings here and
6 deal with matters as they arise.

7 Mr. Smith, you indicated that you had a couple of
8 matters to add to our list of things remaining.

9 MR. LEWALD: Mr. Chairman, before we leave the
10 subject at hand, is it my understanding that all parties are
11 going to respond in some fashion to this petition within five
12 days of today? I think that was what Mr. Abbott's request was.

13 And we would answer to that by stipulation to that
14 effect.

15 CHAIRMAN LUTON: I'm asking that the parties
16 respond to this petition within five days in writing, yes.

17 MR. LEWALD: Thank you.

18 CHAIRMAN LUTON: Mr. Smith?

19 MR. SMITH: On that point, Mr. Chairman, it might
20 be difficult since we're going to be in hearing to prepare the
21 cases.

22 CHAIRMAN LUTON: Yes, indeed it will.

23 Let's not take up hearing time with this. I'm
24 sure this is a matter that the parties can discuss among
25 themselves and arrive at a date by which the submissions will

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1 be made.

2 Will the parties do that so that we don't take
3 time here? I don't think it's necessary.

4 MR. SMITH: On the issues of -- on the outstand-
5 ing issues, I just wanted you to clarify one point:

6 The Commonwealth I believe stated there is a
7 contention by the Commonwealth on the emergency core cooling
8 system. I'm not aware of such a contention. But we will file
9 with the Board the Staff's analysis of the problems described.
10 And we will be filing testimony on the issue of transporta-
11 tion of spent fuel, which is a contention in this case.

12 Also the Staff is contemplating filing supple-
13 mental testimony on the Appendix I. And there also are
14 several Board notifications in addition to the one on the
15 emergency core cooling system. In some of those the Staff
16 was able to supply an answer to the Board. A number of them
17 we said we would get back to you on.

18 The Staff would hope to have an answer to each
19 one of those Board notifications prior to the closing of this
20 hearing, whenever that would be.

21 CHAIRMAN LUTON: All right.

22 MR. HERRMANN: Mr. Chairman.

23 CHAIRMAN LUTON: Yes.

24 MR. HERRMANN: I'm very surprised to hear about
25 the Regulatory Staff's intention to amend the record by putting

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1 in Appendix I testimony. It had been my understanding --
2 perhaps it's wrong -- that the Appendix I phase of this pro-
3 ceeding had ended almost two years ago, that it was consider-
4 ed environmental, and that that phase of the hearing had been,
5 if not officially bifurcated, at least by some kind of con-
6 sensus it had been closed.

7 Now if it is going to be reopened, I think we
8 should have some ground rules, because it is central to my
9 client's one remaining contention, when this evidence will
10 be presented, what its general nature is going to be.

11 I don't think an Intervenor should be forced to
12 respond to evidence we don't even know the nature of yet in
13 the normal time span provided by the rules, which I would
14 point out the Chairman has the right to modify.

15 This is kind of a last minute surprise, mystery
16 evidence, and we should set some ground rules for giving us
17 the chance to, A, respond in a timely fashion, but not in
18 such a fashion that we're going to be out of court because
19 we have to rely on pro bono experts from one day to the next,
20 and secondly, I think we should lay some ground rules for a
21 reasonable time span between the submission of such written
22 evidence and our opportunity to cross-examine on it.

23 CHAIRMAN LUTON: Two things:

24 I don't understand that either Massachusetts
25 Wildlife Federation or anyone else at this time is being asked

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1 to respond to any new evidence produced by the Staff concern-
2 ing Appendix I. As I understand it, that is something that
3 is under Staff review and something which is to be produced
4 at a later time, at some time which hasn't been stated here
5 yet.

6 Is that right?

7 MS. MULKEY: Mr. Chairman, if I may speak briefly
8 to this point.

9 There are several things which Mr. Herrmann said
10 which might need to be clarified. One is that perhaps he did
11 not understand me to do so, but I did tell him by telephone
12 that we are contemplating supplementing the record on this
13 issue. And in fact we are contemplating it rather than having
14 decided to do so because the personnel involved are tied up
15 in other matters.

16 CHAIRMAN LUTON: In either event, it's not being
17 done now. Consequently there is nothing that Massachusetts
18 Wildlife Federation is under any pressure to respond to in
19 that regard.

20 MS. MULKEY: I think it also should be noted that
21 this is in fact -- it has not been treated as one of the
22 environmental issues, that is to say one of those issues that
23 has to be completed prior to any possible issuance of a
24 limited work authorization. And that too is a statement which
25 Mr. Herrmann seems to not have the same understanding as the

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1 Staff.

2 CHAIRMAN LUTON: All right.

3 With respect to the request for ground rules
4 concerning some period of time in which to review evidence
5 before having to be prepared to cross-examine on it, there
6 will be that time. Again, the rule applies to all evidence,
7 the submissions, unless we for some particular reason change
8 them.

9 The evidence will have to be submitted five days,
10 at least five days before the session of the hearing at which
11 it's going to be offered. And the chances are, the way that
12 this case has proceeded, you'll have considerably more time
13 than that in order to get yourself ready to cross-examine on
14 any new evidence. At the worst you would have five days
15 before any hearing session to prepare yourself on any evi-
16 dentiary submission.

17 MR. HERRMANN: Well, Mr. Chairman, I don't want to
18 delay the case, but to my client five days is meaningless when
19 we're dealing with extremely technical evidence of this sort.

20 CHAIRMAN LUTON: You mean it isn't enough time.

21 MR. HERRMANN: We may as well give up. Five days
22 is a meaningless time even under these circumstances.

23 CHAIRMAN LUTON: All right.

24 Insofar as your own purposes are concerned, and
25 the problems that you have, only you would know how much time

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1 you would need in order to prepare yourself. The thing to do
2 in that case is simply send us a motion requesting an exten-
3 sion of time in which to respond. We're quite liberal about
4 granting them.

5 We want a full evidentiary presentation. We're
6 not interested in hampering anybody by not giving them
7 enough time to be effective in the hearing.

8 I am going to get to the matter of limited
9 appearances shortly. I would ask the people who are here
10 who would like to make limited appearances to bear with me
11 for just a little bit while we try to get the evidentiary
12 phase of the case in clear focus.

13 I next wanted to announce some Board rulings on
14 a few matters. The parties no doubt are wondering about some
15 of them anyway.

16 First is the Commonwealth motion with respect to
17 emergency planning. That is a motion that this Board has
18 determined to grant. And I note in the Staff's responsive
19 pleading that it supported the motion, and additionally it
20 felt that the two contentions that are proposed by the
21 Commonwealth really constitute a single one, and they request
22 that the parties be given some additional time to attempt to
23 formulate a single acceptably worded contention on this
24 issue.

25 They want some time, and they can have some more

mpbl0 1 if they need to. But if they've got something formulated, we
2 would like to hear it now.

3 Is anything happening in that regard?

4 MR. WRIGHT: Nothing yet, sir. We will get
5 together, however.

6 CHAIRMAN LUTON: All right. Fine.

7 MR. ABBOTT: Mr. Chairman, I filed a motion-- You
8 may not have received it -- Monday of this week on this same
9 point of emergency planning simply asking that this issue
10 also be considered to be that of the Cleeton's because they
11 raised it initially five years ago. We would like to be heard
12 on that contention as well.

13 CHAIRMAN LUTON: All right.

14 Let us receive that motion and we will respond
15 to it in due course.

16 Mr. Abbott, it may be useful for you to join the
17 discussions that apparently have yet to take place between the
18 Staff and the Commonwealth attorney on this issue. It just
19 may be that we'll come out of it with some agreement on just
20 how the issue ought to be stated.

21 We have a motion from the Regulatory Staff to fix
22 the date of June 8 as the last date for the filing of
23 testimony on the need for power issue. We recently received
24 a motion from the Commonwealth of Massachusetts on this same
25 point with the Commonwealth asking that the date for the filing

mpbli 1 of that testimony be set at June 29, I believe.

2 We grant the Commonwealth's motion to set the date
3 at June 29, the last date for the filing of testimony on the
4 need for power issue.

5 This is for reasons that are internal to the Board.
6 We're not yet able to state with a reasonably degree of certain-
7 ty just when the next evidentiary session in this case is going
8 to be held. Consequently the date for the filing of this
9 testimony might as well be set certainly for present purposes
10 at a time that's going to be most convenient for all the
11 parties.

12 Incidentally, it is my hope and my expectation
13 that before this session of the hearing is concluded, I will
14 be able to speak with more certainty about just when we'll be
15 able to get together again for future sessions.

16 On the radon question, we adopt the findings made
17 in the Perkins proceeding regarding radon emissions' resultant
18 health effects. These findings will be utilized by us in
19 striking the cost-benefit balance in this case.

20 Some long time ago we received a paper designated
21 Interrogatories of Intervenor's Cleotons, and it had to do with
22 Table S-3 and the radon values that were stated there. It
23 was directed to the licensing Board and several questions were
24 asked about a rulemaking proceeding which apparently was then
25 believed was currently underway and which was concerned with

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1 developing a new value for radon.

2 The Staff's responsive pleading indicates that no
3 such proceeding is underway. And I'm not aware that any such
4 proceeding is underway. And even if one were underway, I
5 have my doubts about whether this Licensing Board would respond
6 -- would be the proper party to respond to those interrogator-
7 ies.

8 It appears to me that there is nothing that we can
9 or should even try to do with respect to those interrogatories
10 at this time other than dismiss them. And there are hereby
11 dismissed.

12 The Regulatory Staff has addressed certain generic
13 safety items in Supplement 4 of its Safety Evaluation Report.
14 By virtue of an appellate decision, the Board has an oppor-
15 tunity to ask any questions that it might have concerning the
16 Staff's progress with respect to its review and consideration
17 of those generic items.

18 Mr. Smith, I think that the Supplement 4 present-
19 ly tells us as of the time it was published just what the
20 Staff's concerns are and what the Staff anticipates doing
21 about those things. And the only matters that we have -- the
22 only matter, I should say, that we have in that regard is
23 simply a question of whether there is any updating to what
24 is presented already in the SER with respect to generic safety
25 items.

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2 MR. SMITH: Mr. Chairman, the best for now is there
3 is no updating. But we will attempt to contact people in
4 Bethesda and find out.

5 CHAIRMAN LUTON: All right.

6 Let me ask the Applicant about its position there
7 as well.

8 MR. LEWALD: Well, these were generic items that
9 we had assumed that the Staff was responding to. And we had
10 at this point in time paid no independent response, or
11 intended no independent response other than the Staff's, the
12 anticipated Staff's response.

13 We're a little up in the air, I guess, as to what
14 the Chairman means by "updating". And I think we're a little
15 up in the air about this proceeding, the way it's now evolving,
16 without any particular dates and the general review of what
17 we have without any apparent attempt to schedule or put on at
18 some future date some determination of the outstanding matters,
19 and to have a generic review list which we thought was simply
20 a matter of just supplementing the existing record is now
21 turning into a number of contested issues. I guess that leaves
22 us somewhat surprised.

23 CHAIRMAN LUTON: I must say, I don't see that the
24 generic items are turning into that at all.

25 We just wonder if the Staff has anything in
addition to what it's already stated in the SER. The Staff

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1 has said they don't know and they're going to find out.

2 MR. LEWALD: If this is a question do we have
3 anything to add to that, I guess my response would be no, sir.

4 CHAIRMAN LUTON: Okay.

5 And I guess, Mr. Lewald, I wasn't terribly clear
6 about "updating", but that's what I meant, just is there
7 anything more recent than the things as they are stated in the
8 Supplement 4 to the SER. And the Staff is going to find out
9 about that.

10 MS. BURT: Mr. Chairman, just very briefly on the
11 issues of the generic issues, I had spoken with Mr. Smith and
12 there were two matters that were the subject of the memorandum
13 having to do with the risk assessment of the Rasmussen Report.

14 There were two subjects which were identified as
15 requiring clarification of the reliance on WASE-1400, the
16 Rasmussen Report. Those are the anticipated transients without
17 scram and the adequacy of offsite DC power.

18 With respect to both of those issues, I have asked
19 Mr. Smith for further clarification than the Seetro affidavit
20 which we received about a month ago. And I am also prepared
21 to give him a list of generic issues which may or may not
22 have -- require some updating in light of the Three Mile Island
23 task force organized by the Staff. And I will serve those
24 items tomorrow.

25 CHAIRMAN LUTON: All right.

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2 MR. HERRMANN: Mr. Chairman, to return again to the
3 Appendix I issue, if that isn't generic I don't know what is.
4 And I would like some clarification, if the Board agrees on
5 this point, from the Staff as to what is being contemplated,
6 a generic update on general data or site specific evidence
7 relating to this application and this proposed facility.

8 I am again a little surprised to hear that -- quote
9 -- Appendix I, additional Appendix I evidence is -- quote --
10 "being contemplated". I think this is not the time for
11 contemplation, almost four or five years after the record
12 was opened.

13 I think the Intervenors have a right to begin
14 locking in on the record and preparing closing arguments,
15 preparing requests for findings of fact and conclusions of
16 law.

17 Now of course, one can always move to supplement
18 the record, but I do think we should have some kind of
19 restriction on this vague open-ended statement that we "may"
20 -- quote -- or "not" -- quote -- contemplate to add additional
21 Appendix I data. I'd like to know what kind of data is it.
22 Is it generic, or is it site specific, and roughly when, and
23 what will be its scope.

24 Otherwise, for once I find myself aligned, and
25 willingly, with Mr. Lewald. I share his discomforture of
this rather open-ended time frame.

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CHAIRMAN LUTON: Yes.

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Surely neither you nor Mr. Lewald suggests that The Board ought to limit the Staff's review of this application in any way. I hope not. Because I'm satisfied it is not something that we're going to do, and it's not really something that we can do.

The Staff has any kind of responsibilities given to it by statute to thoroughly review an application. Your arguments can be presented at the time the Staff makes its move to do something, but until that's done we're in no position to tell the Staff that it ought not contemplate the submission of Appendix I evidence at some later time. I will not do that.

Unhappily, perhaps, it does make for the possibility of open-endedness. But there is really nothing we can do about that.

It was recently pointed out to me, and it's a very good point, that we would be remiss in our duties if new evidence came up, covered by the Staff, or appeared to be significant, and we failed to consider it. We're not going to do that.

But at this time -- Well, let me say it would appear to the Board that given these positions that we have announced with respect to certain pending matters at this session of the evidentiary hearing would be devoted to the

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mpbl7 1 questions of financial qualifications of the Applicant and the
2 matter of alternative sites.

3 How does that accord with the parties' own view
4 of how we will spend our time over these next several days?

5 MR. WRIGHT: Mr. Chairman, there is one thing.
6 Perhaps it's a matter of clarification as to the Board conten-
7 tions.

8 One aspect of the alternative sites issue involves
9 the so-called Class 9 accident analysis. The present consid-
10 eration of the Three Mile Island incident may touch upon
11 Class 9 accident analysis. And I know that the NRC is meet-
12 ing today down in Washington to try to figure out what should
13 be done with pending hearings that involve issues that may be
14 affected by the study of Three Mile Island. And I'm wonder-
15 ing what the Board's intention is at this point as to this
16 aspect of the case.

17 CHAIRMAN LUTON: If I understand you correctly,
18 it's your understanding that the Commission is meeting now
19 and considering perhaps among other things, but at least
20 considering things that might affect the treatment that the
21 agency gives to the question of alternative sites.

22 MR. WRIGHT: Well, to the extent that any of the
23 pending matters before the boards throughout the country might
24 be affected by the entire Three Mile Island study. We're
25 confused at this point as to what direction the NRC is taking.

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1 We only know at this point what we read in the papers. and
2 there is indication at the very least that construction
3 permits aren't going to be issued for a while.

4 There was also the suggestion that hearings might
5 be suspended as a very extreme resolution of the problem.
6 There is an interim position perhaps that would go something
7 like this:

8 If a hearing found itself involved with matters
9 that Three Mile Island might affect, then that aspect of the
10 hearing might be -- the individual board in that case might
11 consider suspension as to that matter.

12 I just don't know at this point what the NRC's
13 intention is, if there is going to be some kind of policy.
14 And I'm wondering if the Board itself has considered the
15 matter. We are confused.

16 CHAIRMAN LUTON: Surely.

17 We're not unaware of Three Mile Island, that's for
18 sure, and all that it has wrought. And we're aware of the
19 fact that the Commission may indeed take some actions as a
20 result of Three Mile Island which will affect many pending
21 cases.

22 At the same time, I think we all agree that we
23 have to go ahead with events. Nothing will be foreclosed by
24 going ahead now. If the Commission should determine that
25 we need to go back and do it over again or do it a different

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mpbl9 1 way, we'll simply do that.

2 But I don't think that the possibility that
3 something will be decided by the Commission which may affect
4 matters that we're considering ought to cause us to suspend
5 the hearing. It could really result in a suspension, I
6 suppose, of everything because there is the possibility that
7 all kinds of things would be affected.

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1 MR. WRIGHT: Well, we don't -- we're certainly not
2 in a position that the hearing be terminated altogether or
3 suspended.

4 CHAIRMAN LUTON: I understand that.

5 MR. WRIGHT: However, there is that one issue --

6 CHAIRMAN LUTON: Alternative sites.

7 MR. WRIGHT: Well, and only an aspect of alternative
8 sites and that goes to class 9 accidents.

9 CHAIRMAN LUTON: Yes.

10 MR. WRIGHT: It seems to be touched upon by the
11 events at Three Mile Island. To a large extent it involves
12 populations and a demography type of issue that are going to
13 have to be addressed again when we talk about evacuation --

14 CHAIRMAN LUTON: I understand; I understand.

15 MR. WRIGHT: I'm not sure we're looking for
16 clarification or making a request, but we're getting very close
17 to the point where it might make sense to put over the class
18 9 testimony until the next meeting of this board, which
19 presumably will be this summer sometime.

20 As I say, it does touch upon demographic issues
21 that are going to come up all over again with respect to
22 evacuation.

23 CHAIRMAN LUTON: That I think is a point worth
24 pursuing with the parties. Regulatory staff, can you
25 respond to that?

MR. SMITH: That would be the last point on the

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1 population?

2 CHAIRMAN LUTON: On the class 9 accidents and
3 the possibility that the Commission is about to decide
4 something which will affect that aspect of our consideration
5 of alternative sites.

6 MR. SMITH: I think the Commonwealth and the staff
7 at this point have a different viewpoint of consideration of
8 class 9 accidents, but to the extent that the staff addressed
9 population density and alternative site review and this
10 relative comparison of accidents based on population density,
11 that certainly would tie into the -- could tie into the
12 contentions on emergency planning.

13 I would suggest that it's possible that the
14 demography section on alternative sites be tied in at one
15 time to the hearing on contentions for emergency planning,
16 but staff does not intend to present evidence on the
17 consequences of class 9 accidents.

18 I didn't know it was a contention.

19 CHAIRMAN LUTON: In other words, you don't see
20 any need to put off any aspect of the alternative sites?

21 MR. SMITH: The only one I could see would be
22 possibly the -- addressing the population densities and
23 how the staff treated it in the alternative site review. I
24 think that could be severed and put over into hopefully an
25 August time frame for consideration of evaluation. That's
the only point.

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David3 1 CHAIRMAN LUTON: All right. Any of the --

2 MR. SMITH: The testimony presented by the
3 Commonwealth to be admitted to the proceeding certainly
4 could be -- it could be provided from evacuation and population
5 density. And that could be put over if the Commonwealth
6 would accept that, addressing evacuation --

7 CHAIRMAN LUTON: Mr. Lewald.

8 MR. LEWALD: I think, Mr. Chairman, we are most
9 concerned about putting things off and speculation that
10 something may change in the future. If we're going to do
11 that then we might just as well put off the whole hearing
12 because we have -- the first subject we're going ahead with
13 is financial qualifications, and I would remind the board
14 we did all that once before.

15 The reason we're back here is because of the lapse
16 of time; the need for power, we did all that before. The
17 reason we're back here is the lapse of time, and if now the
18 Commonwealth suggests that a subject that was at least
19 scheduled among the forefront to be heard in this session
20 now is to be continued or held apart, the effect of all this
21 is to put us on a merry-go-round that we're never going
22 to get off.

23 And it will be a perpetual hearing. And the
24 Board must know that certain planning, construction planning,
25 financial planning has to be done within some time frame, and

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1 to have this here as an open-ended hearing is -- can be
2 devastating to the applicant's position.

3 And obviously I guess that's the thrust of the
4 intervenors' move to keep putting things off and off and
5 we would respectfully request that these matters be scheduled
6 as quickly as they feasibly can and indeed we thought we
7 had more on the agenda for this session than we are
8 apparently are finding out today we have. But we would be
9 very much opposed to putting any matters off and particularly
10 putting them off without any specific date to take them up
11 again.

12 MR. WRIGHT: Mr. Chairman, may I --

13 CHAIRMAN LUTON: As I say, we're going to talk
14 about dates again later on next week, and then perhaps we'll
15 be able to shape things up a little bit better.

16 Yes?

17 MR. WRIGHT: I was only going to say that the
18 Commonwealth's suggestion with respect to (inaudible) in the
19 population, but only that it's coming up again, so why don't
20 we do it all together. I think it just makes much more
21 sense.

22 CHAIRMAN LUTON: Be assured that the board did
23 not accept your comment in the spirit of putting things off.
24 I understand your suggestion is that we do it all at one
25 time.

Yes, sir?

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1 MR. MERRMANN: Mr. Chairman, may I respond
2 briefly to the staff's position? I think it is somewhat
3 simplistic, and I am prepared to cross examine the applicant's
4 witnesses with respect to the Commonwealth's contention,
5 even though it is not our contention. I don't think you
6 can create any kind of rational model by divorcing population
7 density from geographical considerations.

8 I don't want to argue the merits of that point,
9 but I think if we're going to get to the procedural aspects
10 (inaudible) class 9 accidents. There are two functions in
11 this equation: population density and are there any
12 geographical bottlenecks. Getting 10 people off an island
13 is a different proposition than getting 1000 people off an
14 island.

15 I can't understand how one can argue procedurally
16 that no bifurcation is indicated, that you really can't
17 consider these two functions of a mathematical model as such.

18 And if we grant this procedural point, then I
19 think you're already made a decision on the merits in part.
20 And I just wanted to bring that up.

21 We are -- the Wildlife Federation is very
22 concerned about the Commonwealth's contention and supports
23 it and wishes to further refine upon testimony with
24 regard to the safety of the Duxbury (inaudible) Peninsula right
25 across the bay. And I think it should either be put off

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1 in its entirety, not for purposes of delay but for purposes
2 of an orderly development of evidence, or it should be
3 taken up in its entirety.

4 Now, there is no rationale from treating density
5 separately from geographic configuration.

6 (Applause.)

7 (Board conferring.)

8 CHAIRMAN LUTON: Pardon us.

9 I must say, we don't have all the answers either
10 with respect to that. It's our determination to proceed
11 in so far as we can with the alternative sites review
12 performed by the regulatory staff at this session of the
13 hearing.

14 If matters arise that would require us to do
15 something additional to that, then we'll certainly do it.
16 But we're determined to go ahead and consider the issue
17 so far as we can at this session.

18 I --

19 (Board conferring.)

20 CHAIRMAN LUTON: Mr. Lewald, in the interest of
21 making as sure as we can we aren't overlooking an opportunity --
22 I'm sorry.

23 Mr. Lewald, in the interest of assuring that we
24 aren't overlooking an opportunity to make better use and
25 more full use of the time that we've set aside here in

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1 considering items that remain, I'd like to be sure that
2 the issue of financial qualifications on alternative sites
3 in fact are the only things that we can reasonably expect
4 to handle at this session.

5 You indicated that you thought we would be doing
6 more than this at this session of the hearings, so I have
7 to ask you what additional things did you have in mind that
8 we might accomplish at this session?

9 MR. LEWALD: Well, we were hopeful that we might
10 have presented at this session the testimony on the need for
11 power.

12 The staff had communicated with the Board and
13 indicated that it was prepared to file on the 18th of May
14 the testimony for need for power, as was the applicant, and
15 as it turned out, the applicant was the only one that filed
16 anything, and we now find out that the Board is not going
17 to consider this issue until -- we don't know when the board
18 is going to consider the issue.

19 But the remainder of the need for power testimony,
20 presumably this would still be open to the applicant to file
21 additional testimony if it desired on June 29th.

22 This is, I guess, one of the concerns.

23 CHAIRMAN LUTON: Yes.

24 MR. LEWALD: And it just, as I say, appeared to
25 us from the correspondence and the issues it had been
scheduled and earmarked for this session. That gave us to

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1 believe -- it led us to believe that this would be a
2 concluding session of this licensing proceeding that has
3 lasted from 1973.

4 And while it perhaps might not have been concluded
5 or in -- in every respect, it would have had the majority of
6 the evidentiary presentation before this board.

7 But now we seem to be making issues this afternoon
8 faster than we're scheduling the resolution. And this is
9 of concern. And I am saying this in an endeavor to respond
10 to your inquiry.

11 And I guess that concludes my remarks.

12 CHAIRMAN LUTON: All right, fine, fine; I
13 appreciate your remarks.

14 Again, I hope to be able to say something more
15 about the time we'd like to get together again. I'm sure
16 all parties are interested in moving as quickly and as
17 expeditiously as possible.

18 As I said in my earlier remarks, for reasons that
19 are really internal to the Board, we just aren't able right
20 now to set schedules, but we expect that we will be able
21 to do that before this session of the hearing is over. So
22 don't despair too much, Mr. Lewald, about the fact that
23 schedules haven't yet been set.

24 I expect that they will be set before we leave
25 here.

(Board conferring.)

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vid9 1 CHAIRMAN LUTON: Ladies and gentlemen, we're
2 going to take a brief recess and then we'll move to the
3 taking of limited appearance statements by any members of
4 the public who wish to do so.

5 (Brief recess.)

6 CHAIRMAN LUTON: All right, gentlemen, let's begin
7 now. All right.

8 DR. CALLIHAN: Would you please be seated, we're
9 going to start.

10 CHAIRMAN LUTON: I'm going to try to do better.
11 I assumed that we had a well functioning PA system, but
12 several people have made it apparent to me that we don't.
13 I still can't be heard.

14 I'm talking about as loudly as I can talk now.
15 I'm terribly sorry that people weren't able to hear me this
16 morning. I didn't realize how poorly my voice was carrying.
17 I'm going to try and do better. We have been able -- and
18 by the way, for the remainder of the session, too, we're
19 going to try to find a PA system that works better than
20 what we have had.

21 We're not able to do that right now, but for the
22 rest of the days we hope to have something better. What we
23 have been able to do is get a setup that will accommodate
24 persons who desire to make limited appearances and we're
25 going to move to that right now.

It's an opportunity for persons who wish to do so

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1 to make a statement, oral or written, of their views with
2 respect to this construction permit application.

3 It doesn't matter if requests to speak have been
4 previously made. The only thing is that if you give an
5 indication that you do desire to speak and -- to utilize
6 that microphone over there on the table.

7 I have had a specific request by persons on
8 behalf of the attorney general of the state of Massachusetts
9 to permit him -- that is, the attorney general -- to proceed
10 first with his limited appearance statement. We're prepared
11 to do that at this time.

12 So if the attorney general of the state of
13 Massachusetts will utilize the microphone.

14 (Applause.)

15 MR. LEWALD: Mr. Chairman, we would like to call
16 the board's attention to Commission rules that a person who
17 is a party to a proceeding is in one category and a person
18 who makes a limited appearance statement is in another. The
19 rules don't provide for that person being both, and if
20 Mr. Belloti wants to make the option now to withdraw as
21 a party and make a limited appearance statement, I would say
22 he's entitled to do it.

23 But in that he is still a party, we would
24 respectfully submit that under the Commission's rules a
25 limited appearance statement is not in order.

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1 MR. MEYER: If I could briefly respond to
2 Mr. Lewald's comment; the only thing I would say is that
3 if the company wishes to press that point, we would consider
4 the Belloti statement to be in the nature of an opening and
5 we'd still request that it go on.

6 I believe it's entirely appropriate for elected
7 official of the commonwealth who is also a constitutional
8 officer to make an opening statement as a limited appearance.
9 If the board should find that it does not wish a limited
10 appearance type statement, I would request that this be
11 considered an opening statement on behalf of the commonwealth.
12 Thank you.

13 CHAIRMAN LUTON: This is a very technical matter
14 which threatens to become hopelessly complicated. If
15 Attorney General, you may make your limited appearance
16 statement.

17 LIMITED APPEARANCE STATEMENT OF FRANCIS X. BELLOTI,
18 ATTORNEY GENERAL, COMMONWEALTH OF MASSACHUSETTS

19 MR. BELLOTI: Thank you very much, Mr. Chairman.
20 I want to thank you for giving me this opportunity. I can't
21 imagine why Boston Edison Company does not want me to make a
22 statement.

23 (Laughter.)

24 (Applause.)

25 MR. LEWALD: Mr. Chairman, might I interrupt here?

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1 Our interest is in an orderly proceeding and
2 an orderly proceeding would embrace following the Commission's
3 rules and if the Board wants to make an exception to those
4 rules, then we'd be very pleased to hear Mr. Belloti's
5 opening statement.

6 MR. BELLOTTI: I think that ---

7 CHAIRMAN LUTON: Excuse me, the Board's --- let
8 me just -- since the Board is called on here to state its
9 views, permit me to do so. I don't believe this is an
10 exception to the Commission's rules of practice to permit a
11 party to make a limited appearance also.

12 My recollection of the rules is that there is
13 nothing in them anywhere that prohibits a party from making
14 a limited appearance statement. I simply don't see that there
15 is any prohibition stated in the rules.

16 There being no prohibition, therefore we're not
17 making any exception to the rules.

18 Mr. Attorney General, you may proceed.

19 MR. BELLOTTI: Thank you. Mr. Chairman, I'm
20 here because I'm so persuaded of the importance of these
21 hearings. During the past four years our office has appeared
22 in proceedings before the Nuclear Regulatory Commission, the
23 Massachusetts Department of Public Utilities, and the
24 Massachusetts Energy Facility Council with regard to Pilgrim
25 2.

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1 This effort has involved the utilities division,
2 the environmental division of the Public Protection Bureau
3 of the Massachusetts Attorney General's Office. We participate
4 at these hearings to ensure a vigorous presentation of opposing
5 views. This is my obligation in representing the Commonwealth
6 and its people.

7 The Nuclear Regulatory Commission's hearings are
8 now reaching their final stages. The issues which are to be
9 addressed in this series of hearings by the NRC are of
10 fundamental and extreme importance.

11 Boston Edison must demonstrate three things at
12 these hearings if it is to receive a license: one, that it
13 is financially qualified; two, that there has been a thorough
14 consideration of realistic alternative sites from the
15 standpoint of the environment, risk of accident and evacuations;
16 three, that there is a need for Pilgrim 2.

17 We will --

18 (Applause.)

19 We intend to and we will present evidence that
20 none of these three requirements have been met to date.
21 Boston Edison is not financially qualified to build Pilgrim 2.

22 (Applause.)

23 Its statement to the Board of Utilities and to
24 its own Board of Directors indicates that it will be unable
25 to construct Pilgrim 2 without substantial rate increases, and

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1 in addition the financial strain of Pilgrim 2 on Boston
2 Edison will increase its costs by increasing its capital
3 needs and by decreasing its ability to raise capital for
4 years to come.

5 This will also result in rate increases which will
6 be borne by the people of my state.

7 Nor has there been an adequate exploration of
8 alternative sites. Before nuclear power plants can receive
9 a construction license, the National Environmental Policy
10 Act requires a thorough assessment of the environmental
11 impact of the facility and serious consideration of alternatives
12 to the proposed projects.

13 The study of alternative sites is one of the
14 most important and one of the most sensitive environmental
15 questions to be addressed.

16 It is our contention that the Boston Edison Company
17 and its staff have not adequately considered more suitable
18 alternative sites to Rocky Point from a population density
19 and environmental standpoint.

20 This Board has already found that the review by
21 the staff for proposed nuclear plants was inadequate; the
22 decision was upheld by the appeal board. Next week you will
23 be considering the second review of alternative sites by the
24 staff.

25 We believe that the new analysis represents an
effort to provide detail which was not previously

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1 disclosed in the final environmental statement. Details,
 2 however, are not a substitute for selecting realistic
 3 alternative sites for Pilgrim 2 for NEPA review.

4 The analysis by the staff is defective in this
 5 sense; the slate of candidate sites for the alternative
 6 site review was inadequate. It falls far short of the
 7 recent staff review performed by the Seabrook facility.

8 Secondly, the staff has paid inadequate attention
 9 to the critical issue of the potential consequences of major
 10 radiological accidents at the Pilgrim site. This issue of
 11 accident risk has been measured by average population
 12 densities around the sites considered. Such crude measures
 13 alone are not sufficient and fail to disclose in this case
 14 the true situation around the Rocky Point site.

15 We'll present testimony which demonstrates
 16 unique site characteristics around Pilgrim which call for
 17 more detailed assessment of accident risks.

18 Realistic predictions indicate there will be over
 19 1.3 million permanent residents within a 30 mile residence
 20 around Pilgrim in 1990.

21 This does not even include the high seasonal
 22 occupation, the people who come to see historic sites in
 23 Plymouth and the beaches of Cape Cod.

24 These people are concentrated in half of this
 25 area of this 30 mile circle. The witness we intend to present

1 from the Commonwealth will testify how the unusual population
2 distributors and the transportation routes make Pilgrim
3 site unique in terms of the accident risk to citizens who
4 live within this zone of concern.

5 We believe that further investigation of the
6 accident risk and feasibility of evacuation at this site is
7 needed to assure protection of the public health and safety.

8 The remaining issue that will be heard is whether
9 there is a need for power which would justify the building
10 of Pilgrim 2. Boston Edison has not been able thus far to
11 document this need.

12 Boston Edison Company's present case for Pilgrim
13 2 was based upon the Boston Edison Company and New England
14 Power Pool's projections for power demand which are over
15 two years old. They have grossly overstated and they are
16 almost exclusively based on the judgment of the company.

17 The newer forecasts which are based on more
18 complicated analyses are considerably lower, but still much
19 too high and have not been reviewed by any regulatory
20 agency. When the Boston Edison Company and NEPA forecasts
21 are adjusted to reflect realistic demand growth, it is
22 extremely unlikely that a need for Pilgrim 2 can be documented
23 prior to the mid-1990s.

24 Thus, we believe that Boston Edison cannot meet
25 the standards required for obtaining a license for Pilgrim 2.

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1 Recently there has been talk about speeding up licensing
2 procedures. It is crucial that a final decision of this
3 magnitude be made after a thorough review of the evidence.
4 We have tried at this proceeding and the others involved
5 with nuclear power to scrutinize carefully the company's
6 claims and participate in building a record for sound
7 decision making.

8 We believe that the hearings the NRC has been
9 conducting are very important. The licensing of nuclear
10 plants obviously involves issues of great public concern.
11 Any decision reached on this issue can occur only after a
12 full presentation and fair review.

13 We must not and we cannot be stampeded by cries of
14 oil or energy crisis; you must and I'm sure you will
15 reasonably reflect on all the evidence. Your eventual
16 decision will affect billions of dollars in resources and
17 much more importantly the safety and the welfare of the people
18 of this commonwealth.

19 Adequate exploration of issues is a
20 necessary delay and anything else would be irresponsible.
21 Too much is at stake.

22 Thank you.

23 (Applause.)

24 CHAIRMAN LUTON: Could we get by a show of hands
25 some indication of the number of persons here who -- can

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1 we get an indication by a show of hands, some indication
2 of how many people here who want to make limited appearances.
3 We're prepared to stay quite some time. We just want to
4 know to get some general idea of the number of people who
5 want to make statements.

6 All right, fine. You may be permitted to -- you
7 will be permitted to do so.

8 MR. DENMAN: May I be heard?

9 DR. CALLIHAN: In a moment, sir.

10 CHAIRMAN LUTON: We've got one gentleman there.
11 You'll be next.

12 You may proceed; would you please begin by
13 stating your name and address if you would for the reporter.

14 MR. JOHNSON: Thank you, Mr. Chairman. I am
15 state representative Phillip Johnson representing the
16 fourth district of the Massachusetts legislature.

17 I want to thank you for giving me the time to
18 make a brief statement to you. Mr. Chairman, I wish to
19 urge that the Nuclear Regulatory Commission declare a
20 moratorium on the construction of the Pilgrim 2 nuclear power
21 plant in this community of Plymouth, Massachusetts.

22 As a member of the Massachusetts House, I represent
23 the towns of Marshfield and Situate, which are communities
24 whose relatively close proximity to Plymouth makes them
25 particularly vulnerable to any nuclear accident which might
occur if Pilgrim 2 were to be constructed.

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2 It's obvious that the primary concern of
3 responsible public officials at this point who are charged
4 with determining the role of nuclear power in the future
5 must be the safety of the public, and let me say in that
6 regard, Mr. Chairman, that I consider it outrageous that
7 the governor of this commonwealth has sent representatives
8 from his own energy office down here today in support of what
9 I consider to be a totally irresponsible kind of public
10 policy.

11 It is equally obvious to me that Boston Edison
12 Company has failed to demonstrate adequately that the lives
13 of hundreds of thousands of southeastern Massachusetts residents
14 will be protected.

15 If the current plans for construction are allowed
16 to go forward, this proposed nuclear power facility would
17 be situated in an especially dangerous area in the event of
18 an accident, particularly since thousands of Cape Cod residents
19 would be forced to travel through Plymouth if in fact an
20 evacuation were ever ordered.

21 The Boston Edison Company has failed to develop an
22 appropriate evacuation plan for Cape Cod and South Shore
23 residents. In the absence of such a plan chaos would ensue
24 which would further endanger the lives of many persons.

25 Beyond my reservations regarding issues of public
safety, I am very skeptical of Boston Edison's claim that

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1 Pilgrim 2 was required to meet what the company deems will be
2 a substantial increase in demand for electrical power. It
3 seems to me that a more rational approach to any future
4 increase in demand should include a comprehensive study of
5 alternative energy sources which has been suggested, as you
6 just heard, by the attorney general of the commonwealth,
7 Francis X. Bellotti.

8 To date, however, I regret to say that Boston
9 Edison has not produced such a convincing study on it. I am
10 convinced that the construction of the Pilgrim 2 plant at
11 this time would impose a clear and present danger to the
12 public safety and the people that I represent.

13 The safety of the plant itself, particularly in
14 the event of a natural disaster such as an earthquake has
15 not been documented sufficiently. The lack of an acceptable
16 evacuation plan raises further serious reservations in my
17 mind.

18 Finally, it's -- I believe that the Boston Edison
19 Company has not demonstrated the need for the plant, nor has
20 it analyzed the potential of alternative energy sources;
21 for these reasons, Mr. Chairman, I respectfully urge you to
22 order a moratorium on the construction of the building.

23 Thank you very much.

24 (Applause.)

25 MR. DENMAN: My name is Nathaniel Denman. I'm
a registered professional engineer, license number 7360 in

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the commonwealth.

2 I live in Falmouth, and that's within the prescribed
3 zone, within the danger zone. I live in a 200 year old home,
4 and judging from my experiences with the Steamship Authority
5 in Woods Hole, it would be an impossibility of evacuating
6 Cape Cod residents even in the wintertime.

7 The only other exit routes are across the
8 two bridges, the Cape Cod Canal, and just try that on
9 Memorial Day Weekend or on Labor Day Weekend when only a
10 few people are trying to leave the Cape.

11 Then of course there are several airports, but
12 Boston Edison has not provided for large transport aircraft
13 to be standing by to evacuate us from Cape Cod. The
14 requirements for an evacuation plan automatically infer that
15 they are practical, that they would work if they were
16 necessary and that some effort has been made to see whether
17 or not they would work.

18 Nothing has been done as far as evacuation plans
19 for Pilgrim 1 is concerned, and therefore my first point is
20 let's wait and see what they come up with for an evacuation
21 plan for Pilgrim 1 before they are allowed to build Pilgrim 2.

22 My next argument is one of administrative due
23 process. We all know -- those of us who read the Supreme
24 Court decisions -- that we are entitled to judicial due
25 process, including an impartial tribunal. Now, this is an

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1 administrative tribunal, but I hope because of the recent
2 statements by Mr. Hendrie, the director or head of the NRC,
3 it is not impartial.

4 Now, the Supreme Court of the United States ruled
5 in Mayberry versus Pennsylvania, 91 Supreme Court 499 that
6 all of us are entitled to an impartial tribunal. An impartial
7 tribunal is an essential element of due process of law. This
8 hearing is part of administrative due process and unfortunately
9 your boss is a person who has stated after the Three Mile
10 Island accident started that -- what is it, that amendment
11 that allows for freedom of the press -- we ought to do away
12 with it.

13 We ought to do away with it. And I guess now
14 we'll be faced with about five months of super regulation
15 and then we can go back to doing whatever the utilities
16 want. There were several other statements in a similar
17 vein that were quoted in the Boston Globe and others.

18 And I hold as a constitutional consultant who
19 has exercised due process or gotten due process protections
20 for hundreds of individuals throughout the United States
21 in federal court, that as long as Mr. Hendrie is head of the
22 NRC, we don't have an impartial tribunal. We are being
23 denied due process of law, and therefore a license issued by
24 the NRC would be a nullity.

25 Now, there have been several decisions upheld at
the appellate level that in considering the necessity for

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1 issuing licenses for this very dangerous process known as
2 nuclear power, then has to be consideration of alternatives
3 including conservation.

4 Now, most of us in Massachusetts when we are
5 faced with the enormous increase in our electric utility
6 bills have started practicing conservation and this august
7 body has to consider conservation and alternatives to see
8 whether or not it is reasonable -- that is, whether or not
9 it's in the public interest to issue this license.

10 Now, as far as alternatives are concerned, I
11 draw the attention of this board to the focusing concentrators
12 for solar energy developed by the Department of Agriculture
13 which cost about one-tenth to one-fifth of the cost per
14 kilowatt of atomic power can turn out, as has been
15 proven by the Department of Agriculture in their experiments
16 in Berkeley, California and Albany, California -- can turn out
17 steam at from 490 to 900 degrees fahrenheit, which can run
18 electric -- electrical generating turbines.

19 Many of us in the solar field have turned out
20 and tested concentrators which will develop steam at from
21 500 degrees fahrenheit to 2400 degrees fahrenheit. Now,
22 all a nuclear power plant does is make steam at around 1000
23 degrees fahrenheit with a great deal of pollution and at
24 high expense.

25 If solar can do it more cheaply without pollution,
then this board should turn down the license. But if this

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1 Board would read the December 1978 issue of Scientific
2 American -- I used to work for Scientific American and it's
3 a pretty accurate outfit -- they will find that fuel cells
4 can be used for neighborhood electrical generating plants
5 so we don't even need these high tension lines all over
6 the country with the subsequent loss of power.

7 But anyhow, fuel cell generation of electricity
8 can be done at a construction cost of \$350 a kilowatt which
9 compares very favorably with \$1500 to \$2000 cost per kilowatt
10 for nuclear power and doesn't consider the cost at all of
11 storing these substances, if they can be stored.

12 Now, we -- the NRC is aware of and it has been
13 recorded in Newsweek magazine about the increase of radioactive
14 metals from the shellfish in Massachusetts Bay. That's
15 another good reason for not issuing this license.

16 This Board will hear a lot of other data concerning
17 alternatives, including the Edgar Station, so I won't take
18 up your time any more, but if you have any further -- any
19 questions of me, I'd be glad to answer them at this time.

20 Incidentally, I consider the statements I make
21 under oath because the nuclear power industry has been
22 lying to us for years about the dangers of nuclear power, and
23 I am one of the -- I'm on the side of the forces of
24 righteousness. Everything I said is the truth. If not,
25 I can be prosecuted by the attorney general for perjury.

Do you have any questions of me?

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1 CHAIRMAN LUTON: No, we don't. I've asked
2 the Board members, but thank you for your statement.

3 MR. DENMAN: Thank you.

4 (Applause.)

5 MS. BARNETT: My name is Judith Barnett. I am
6 speaking for the Massachusetts League of Women Voters. The
7 position that I am reflecting today is a position of a
8 group that has 10,000 members in Massachusetts and is a national
9 position reflecting the attitudes of 130,000 people.

10 The League of Women Voters believes that
11 conservation, the use of renewable resources, especially
12 solar heating and cooling bar conversion and wind and
13 environmentally sound use of coal must be fully considered
14 before turning to lightwater reactors.

15 We, therefore, urge the plans for the use of
16 these alternatives be presented in detail before any further
17 steps are taken toward licensing Pilgrim 2.

18 It is our contention that consumers should have
19 the opportunity to know where there are several small
20 plants using a variety of energy sources of hydropower,
21 wind power, cogeneration of industrial processes, the
22 burning of refuse and other small scale technologies,
23 such as solar electric cells could better provide for our
24 demand for electricity.

25 These smaller plants would have the advantage of
more readily meeting standard increments in demand and they

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1 could be okayed for use closer to users.

2 Furthermore, if problems developed in any of
3 these smaller plants, only a part of the electrical supply
4 would become unavailable, not the total output of a large
5 plant.

6 In addition to the above plan for smaller alternative
7 energy plants, there should also be a plan showing how a
8 large coal fired plant which meets all environmental standards
9 compares financially and environmentally with the proposed
10 nuclear plant if it appears that a large plant is the best
11 way to meet demands. Because our region already depends
12 heavily on nuclear power for the generation of electricity
13 than does the rest of the country, 33 percent versus 9 percent,
14 and because of the increasingly high economic, social and
15 environmental costs which reflect serious problems with
16 nuclear power, we believe that it is crucial that the utmost
17 care and consideration be given to this decision which will
18 affect our state for many years in the future.

19 Thank you.

20 (Applause.)

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LIMITED APPEARANCE STATEMENT OF CHARLES MARCELINE

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2 MR. MARCELINE: My name is Charles Marceline and I
3 am speaking as a private citizen, and I am also speaking for
4 the unborn children of this world.

5 I feel that nuclear power is the most disastrous
6 thing we have on the face of the earth. I feel that the waste
7 we will leave for our grandchildren, our great grandchildren,
8 our great, great grandchildren -- in 100,000 years from now what
9 are they going to do with our waste matter.

10 If we build Pilgrim 2 the waste matter will keep
11 mounting up and mounting up. Already there is plutonium in
12 our seafood, there is waste being brought through our streets.
13 I mean, it is just ridiculous.

14 The plumes that we let up from the Pilgrim plant --
15 I think our children deserve to be heard.

16 I think it a wise decision that this plant not be
17 built. Pilgrim 1 must remain shut down and there should be
18 no more waste for our children, our children's children, our
19 grandchildren and so on.

20 Thank you.

21 (Applause.)

LIMITED APPEARANCE STATEMENT OF ELIZABETH GRECO

22
23 MS. GRECO: I am Elizabeth Greco. I am speaking
24 today as a private citizen from Cape Cod, and I would like
25 to address this Commission on the issue of responsibilities.

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1 It seems to me since there is one plant operating
2 in Plymouth, that a look at the record that they have
3 demonstrated might indeed sway your opinion.

4 It is well known by the citizens of the South
5 Shore, Plymouth and Cape Cod, that no appropriate evacuation
6 plan exists in the event of a nuclear accident.

7 We also know that periodically the Pilgrim 1
8 station in Manomet releases small amounts of radiation into the
9 atmosphere.

10 Now while this may not be of catastrophic proportions,
11 a small amount over a long period of time is even more
12 dastardly.

13 I would like it to be known as well that I speak
14 today for the workers -- not just nuclear workers, but workers
15 in general.

16 Specifically, two men were irradiated at the Pilgrim
17 1 station. These two individuals were told to go in to do some
18 repair work they had been contracted for.

19 And when they came out saying that the room that
20 they were in was not the same as the diagram of the room they
21 were shown, they were told eight times, "Go back in and do
22 your job."

23 These two individuals right now are unable to
24 work because their health has deteriorated so.

25 It seems to me that if a nuclear power station

mm23 1 being run right now, is having problems with workers' safety,
2 with radiation, has no appropriate evacuation plan for myself
3 or for my family, then they do not deserve the opportunity to
4 have another station.

5 One other issue that I would like to bring to light
6 here is that this area, as has been mentioned, is more
7 dependent on nuclear fuel than the national average.

8 People on the South Shore and Cape Cod need a
9 reliable source of power, not a poisonous source of power.
10 On the average the nuclear station in Plymouth has been
11 on line or operative 46 percent of the time. It seems to
12 me a combination of coal generation, solar, wind hydro and
13 geothermal power could be reliable and effective 100 percent
14 of the time.

15 I would urge this Commission to consider these
16 issues which I have just raised in making their decision.

17 I want to see safe power for this area, not power
18 for profit.

19 (Applause.)

20 DR. COLE: Excuse me just a minute.

21 Mr. Lewald, are you familiar with the occupational
22 exposure incident that was described by Ms. Graco?

23 MR. LEWALD: I'm familiar with the incident, but
24 not quite as described by the previous speaker.

25 DR. COLE: Well, as is normally the case with

mm 1 issues like that that are raised in limited appearance
2 statements, the Board would desire the applicant to address
3 the Board at some future time on that matter, and I would
4 also like to have Ms. Greco present when that issue is
5 addressed.

6 MR. LEWALD: We would be happy to, Dr. Cole.

7 We would also be happy to refer you to existing
8 correspondence with the NRC with respect to this issue.

9 DR. COLE: That would be appreciated. Thank you
10 very much.

11 MR. SMITH: Yes, if you want Ms. Greco present --
12 it may not be possible, but if we can get her name and
13 address, at least the statement in the transcript could be
14 sent to her.

15 VOICE: No, she should be there.

16 MR. SMITH: I am just saying if she cannot be
17 there.

18 VOICE: She will be there.

19 DR. COLE: Ms. Greco might want the documentation
20 also.

21 If she will give her address to Mr. Smith, he will
22 take the action necessary to get that information to her.

23 MR. LEWALD: Dr. Cole, I perhaps should further
24 advise you that some aspects of this matter are currently the
25 subject of civil litigation in the state courts.

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1 DR. COLE: I don't know what legal problems that
2 creates. But whatever information you can bring forth on that,
3 we would appreciate that, Mr. Lewald.

4 MR. LEWALD: I respectfully submit, this has been
5 fully reported to the NRC, and the NRC document room. And
6 again we would be glad to call your attention to those
7 particular documents which, apparently, you are not familiar
8 with Dr. Cole.

9 DR. COLE: That's correct, I'm not familiar with
10 those documents, Mr. Lewald.

11 CHAIRMAN LUTON: You may go ahead.

12 LIMITED APPEARANCE STATEMENT OF BEATRICE SCOTT

13 MS. SCOTT: My name is Beatrice Scott. I am a
14 resident of the area, and a parent of four children and four
15 grandchildren living on the Cape.

16 I would like the power company to prove to me that
17 they can evacuate the Cape, because this is -- I think this
18 issue has been brought up, I don't want to be repetitious --
19 but the feasibility, it would seem to me, would require
20 something like 4- or 500 troopships. And I don't really
21 think that Plymouth or the Plymouth plant is going to prove
22 to me that they can do that.

23 I'm very concerned about my children and my
24 grandchildren.

25 Thank you very much.

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1 (Applause)

2 LIMITED APPEARANCE STATEMENT OF GERALD HAYES

3 MR.HAYES: Mr. Chairman, ladies and gentlemen,
4 my name is Gerald Hayes. I am Director of Emergency
5 Preparedness for the Town of Plymouth.

I am also speaking on behalf of MCBA at this time.

7 I.. my hand before you -- (Indicating) -- this is a
8 State Comprehensive Emergency Plan for the evacuation of the
9 town of Plymouth in the event of an incident at the Pilgrim
10 station.

11 I have sat here, I have listened to people tell me
12 it does not exist. Well, here is living proof. It is right here
13 in my hand.

14 (Comments from the audience.)

15 CHAIRMAN LUTON: Please let the gentleman finish.

16 MR.HAYES: I am going to show you a second document
17 now, which happens to be the town of Plymouth Nuclear Incident
18 Response Plan.

19 In this plan we have done our best to protect the
20 lives of the people of this town. I hear a lot of talk about
21 evacuation in the Cape area. Based on federal guidelines in
22 the past, we were asked to plan for a five-mile radius around
23 the power plant. We have done that in these documents.

24 Now there is some question as to whether we should
25 plan for a ten-mile radius. A ten-mile radius does not take us

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mm27 1 on Cape Code.

2 VOICE: 50.

3 MR. HAYES: No, not 50, I'm sorry. The guidance I
4 have seen has been 10 miles, sir.

5 So, you know we had not planned for the evacuation
6 of Cape Cod because nobody has told us it is necessary yet.

7 I would like to read one more statement, please,
8 without a lot of comment.

9 I have here a letter addressed to Mr. Gerald
10 Parker, Department of Public Health for the Commonwealth of
11 Massachusetts. It is from MIT, Department of Nuclear
12 Engineering, and I will read it as follows:

13 VOICE: Is that signed by Rasmussen?

14 MR. HAYES: It is not signed by Rasmussen, sir.

15 CHAIRMAN LUTON: Please let me interrupt.

16 Let's give everybody a respectful hearing without
17 the dialog. You know, one at a time can follow and speak and
18 refute what is being presently said. But I think we should
19 do it one at a time, and let's give everybody a respectful
20 hearing, please.

21 MR. HAYES: Okay.

22 This letter, by the way, is dated April 23, 1979.

23 It says:

24 "Dear Mr. Parker: In accordance with your request
25 of April 11, the undersigned members of the Advisory

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1 Council on Radiation Protection have reviewed the
2 Massachusetts plans for Emergency Response to Nuclear
3 Incidents as requested in Mr. Cunningham's memorandum,
4 of April 19 to the ACRP."

5 A point of information. Mr. Cunningham is director
6 of the Massachusetts Civil Defense Agency. It says that they
7 have received the following documents:

8 "One. the Massachusetts Comprehensive Emergency
9 Response Plan; number two, appendix for each of the
10 Comprehensive Emergency Response plans, which is the emergency
11 response to nuclear incidents; number three, the NIAT handbook
12 which is the nuclear advisory team; number four, the NRC
13 report NUREG 0396 which by the way, was a report that is
14 not yet a requirement, to my knowledge; and the NRC guide and
15 checklist of the development and evaluation of state and
16 local government radiological emergency response plans in
17 support of fixed nuclear facilities together with notes prepared
18 by Massachusetts agencies.

19 My comments on the Comprehensive Emergency
20 Response Plan and the Emergency Response Plan to a
21 nuclear incident; Speaking generally, we believe
22 that the Comprehensive Emergency Response Plan is
23 excellent and inclusive. Its strength lies in
24 its treating all emergencies, including radiation
25 emergencies in a unified manner.

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"Although its treatment of emergencies can be improved, as suggested below, these should continue to be dealt with as appendix to a general emergency plan, rather than as an entirely separate document.

"Massachusetts officials have done a thorough job of planning actions to respond to and to recover from irradiation incidents. The response to radiation emergency should be kept simple and manageable. We advise against making radical changes because of current heightened concerns following the incident at Three Mile Island. To avoid the uncertain lines of responsibility which affected the response to TMI, we recommend that Massachusetts officials should have the lead responsibility for protection and recovery following a nuclear incident, including information and recommendations from plant officials, local authorities, the NRC and the EPA."

I won't comment on the rest of it because it doesn't involve the plan. If anyone wants to look at this letter, they are welcome to it.

I would like to go to page 3 now which is general comments on emergency plans.

"All personnel engaged in accident monitoring should be provided with identical detailed clear maps

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appropriate scale giving all relevant information including roads and boundaries. Printed instructions to the public within the emergency zone should include a brief description of the facility, the boundaries of evacuation sectors, the nature, if possible, but highly unlikely of radiation emergencies.

And a range of action the public might be asked to take.

"The Emergency Information prepared by the Town of Plymouth is an excellent example of emergency instructions. But, consideration should be given to providing more detailed educational information. Particular attention should be given assuring that emergency plans will be effective and operable even late at night and on holidays and weekends.

"Emergency plans should be frequently updated."

Signed: "Sincerely yours, Mrs. Manson Benedict, Constantine Malkos, and Shields Warren."

And that's all I have to say on the emergency plan.

CHAIRMAN LUTON: All right. Thank you.

LIMITED APPEARANCE STATEMENT OF STEVE HEINEMAN.

MR. HEINEMAN: Mr. Chairman, my name is Steve Heineman. I am a resident of Plymouth. And, on behalf of over 800 concerned citizens of the Plymouth area, I would like

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1 to read the following statement:

2 We are residents of the Plymouth area and
3 wish to make public our concern about the safety problems of
4 Pilgrim 1 nuclear power plant.

5 We also believe that the Pilgrim 2 plant should
6 not be built in our community until the following questions
7 have been answered to our satisfaction:

8 How would Plymouth's already spiraling growth
9 rate be affected by the addition of a second nuclear power
10 plant?

11 Can we trust the current operating regulations
12 and procedures to prevent nuclear accidents from occurring?

13 Is it possible to develop a workable evacuation
14 plan to insure the safety of area residents in the event
15 of a nuclear accident?

16 What are and will be the effects of low-level
17 radiation on our children and ourselves?

18 Can the radioactive wastes generated by Pilgrim 1
19 and Pilgrim 2 be transported and stored safely and permanently?

20 These questions are most important to our safety,
21 to our future and should be answered by impartial sources,
22 not those who stand to profit by continued use of nuclear power.

23 Before the hearings are adjourned, we will present
24 you with a list of these names.

25 I would also like to make a personal comment on the

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1 last speaker's testimony.

2 I find it hard to express how disturbed I am by
3 his insinuation that there are only slight problems with the
4 already at-hand evacuation plans.

5 My parents live within earshot of the power plant
6 at Priscilla Beach, and I know for sure that they never
7 received the famous blue card of instructions.

8 (Applause.)

9 And I am working with a group of people in Plymouth
10 that is trying to educate people on the dangers of this
11 plant, and looking for answers to these questions. Many of
12 these people also live in this area and have not received
13 these cards.

14 (Applause.)

15 Mr.Chairman, I have nothing against the Boy
16 Scouts of America. I think they are a great organization.
17 But I question -- you know, a situation as dangerous as this,
18 and something as important as a feasible evacuation being
19 turned over to the Boy Scouts of America as the agency to take
20 and distribute this literature -- it is my understanding
21 anyway that they were the ones who distributed it. I don't
22 think the job was adequately done. I don't know if it was their
23 fault or the people that handed the documents over to them.

24 The fact remains, I believe for the most part
25 people in the area didn't receive these cards.

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Thank you.

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(Applause.)

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CHAIRMAN LUTON: Could you tell us what those cards are, sir?

4

What are those blue cards about?

5

MR. HEINEMAN: There was a blue card that was supposedly distributed to people within the five-mile area that gave them instructions for evacuating the area in case of the worst-possible disaster.

6

CHAIRMAN LUTON: Something done by the Plymouth authorities, do you know? Something supposed to be done by them?

7

8

9

Or, do you know?

10

MR. HEINEMAN: Maybe somebody could help me out?

11

(No response.)

12

Well, not having received a blue card, or my parents, I am not sure who it was that was supposed to distribute it.

13

14

It was an issue since Three Mile Island in the local papers, and there were questions where the cards came from and who was supposed to receive them and the like. For the most part, my understanding is not many people ever received the card.

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CHAIRMAN LUTON: All right, thank you.

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DR. COLE: I would assume sometime in the future

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1 the Board is going to see a blue card.

2 VOICE: Can I say something without a microphone?

3 I live about a mile away and I never received
4 anything.

5 There is no one to tell you when you are supposed
6 to evacuate. How are we supposed to know if we are
7 supposed to evacuate?

8 (Applause.)

9 CHAIRMAN LUTON: Go ahead, sir.

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LIMITED APPEARANCE STATEMENT OF KENNETH KELLEY:

MR. KELLEY: Mr. Chairman, my name is Kenneth Kelley. I am a marine biologist with a degree from the University of Massachusetts, Amherst, and qualified for research at Woodshole Oceanographic Institution.

More recently I have been doing research work on Cape Cod. And in the next week in North Star Agriculture in Nova Scotia.

I have done extensive research on the effects of radioactivity on marine environment, and in particular have studied the numerous effects that Pilgrim 1 has brought on Cape Cod Bay, and the future effects if Pilgrim 2 were to be built.

The effects of another nuclear plant on the Pilgrim site would seriously affect the marine ecology of the site in Cape Cod Bay.

Recent studies have revealed the presence of plutonium in mussels sampled from four locations on Cape Cod Bay off the Pilgrim Nuclear Plant in Plymouth. In addition, radioactive cobalt, manganese and cesium have been detected in seaweeds and shellfish near the discharge canal of the plant.

While the concentrations found have been small, they do indicate that leakage is occurring and raise the questions about just how much of its wastes Pilgrim 1 is letting out into the environment.

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1 They also raise questions about future health
2 problems around the plant especially with the growing number
3 of studies linking low level radiation to increases in
4 leukemia, cancer and birth defects.

5 Now we are faced with another nuclear plant twice
6 the size of Pilgrim 1 which will further complicate the
7 already serious situation.

8 Samples of shellfish and seaweed and Irish moss taken
9 around the site have shown amounts of cobalt, manganese and
10 cesium, which are ten times higher than sample sites five or
11 ten miles away.

12 During 1974 and 1975, Boston Edison illegally
13 discharged cesium and manganese which was 1.5 curies above
14 federal levels. When asked if there might be a relationship
15 between those discharges and recent findings, Francis Wiedenmann,
16 the manager of nuclear information for the Edison Company,
17 said Edison had never exceeded federal guidelines. When it
18 was pointed out that these figures were contained in Edison's
19 own "Marine Ecology Studies," in 1975, he replied, "Well,
20 I've only been working here since 1976."

21 This gives an indication of the attitude that
22 Boston Edison has towards the health and welfare of people
23 living around Cape Code Bay and consume shellfish and fish
24 from that region.

25 By trophic level magnification through the food

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1 through the food chain marine organisms can concentrate
2 radionuclides to an amazing degree. After leakage from a
3 federal waste storage site in Hanford, Washington, fish in
4 the Columbia River concentrated some elements up to 100,000
5 times their original levels.

6 Transfer of radiation in the food chain will result
7 in further concentrations of wider dispersal from the project
8 area, particularly by migratory fish, birds and mammals.

9 People eating the fish and shellfish will take
10 up the radionuclides because they are chemically similar to
11 elements their bodies need. For example, cesium is similar to
12 potassium and is deposited in muscles where it can produce
13 malignant changes.

14 Besides routinely releasing radiation into Cape
15 Cod Bay, Pilgrim 1 daily emits 240 pounds of radioactive gases
16 into the atmosphere, including strontium, tritium and several
17 other noble gases which will, in turn, interfere with
18 cell reproduction in human beings and genetic coding through
19 DNA molecules.

20 This airborne radiation is deposited on gardens
21 and accumulates in the numerous cranberry bogs which dot the
22 South Shore and Cape Cod. Cranberries are better accumulators
23 of radionuclides from soil than other plants because of the
24 mineral poor and wet substrate in which they grow.

25 Along with the numerous occurrences of accidents,

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nnf 1 the credibility of Edison has also been seriously undermined
2 by recent reports by the NRC who toured Pilgrim 1 this past
3 fall, and as one inspector put it, the operation of the plant
4 was barely safe enough to continue operating. He gave
5 them the lowest possible ratings in the area of radiation
6 control and safeguards.

7 Along with radioactive wastes, certain chemical
8 biocides such as chlorine are dumped into the water to control
9 fouling organisms. During the first years of operation,
10 Pilgrim's continuous discharge of chlorine into the water
11 was far above legal limits. Numerous studies have shown that
12 even low-level chlorination can be detrimental to juvenile
13 lobsters, flounder and other species.

14 It has also been discovered that large amounts of
15 cadmium have been found in sediments off the Pilgrim plant. This
16 comes from metal loss in the condenser tubes of the reactor,
17 and has been shown to upset metabolic rates of shellfish and other
18 invertebrates.

19 Boston Edison's explanation for this sudden
20 discovery of cadmium was that it was an unknown mineral resource
21 that had been underground for some years.

22 Thermal discharge also has a serious effect on
23 marine ecology and seriously undermines Boston Edison's case
24 for adequate site for a nuclear power plant.

25 The thermal plume which is released has averaged

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1 above 27 degrees above the average ambient water temperature.
2 And this has resulted in fish kills, plankton die-offs,
3 changes in species composition and reproductive cycles.
4 Besides eliminating most organisms in the area, it attracts
5 fish like menhaden which are killed by nitrogen supersaturation
6 in the heated water.

7 In 1973 50,000 died. In 1975, 16,000 herring
8 died through thermal stress.

9 The heated water has caused a drop, a drastic
10 drop in the harvest of the valuable seaweed in the area, Irish
11 moss. An average of 200,000 pounds yearly has been lost from
12 the local fishery, as well as a 15 percent loss of juvenile
13 lobster population in the area.

14 Further problems have arisen in the plant when it
15 has to shut down and the water temperature drops. This has
16 been a persistent problem at Pilgrim, which has had numerous
17 shutdowns at the plant, which has operated at less than 50
18 percent of its capacity since the beginning of operations.

19 Primary concern for alternative sites to Pilgrim 1
20 has been the problem of fish eggs and fish larvae in the
21 area.

22 Each day Pilgrim 1 consumes one square mile of
23 plankton, and with Pilgrim 2 it is expected that there will
24 be over two square miles consumed. Plankton being the basis
25 for the food chain in the ocean.

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mm6 1 Plankton sampling in the area has shown highly
2 diversified phytoplankton and zooplankton populations. Of great
3 concern to local fishermen is the fact that 24 species of fish
4 eggs and larvae were found in plankton tows. These include
5 such commercially important species as cod, winter flounder,
6 pollock, hake, tautog, cunner and mackerel.

7 The Environmental Impact Statements put out by
8 Edison seems to ignore that a major spawning ground of winter
9 flounder is found north of the plant in Duxbury Harbor; or
10 that a spawning ground of cod exists in Cape Cod Bay east
11 and northeast of the plant.

12 The counterclockwise alongshore currents in the Bay
13 brings these waters right to the plant.

14 These and other plankton are killed either by
15 entrainment, entrapment or thermal shock.

16 The spawning grounds of cod and pollock in the Bay
17 are fully discussed in Bigelow and Schroeder's Fishes of the
18 Gulf of Maine, a Marine Ecology Study put out by Boston Edison
19 on the effects of Pilgrim 1 in 1973, which they stated:

20 "These data continue to suggest that spawning
21 activity. . ." --

22 And I quote from Boston Edison scientists:

23 "These data continue to suggest that spawning
24 activity of several species in waters adjacent to
25 Pilgrim Station is ample to warrant concern regarding

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1 possible entrainment losses."

2 Yet, the final Environmental Impact Statement for
3 Pilgrim 2 dismisses any concerns with this ambiguous and
4 contradictory statement that:

5 "Nothing is known about the site of actual
6 spawning, however, concerning the combined thermal,
7 mechanical and chemical effects of passage on fish
8 larvae: Any impact due to combined effects are
9 expected to be highly localized and are judged acceptable
10 by the Staff."

11 I do not find this statement or any statement else
12 contained in the Environmental Impact Statement acceptable
13 concerning the loss of millions of gallons of water containing
14 fish eggs.

15 According to the Edison people, the levels of
16 radioactivity found in the Bay are well within the safe
17 levels determined by the government.

18 However, numerous studies have indicated that there
19 are no safe levels of exposure, and increases will result
20 in increase in cancer, leukemia and birth defects.

21 This has been shown in numerous studies, including
22 one at Hanford, Washington, another recent one by the U.S.
23 Public Health Service among residents around U.S. atomic
24 tests in Utah, and a ten-year study by England's Medical
25 Research Counsel of shipyard workers which showed any increase

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1 in the amount of radiation would amount to chromosome damage.

2 I could speak forever on other problems still
3 unresolved, including waste disposal, evacuation plans, need
4 for power and others. But the continuation of the Bay from
5 Pilgrim 1 will remain for up to 250,000 years and the levels
6 are sure to grow with each daily release from the plants.

7 It is disconcerting that another death machine
8 is planned next to the one already existing, and only certain
9 to abound an already dangerous situation.

10 The question of Pilgrim 1 should not be considered
11 on economic terms, even though it is not economically feasible.

12 IT should not be considered according to
13 alternative siting. This should be secondary to moral and
14 social questions. An economic estimate is unrealistic. A
15 person's life and wellbeing should not have a pricetag and
16 no economic analysis can change this.

17 We cannot afford this. Life cannot be measured in
18 such a manner.

19 (Applause.)

20 DR. COLE: Mr. Kelley?

21 Mr. Kelley, may I ask you a question or two?

22 Have you looked at the environmental statements
23 prepared by the Edison Company and by the Nuclear Regulatory
24 Staff?

25 MR. KELLEY: Yes, I have.

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1 I used it for the basis on figures concerning
2 fish egg populations and plankton density, and also concerning
3 discharges of certain biocides in water.

4 And I also used certain marine ecology studies
5 which have documented certain effects of Pilgrim 1 on the
6 Bay; ecology studies taken after the plant was put on line.

7 DR. COLE: Have you made any quantitative comparison
8 between the results that you, yourself observed, as a research
9 worker in this field and the results that are contained in
10 the documents by the Staff of the Nuclear Regulatory Commission?
11 Or the documents provided by the Boston Edison Company?

12 MR. KELLEY: Well, I think that some of the conclu-
13 sions that have been reached by the scientists on the staff
14 of Boston Edison and some of the conclusions I reached are
15 on a different frame of thinking.

16 DR. COLE: Are you talking about your interpretation
17 on a qualitative basis, or is this based upon a quantitative
18 difference between your observed numbers and the numbers that
19 are contained in the environmental statements that are in this
20 record?

21 MR. KELLEY: One example, it has been known for
22 many years that spawning grounds of cod, a very important
23 commercial fish in New England has been in Cape Cod Bay. And
24 this has been in periodicals and literature for over 50 years.

25 In the final EIS for Pilgrim 2, it was stated that

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1 the scientists did not know anything about spawning grounds in
2 the general area of the plant. But they didn't think it was
3 really that important, so they didn't think it would really
4 make that much difference having the plant there.

5 That's just a difference in someone's ignoring a
6 fact that has been stated several thousand times before and
7 known by, you know -- not only by scientists but by local
8 fishermen and local people as a fact that these fish do spawn
9 in the area. These eggs will end up directly in front of the
10 plant where they will be either sucked in by the entrainment
11 process, or be fried by the cooling waters.

12 And I just have reached several different conclu-
13 sions than what are reached.

14 I'm not disputing at all the data that's been
15 released by the Boston Edison. As, for example, the 15 percent
16 loss of the juvenile lobster population that no one else
17 has any information on, but there are certain things
18 that they have tended to ignore. One, they ignore the fact
19 that low-level chlorinization of the waters for controlling
20 fouling organisms has been shown to upset the metabolic cycles
21 of juvenile lobsters. They haven't put in any estimate
22 of possible loss to the fisheries on this issue.

23 They completely ignore the fact that cadmium, which
24 is being slowly worn off the reactors is getting into the
25 Bay and getting into the metabolic cycle of certain

mm11 1 invertebrates in the sand. They are not taking this into
2 account for possible loss of fishery.

3 I'm of the opinion that some people have decided
4 some things can be whitewashed and people won't, you know,
5 really miss it all that much. I guess that's just where the
6 difference lies.

7 DR. COLE: Just one more question, Mr. Kelley.

8 You mentioned some radioisotopes and concentration
9 in the food chain. Certain of these concentrations are
10 mentioned, measured and/or estimated in the documents
11 provided by both applicant and staff.

12 Have you made any actual determinations that the
13 concentrations are significantly different than the
14 concentrations that are either printed, measured, estimated,
15 contained in any of the documents in the Environmental Reports
16 of the Applicant or the Staff?

17 MR. KELLEY: In regards to concentrations of radio-
18 nuclides, I think a lot of times they are extrapolated as you
19 move up the food chain from zooplankton to phytoplankton,
20 phytoplankton to zooplankton will increase a certain amount,
21 by the time they reach shellfish there would be a certain
22 amount, so the person would consume a certain amount.

23 There was a study, I think th ree years ago, done
24 in the MaineYankee plant by Dr. Price at the University of
25 Maine concerning --

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DR. COLE: You are getting away from this plant.

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Are you going to stay on that point?

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MR. KELLEY: I just -- it was a thing concerning

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actual estimated amounts of concentrations as you move

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up the food chain, and actual concentrations that they found

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in some oysters.

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And Mr. Price had found that as compared to what

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was originally predicted they were going to find in certain

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organisms, especially oysters, they had concentrations far

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higher than this.

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And Maine Yankee responded by dismissing him as

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a consultant for their research work on the project.

13

So, I'm saying, one thing I will say that we have

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to be aware of sometimes, is these concentrations have been

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worked out on paper as, you know, certain mathematical

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projections, progression amongst the food chain. Sometimes

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certain factors are a lot higher, depending on the situation,

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fluctuation in the water and anything --

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DR. COLE: Do you know of anything like that that

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happened here?

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MR. KELLEY: No. All I'm aware of is the findings

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of Dr. Bowen this last winter of plutonium, also cesium,

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manganese and cobalt that's been found off the Pilgrim plant.

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DR. COLE: Thank you very much, Mr. Kelley.

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LIMITED APPEARANCE STATEMENT OF JUDY SCAZZI,

2 MS. SCAZZI: My name is Judy Scazzi, and I am a
3 resident from Kingston, and I am here speaking today for
4 some of the local residents of the area.

5 I don't think there is much that I can add to
6 anything that will have been said today, or may follow what I
7 will say. What I would like to do, however, is asked four
8 questions to be considered by this Board.

9 One, can we afford to chance a Three Mile incident
10 here?

11 Two, can we afford to ignore the rising data
12 concerning the effects and problems of low-level radiation
13 and waste disposal and storage.

14 Three, can we continue to swallow bizarre attitudes
15 which say it can't happen here, even in the light of an
16 investigative task force report which clearly states it is
17 not a next-to-impossible fluke. And not only could it occur
18 again, but it is likely to occur again.

19 Four, gentlemen, can we trust the nuclear industry
20 to throw the dice risking the safety not only of our lives,
21 but the lives of our children to come.

22 Thank you.

23 (Applause.)

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LIMITED APPEARANCE STATEMENT OF THE HONORABLE PAUL
D. HAROLD, STATE SENATOR FROM QUINCY.

MR. HAROLD: Mr. Chairman, my name is Paul

Harold. I am the State Senator from Quincy. I am speaking not
just for myself, but for the 53 members of the Legislative Energy
Development Caucus.

I would like to point out this Energy Development
Caucus was founded on the premise that our energy policy must
be based on both conservation and the use of renewable energy
sources, which is the soundest strategy that our state and
nation can pursue.

Today's hearing will determine whether or not
it will continue with the unviable option of nuclear power.
I recognize the need to more prudently spend our limited
financial resources for renewable and reliable energy sources.

What you do here today not only affects the residents
of Plymouth and Quincy, but affects all the residents of
Massachusetts and the ratepayers for Boston Edison Company,
a company which already charges the third highest residential
electric rates in the country.

I would like to discuss the real costs of nuclear
power, costs that the experts have not addressed.

In 1954 the Atomic Energy Commission Chairman, Lewis
Strauss, when speaking about the promise of nuclear energy said:

"It is not too much to expect that our children

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will enjoy in their homes electrical power too
cheap to meter."

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Well, 25 years later the Atomic Energy Commission
is gone, and so, too, is the promise of cheap energy from
nuclear power stations.

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Nuclear construction costs are increasing so
rapidly that the rate cost estimates are impossible to make.
In 1967 the AEC predicted plant reactors would cost \$134
per kilowatt of generating capacity.

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Actual costs have turned out to be \$2- to \$400 per
kilowatt.

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By 1976 construction expenses were as much as
\$645 per kilowatt. Economist Daniel Ford of the Union of
Concerned Scientists has stated that if past trends are any
indication, reactors planned in the mid-1970s will cost
between \$1500 to \$2000 per kilowatt. In fact, the Boston
Edison Company's proposed Pilgrim 2 could cost in a range
of \$1700 to \$1800 per installed kilowatt capacity.

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As one official of the Atomic Industrial Forum,
an industry trade association has noted, estimating capital
costs for power plants is like shooting at a moving target.

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Since 1964 the cost of constructing a nuclear
plant has increased over 1000 percent while the consumer
price index has risen 77 percent.

Boston Edison in January 1966 announced they will

mml6 1 construct a Pilgrim Nuclear Plant at a cost of \$65 million.
2 By the time the plant was completed in 1972, it cost \$239
3 million, nearly four times the original estimate.

4 The original cost estimate for Boston Edison's
5 proposed Pilgrim 2 plant was \$250 million. The most recent
6 estimate is \$2.2 billion.

7 Finally, the Seabrook nuclear power plant were
8 initially considered a \$970 million project by the Public Service
9 Company. As of December 1977, the cost had increased to
10 \$1.560 billion, and today many nuclear economists believe
11 the plant will cost at least \$2.6 billion.

12 One must also consider nuclear power plant reliability
13 in determining cost-benefit ratio of nuclear plants. A
14 capacity factor is a power plant's actual kilowatt-hour
15 production as a percentage of its maximum possible output
16 based on design capacity of the reactor.

17 In order to generate economical power nuclear
18 plants must generate electricity at 70 percent to 80 percent
19 of capacity. The nuclear industry, however, has never
20 consistently achieved this efficiency. In fact, the nationwide
21 capacity factor for 1976 was 57 percent, down from 1975's
22 59 percent of capacity factor.

23 Here in New England, Boston Edison's lifetime
24 capacity factor for Pilgrim 1 from its startup date in 1972
25 through December of 1976 was 42 percent, the seventh worst in

mm17 1 the nation.

2 Pilgrim 1 plant's lifetime capacity factor from
3 1979 is 52.4 percent, although it is important to note that
4 even as you are conducting this hearing today, this nuclear
5 station is shut down again for investigation of possible
6 design defects.

7 When nuclear power plants such as Edison's Pilgrim
8 1 is shut down 42 percent of the time, it forces customers
9 to pay extremely high capital costs for the nuclear plants
10 and requires the company to shop around for higher-priced
11 purchased power.

12 The nuclear industry claims it costs 15 mills or
13 1.5 cents to produce a kilowatt of electricity. They decline
14 to factor in the hidden costs of producing power, the costs
15 such as the \$17 billion spent by the federal government for
16 research and development programs for commercial reactors,
17 which add 11 mills or 1.1 cents to the costs of kilowatt
18 hours. Nor do they include fuel enrichment costs which
19 are undertaken at government expense and which add 2 or 3
20 mills.

21 Add to this the nonquantifiable subsidy accorded
22 the nuclear industry, and the 1957 Price Anderson Act which
23 limits power companies' liability in the case of a nuclear
24 accident to \$560 million, and you can plainly see the cost
25 of nuclear power is extremely high

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This cost estimate does not take into account the cost of nuclear waste disposal, decommissioning of nuclear plants, or the added health care costs to all Americans because of radioactive contamination.

In regard to future economics of these plants, only one thing can be sure, that they will be more expensive to construct and operate as a result of the Three Mile Island incident, especially pressurized water reactors like the proposed Pilgrim 2 Station.

Utilities will encounter increased opposition to rate relief requests and will be forced to pay higher interest rates to lending institutions for borrowing capital to construct nuclear plants. Many utilities may simply be unable to secure internal financing for their nuclear construction projects.

In fact, two weeks ago the Bank of America in San Francisco declared a moratorium on the granting of loans for nuclear construction purposes.

Boston Edison is not in particularly good financial shape as of today. The Political climate in Massachusetts is such that the legislature will not accept a construction work in progress levy upon the already overburdened ratepayers. And I ask, where will Boston Edison secure the money to construct this facility?

A final point I would like to raise in regard to

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mm19 1 the granting of a license to construct and operate a nuclear
2 power plant, is the ability of the federal government or
3 the nuclear industry to resolve the radioactive waste disposal
4 problem. That the record of management of radioactive waste
5 has not been excellent is no secret, and one cannot claim to
6 have solved this problem, storage and disposal of radioactive
7 waste merely by pointing to efforts made to do so.

8 I am afraid we have created a radioactive waste
9 monster without a cage. According to most estimates, America
10 now has enough nuclear waste to pave a four-lane highway
11 one foot deep with nuclear waste from the Pilgrim 1 station
12 here in Plymouth to the Diablo Canyon Nuclear Plant in
13 California.

14 The consequences of creating more spent fuel at
15 the proposed Pilgrim 2 station could be costly in terms of
16 nuclear proliferation, increased incidents of cancer and even
17 more expensive electric bills.

18 I hope that you, the Members of the Atomic Safety
19 and Licensing Board will take this into account when deciding
20 whether or not to authorize Boston Edison Company to produce
21 this ill-advised project.

22 (Applause.)

23 Yes, sir. We will take a short recess
24 after you have given your statement.

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LIMITED APPEARANCE STATEMENT OF GILBERT SILVA

MR. SILVA: Yes, sir.

My name is Gilbert Silva. I live on Carver Road. I have been a resident all my life in this town.

What amazes me here is this: You can throw stones at me because I was the coordinator of getting the 4 to 1 vote in this town. What amazes me here, all these people here aren't from Plymouth, they are all from surrounding towns. Where are all the residents from Plymouth?

(Show of hands.)

Now I want to tell you something, I lived in this town when there was 10,000 people. Now it's 32,000.

Now how did I get the 4 to 1 vote? Was I a martyr? Was I God. I will use that word God for the simple reason, is this here -- where were you people to coordinate all these people to get the 4 to 1 vote?

What amazes me is this here. You had an opportunity like I had, and I'm sorry, I'm a private citizen -- I'm not being paid by Edison or anybody else in this town -- what amazes me is this here. We have had as long as we have been in this world, we go back to the bible, and it is the same thing. Which is the direction we are going?

They -- what amazes me is this here: They say Edison made this town fully populated. I would like to see you go to Carver, only three miles from Plymouth and see what problems they are having.

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1 Another thing that we should be thankful for, since
2 I tend to speak with the selectmen, Gordon Howard wanted to
3 put an analysis up on you. Just think what your tax state-
4 ment would be today if Edison can buy that.

5 Let's face it, it isn't only one side of the coin.
6 I'm not a professor, but I'm a thinking man and I'm a laborer
7 that deserves the time I'm speaking today for the simple
8 reason that I'm 63 years old. You people are going to feed
9 me from now on, I'm not going to feed myself.

10 What amazes me is this here: they talk about
11 power plants and of cost and everything that goes with it.
12 What amazes me, I'm concerned about the health. And nobody
13 ever said to Edison, to the government, 'Let's bring private
14 specialists from all over the world, not only this country,
15 and bring them in, examine these people who have been in these
16 power plants and see the results of accumulative years, not
17 days.'

18 When you study history you study the culture of
19 our forefathers in the history books. Let's study this power
20 plant, the culture of the dangers, if it is dangerous, from
21 now on.

22 I haven't seen anybody get up in this hall yet
23 and say 'Let's bring in cancer specialists to see if we are
24 wrong or right.' And this is what I am concerned about as a
25 citizen.

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1 Thank you for listening to me.

2 (Applause.)

3 CHAIRMAN LUTON: Thank you.

4 Sir, would you mind if we took a recess, five
5 minutes or so?

6 MR. DENNEMAN: Excuse me, I just want 15 seconds
7 to answer him. It's something that I didn't want to say before.

8 CHAIRMAN LUTON: All right.

9 Then I'll have to ask the gentleman behind you:
10 Would you mind if we waited a bit, took a break before your
11 statement? We would appreciate it. Thank you.

12 LIMITED APPEARANCE STATEMENT OF NATHANIAL DENNEMAN

13 MR. DENNEMAN: I am Nathaniel Denneman. I didn't
14 make a previous statement about a fact of which I had know-
15 ledge. It's a very sad fact.

16 I gave a talk on the dangers of nuclear power
17 pollution to the Plymouth Carver Intermediate School. You
18 heard the gentleman before me mention Carver. It took 40
19 minutes, and then there were two hours of intelligent question-
20 ing by these eighth and ninth grade students.

21 But one question I was asked that I'll never
22 forget. That question was this, by a boy:

23 He said, "My father has cancer, and there are
24 four terminal cancer cases on our block. Is that due to the
25 nuclear power plants?" And I said, "Do you live near the

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1 plants?" And he said, "Yes."

2 I have seven children and two granddaughters.
3 Three of my children were boys like him at one time. They're
4 grown now. And I didn't know what to say. But all I could
5 say was one word: "Probably."

6 You've heard the information about 240 pounds of
7 radioactive gases per day. Last night Dr. Rasmussen of MIT,
8 the director of northeast utilities, said that the incident
9 at Three Mile Island showed how safe the design and con-
10 struction of nuclear power plants are because the containment
11 building contained the radioactivity. He wasn't making a
12 mistake, he was lying because he knows that Three Mile
13 Island and Pilgrim are designed and built to emit in this
14 case 240 pounds of radioactive material per day.

15 And there are four cases of cancer in one block
16 near the plant. And I'm an engineer. I deal with probabilit-
17 ies. I've dealt with probabilities all my life. And I had
18 to answer him, that little boy, as best I could.

19 That's all.

20 CHAIRMAN LUTON: Thank you.

21 (Applause.)

22 CHAIRMAN LUTON: We will recess now for five or
23 ten minutes.

24 (Recess.)

25 CHAIRMAN LUTON: All right. Let's start now.

mpb4

1 I see the gentleman is ready to make his limited
2 appearance statement. We'll receive it at this time.

3 I notice that no representative for the Applicant
4 is here. Perhaps we ought to give him just a bit of an
5 opportunity to join us so that he can hear what's being said.

6 All right. You may proceed.

7 LIMITED APPEARANCE STATEMENT OF DONALD WILKINSON
8 RESIDENT, PLYMOUTH, MASSACHUSETTS

9 MR. WILKINSON: My name is Don Wilkinson and I
10 live in Plymouth. I live within five miles of Pilgrim I.
11 And I only wish to address one point in this very complex
12 issue.

13 When I arrived here today I didn't plan on speak-
14 ing, I planned on doing some listening. And it's only been
15 after listening to Mr. Hayes discuss the existence of the
16 evacuation plan that I felt moved to speak to you.

17 He demonstrated that the plan which was approved
18 existed in two volumes which he held up. You've heard about
19 the infamous Blue Card. I don't know if you'll ever have the
20 chance to see one. I hope that Edison will afford you the
21 opportunity. It certainly has not afforded me the opportunity.

22 I've lived in Plymouth since 1974, and, as I say,
23 I've not seen a Blue Card. Reportedly they have distributed
24 them.

25 The concern I have, I can tell you I've not seen

mpb5 1 a Blue Card about the existing evacuation plan. You've heard
2 it from another speaker and you've heard it from a person in
3 the audience. And I'm sure that resident after resident
4 living within the five mile radius, living within two miles
5 of the Pilgrim 1 plant can come before you and make the same
6 statement.

7 I think in considering Pilgrim 2 and even con-
8 sidering Pilgrim 1, you need to look at the fact that even
9 though the plan is on the book, it sits on the shelf unread.
10 The residents of the Plymouth Community within the prescribed
11 area are not aware in detail of that plan.

12 I don't know what you can do in terms of doing
13 a poll or a survey of the residents right around the plant
14 to validate what I'm saying to you, but I think that that
15 needs to be done.

16 The plan by itself sitting there without residents
17 being aware of it does not do any good. That's all I wish to
18 say.

19 CHAIRMAN LUTON: Thank you.

20 (Applause.)

21 LIMITED APPEARANCE STATEMENT OF RUTH ROWLEY

22 MS. ROWLEY: I am Ruth Rowley, and I, like the
23 former speaker, did not intend to say anything except to
24 listen here. But as chairman of the Board of Health from the
25 period 1974 to '76, I was involved in one meeting and one

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1 meeting only as it related to an evacuation plan.

2 I have no doubt that Boston Edison has an out-
3 standing evacuation plan. I have no doubt that the gentleman
4 at Pilgrim has a very fine evacuation plan. I have no doubt
5 that you as an agency have them on file as part of this
6 proceeding. But I think the gentleman previous to me made
7 the point:

8 No one else knows. And I think that your function
9 as a regulatory agency is to represent me, the individual.
10 And you carry the responsibility to independently see that
11 those who are to be affected do in fact know the evacuation
12 plan.

13 In talking to some of the Board members back
14 here, we couldn't agree, because they are the experts and I
15 am not, that any plan, whether it be for nuclear, for fire,
16 for hurricane, whatever disaster, it would be the same. But
17 unless the individuals who are going to be evacuated know it,
18 then there is no plan.

19 It is very difficult to conduct major business
20 in this area, which is the sale of real estate and the
21 development of single family homes by handing to the buyer,
22 'And here is your evacuation card.'

23 (Laughter.)

24 I suggest, gentlemen, that this is an area in
25 which all of us that have ever played a role in government

mpb7

1 have to recognize. We have created a monstrosity of the
2 bureaucracy in which we do have difficulty administering
3 some absolutely fantastic plans and ideas. I've been a part
4 of that as an elected official in a local community and tried
5 as hard as I could try and I could not get everything done.

6 We have one small section of our town -- forgive
7 me for diverting to another -- to do sewers, to coordinate
8 ten state and federal agencies with their regulations into
9 one small area and it became almost impossible to accomplish
10 until I reminded them all that I, on the local level, have
11 the needs, I on the local level have the problems. And
12 unless those who are in government and regulating agencies
13 remember they represent me, I will take my needs and my
14 problems and withdraw, and then there will be no reason for
15 any of you to exist, nor any business to exist.

16 I think we can begin to be better than this
17 because it is unfair to business. They have made a commitment,
18 a total of money which is valueable, and ultimately I pay
19 that as the consumer of that product. But you are dealing
20 in the manner in which you conduct your decisions with the
21 credibility of my government. And if there is any more
22 raising of doubt of the credibility in the manner in which
23 any government officials at any level of government carries
24 out its working relationship, you have destroyed the hope
25 and future of the entire way of my country. And therefore,

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1 gentlemen, it is not Boston Edison you represent, it is I as
2 one individual.

3 And I sincerely hope that when you look at the
4 facts that you take all of that into consideration and come
5 out and ask me and my neighbors where do we stand and what do
6 we know.

7 Thank you.

8 (Applause.)

9 CHAIRMAN LUTON: Thank you.

10 Next?

11 LIMITED APPEARANCE STATEMENT OF NANCY DOONAN,
12 RESIDENT, PLYMOUTH, MASSACHUSETTS

13 MRS. DOONAN: I am Nancy Doonan, and I am a
14 resident of Plymouth.

15 I'm very upset, beyond words, that they want to
16 build another nuclear power plant. I just lost a 33 year old
17 sister from cancer that left a three year old son and a nine
18 year old son.

19 (Weeping.)

20 And I just wonder what all the poisoned gases
21 going through the air are doing to what I'm breathing in
22 and what all my friends and relatives and everything, all
23 that they might be breathing in. And I love seafood, I hate
24 to see our plant life ruined. I might die because I love
25 seafood. And I hate to see the land I love and the waters

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1 just die because of nuclear waste that nobody knows anything
2 to do with.

3 It's got me so upset I don't know what to do,
4 just come and speak out, because I didn't intend to speak
5 either. And when that gentleman got up and said, "There is
6 no Plymouth residents here," well, I'm a Plymouth resident
7 and I'm damn good and mad that they want to ruin my life.
8 And I'm speaking on behalf of my daughter and my grandchildren
9 that might be coming in the future. And I worry about them,
10 and about the unborn children and the increase of cancer
11 and leukemia.

12 I've worked in hospitals and nursing homes, in
13 rehabilitation centers, and it's shocking, the incidence of
14 cancer. I am 37 years old, and since I was 16 I was working
15 in hospitals. And it astounds me, the jump in cancer since
16 nuclear has come into the picture.

17 And I didn't intend to speak today, but I'm damn
18 good and mad and I had to get up and say something.

19 Thank you.

20 CHAIRMAN LUTON: Thank you.

21 (Applause.)

Madelon flw 22 CHAIRMAN LUTON: Is there someone else who wishes
23 to speak now?

24 MS. LOYD: Must I walk over there?

25 CHAIRMAN LUTON: You don't have to, but you can be

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1 heard better.

2 LIMITED APPEARANCE STATEMENT OF NANCY LOYD

3 MS. LOYD: I do not blame the plants for any
4 illness at all, cancer, leukemia. I don't understand that.

5 But I do see that the earth is being dug up.
6 And I don't know, could that be starting these earthquakes?
7 This has been done for many, many years. Could that be doing
8 that?

9 We're digging and digging, and what are we putting
10 back? Doesn't that make waste?

11 CHAIRMAN LUTON: I'm not able to answer you.

12 MS. LOYD: I can't either. I'm just wondering
13 about that.

14 We take oil from the ground. What's filling it
15 up again? We're working from underground. Why not above
16 ground?

17 I plant my gardens. I see the sun out there.
18 Let's use it. It's God's creation for us. It's a tool.
19 Let's stop digging under the ground.

20 CHAIRMAN LUTON: Is there someone else who wishes
21 to speak now?

22 (No response.)

23 CHAIRMAN LUTON: Limited appearances?

24 MR. HERMANN: Mr. Chairman, I've already talked
25 to the Regulatory Staff about this, and I haven't had a chance

mpb11 1 to talk to the Applicant.

2 If the Board pleases, I'd like to reserve a brief
3 period of time for one of my clients to make a limited
4 appearance next week, if that is allowable. This is for
5 Mr. Lester Smith, and he is the regional director of the
6 National Wildlife Federation. So that is technically not the
7 Intervenor.

8 However, the National Wildlife Federation has given
9 monetary and moral support to its state affiliate, which is
10 the Intervenor.

11 If the Board has no objection and if the
12 Applicant has no objection, Mr. Smith could not be here
13 today, but he would briefly like to address the Board.

14 CHAIRMAN LUTON: Limited appearances are received
15 under the discretion of the Board. It has always been my
16 policy to take them, as many and as widely as we can, whenever
17 we can.

18 In fact, the person who wants to make a limited
19 appearance and wasn't able to be here today, we will not
20 preclude them from having another opportunity before we get
21 out of here.

22 If you can be more specific at some time later on,
23 let me know when he will be in here. I will try to make sure
24 that we set aside time so that that can be taken care of.

25 MR. HERRMANN: Thank you, Mr. Chairman.

mpbl2

1 I was given to understand that it would be at the
2 pleasure of the Board. Mr. Smith would accommodate his
3 schedule to your convenience.

4 CHAIRMAN LUTON: He's here, is he? Perhaps we
5 ought to have him tomorrow morning so that we can lead off
6 with him and wind up the limited appearances and move to the
7 taking of evidence, if that's possible.

8 MR. HERRMANN: I will call him. Is tomorrow
9 morning convenient to the Board?

10 CHAIRMAN LUTON: Yes, I'm about to declare that
11 it is.

12 MR. HERRMANN: Okay.

13 CHAIRMAN LUTON: We do want to start tomorrow at
14 nine o'clock. If there should be some few limited appearances,
15 only a few, we will take those first, and then we'll move to
16 consideration of -- not consideration, but rather the taking
17 of the evidence.

18 I'm reminded by my fellow Board members that I
19 haven't made clear the order in which the two evidentiary
20 matters were to be taken up. I thought I had. Financial
21 qualifications, alternate sites, unless the parties want to
22 do it differently. Alternative sites and then financial
23 qualifications.

24 I stated it the way that I did because I was
25 certain that I had seen something in some of the pleadings

mpbl3 1 which indicated a strong desire on the part of at least one
2 of the parties that it be done that way.

3 What are the parties' preferences in that regard
4 if they have one?

5 MR. MEYER: I believe the Applicant and NRC
6 Staff and the Commonwealth have agreed that financial qualifi-
7 cations should be first. I believe that's convenient for all
8 parties.

9 CHAIRMAN LUTON: All right.

10 Mr. Lewald, will the Applicant be prepared to
11 proceed with financial qualifications first tomorrow?

12 MR. LEWALD: First thing tomorrow, Mr. Chairman?
13 Yes, we would.

14 CHAIRMAN LUTON: All right.

15 MR. LEWALD: I would concur with what Mr. Meyer
16 has said, that I think it stemmed from a Staff letter which
17 we all concurred in, that we would take the issues in that
18 order.

19 CHAIRMAN LUTON: All right.

20 MR. SMITH: Mr. Chairman?

21 CHAIRMAN LUTON: Yes?

22 MR. SMITH: Two things:

23 With regard to scheduling, looking forward, next
24 Tuesday, can we have a starting time for next Tuesday?

25 CHAIRMAN LUTON: We don't have one, but we can

mpbl4

1 give you one pretty quickly, I expect.

2 (The Board conferring.)

3 CHAIRMAN LUTON: We will start tomorrow at nine,
4 and every other morning at about that time, except for Tuesday.
5 Tuesday we'll have to start at one o'clock in the afternoon
6 again, Mr. Smith, and the other parties.

7 MR. SMITH: One other item:

8 The parties have agreed that they will file
9 responses to the Energy Office's petition on Friday, June 1st.

10 CHAIRMAN LUTON: That will be acceptable. That
11 will be the last day of the hearing unless we finish prior to
12 that time.

13 I was about to declare the limited appearances
14 closed for now, but I understand there is a lady -- or it
15 appears there is a lady who might desire to make a statement.
16 You can do so now.

17 LIMITED APPEARANCE STATEMENT OF LINDA WILKINSON

18 MS. WILKINSON: My name is Linda Wilkinson. I
19 didn't plan to speak here today either. But as you've been
20 encouraging people to speak, I feel that I would be remiss in
21 my duty as a citizen and as a mother not to express my concerns.

22 One of my concerns is the evacuation plan or lack
23 of evacuation plan or lack of distribution of the evacuation
24 plan or whatever it is. But other people have spoken to that
25 issue today and there is probably not much more that I can

mpbl5 1 add other than it is a concern.

2 One of my other major concerns is the effect of
3 low level radiation. As I say, I am a mother. I have a three
4 year old daughter. And every morning when I wake up and look
5 at her I wonder what her future will be like, what the effects
6 of low level radiation are having on her. I'd like to see her
7 live a full life. And I'd like to see her be able to have
8 healthy children if she should choose, free of genetic
9 mutations.

10 I would also like to live a full healthy life,
11 and from what I know about low level radiation, I seriously
12 doubt that I will be able to and that my daughter will be able
13 to.

14 I feel that maybe I can make that decision for
15 myself, that I can remain here in Plymouth. But I really
16 wonder if 20 years from now my daughter, if she should have
17 some kind of cancer and she questions me and says 'why didn't
18 you move, why didn't you do something', you know, I just don't
19 know how I'll feel. And I guess that's why I've taken this
20 opportunity to speak to you.

21 Thank you very much.

22 CHAIRMAN LUTON: You're welcome. Thank you.

23 (Applause.)

24 CHAIRMAN LUTON: We've received Blue Cards.

25 Apparently they're green and white.

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1 (Laughter.)

2 CHAIRMAN LUTON: Emergency Information Summary
3 for use in Case of Major Nuclear Incident, Pilgrim Station.

4 Well, I want to thank whoever supplied them to us.
5 I've been interested to see what this is about, and I'll have
6 the opportunity to do that.

7 MR. ABBOTT: Mr. Chairman, I would like just to
8 state that we hope we have time during the issues brought up
9 to show the workability or lack of workability of this plan
10 that's in front of you.

11 CHAIRMAN LUTON: It is not my intention. I don't
12 know what this says and its particulars, but it is my inten-
13 tion to try this.

14 Today we announced our determination to admit a
15 contention which was proposed by the Commonwealth of
16 Massachusetts, and at least on Intervenor Cleeton's views,
17 one which they ought to be full participants on as well.

18 Well, to the extent that our consideration of
19 those contentions requires us to consider these cards, then
20 we'll consider the cards. But my point is that this does not
21 come to us as something that we've going to consider
22 independently as contentions dealing with emergency plans
23 that are already in the case.

24 MR. SMITH: Mr. Chairman, along those lines, the
25 Staff has a suggestion for hearing schedules that the Board

mpbl7 1 members may be talking about.

2 CHAIRMAN LUTON: All right.

3 MR. SMITH: First of all, the Staff, in talking
4 with the Commonwealth, would like to have some type of hearing
5 scheduled we hope in August to resolve the remaining issues.
6 I think we can do that.

7 I think also it might be beneficial if some
8 sessions be scheduled for evening hours or early evening
9 hours because it certainly appears that the people in Plymouth
10 and Cape Cod are very interested in this session. If we hold
11 our regular scheduled hearings during the day, I doubt as
12 many people could attend as if we held some type of evening
13 session. Not a full day plus an evening, but if those
14 arrangements could be made I think it would be beneficial.

15 CHAIRMAN LUTON: All right. That's certainly a
16 good suggestion.

17 We're always hearing people say -- and they're
18 absolutely right, and I don't know why we don't do something
19 about that at least some of the time -- that we hold these
20 hearings and invite them to come out to speak to us during
21 working hours, and they can't be here then. So to the extent
22 that there continues to appear to be a sufficient interest to
23 warrant our holding night sessions for the purpose of
24 receiving limited appearance statements, we're willing to do
25 it. Not every day, we can't. It's grueling. It's very

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1 difficult.

2 But we are certainly interested enough and going
3 to attempt to be accomodating enough to schedule night
4 sessions to the extent that we see that the interest is there.

5 MR. SMITH: Mr. Chairman, I was also thinking of
6 night sessions for evidentiary --

7 CHAIRMAN LUTON: Evidentiary session with limited
8 appearances during the day or something.

9 MR. SMITH: I would think that the evidence to be
10 presented on this contention would be of sufficient interest
11 to people for at least one session.

12 CHAIRMAN LUTON: I wasn't following. You were
13 talking about the emergency planning issue now.

14 MR. SMITH: Yes, yes.

15 CHAIRMAN LUTON: I see.

16 Oh. All right. I'll tell you what:

17 We will receive that suggestion, and that too may
18 be one of the matters that I'll be able to make an announcement
19 on later in the week. That is, next week.

20 Yes?

21 MR. HERRMANN: Mr. Chairman, on the proposed
22 August hearings, I didn't have a chance to confer with Mr.
23 Smith on that. If the proposed August hearing also encompass-
24 es the possible Appendix I elaboration, I would ask the Board
25 to schedule that particular evidence another time other than

mpbl9 1 August.

2 I believe I will have a very hard time reaching
3 my expert witnesses, most of my academics will be out of
4 the country during those five weeks. I don't know what the
5 Staff really intends to put in in that August session, but
6 I would have a real problem if it is on Appendix I.

7 CHAIRMAN LUTON: Talk to the Staff about that.
8 We have no idea just what the Staff's timing is, what it
9 anticipates will be the time when it is ready to do with
10 Appendix I.

11 So I expect you can discuss that with the
12 Regulatory Staff. If matters don't work out in a reason-
13 able way in your opinion, then raise it with the Board and
14 we'll try to do something about it.

15 MR. HERRMANN: Yes, sir.

16 CHAIRMAN LUTON: All right.

17 MR. LEWALD: Mr. Chairman, we weren't consulted
18 either on the August date, and I think we're a little concern-
19 ed that everyone seems to have wiped out July.

20 CHAIRMAN LUTON: The Board hasn't as a possibility.

21 MR. LEWALD: And we would urge the Board to
22 schedule these outstanding matters just as quickly as they can
23 be.

24 We have a need for power testimony filing date now
25 I think of June 29th. And it would be helpful for scheduling

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for the Applicant -- and I assume all of the parties -- if we
 could put these outstanding matters on some time in July to
 at least close the evidentiary portion of this record, rather
 than wait until August, and then we're into the fall with no
 end in sight.

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1 CHAIRMAN LUTON: Could the staff be ready to
2 proceed on some of these issues in July, Mr. Smith?

3 MR. SMITH: Need for power, certainly; emergency
4 planning, I would have to check with other people.

5 CHAIRMAN LUTON: All right. Now I understand
6 the spirit in which August was proposed. But Mr. Lewald
7 some earlier time may be a possibility.

8 MR. WRIGHT: Mr. Chairman, I would like to mention
9 with respect to the need for power issue; I think August
10 would be more appropriate for us. It's going to take a
11 certain amount of time to get the stuff together.

12 CHAIRMAN LUTON: To get prepared?

13 MR. LEWALD: I think we failed to understand,
14 Mr. Chairman; when someone urges an issue on the board and
15 then the board accepts it as an issue, that versus urging
16 the issue on the board -- he says he's ready and he needs
17 time -- I think these are inconsistent positions.

18 CHAIRMAN LUTON: We have some decisions to make,
19 obviously, about scheduling as to the outstanding matters.
20 We're going to make them -- and it's entirely conceivable
21 that they'll not be made in a matter for all the parties to
22 proceed comfortably to hearing.

23 In other words, we may have to set some times to
24 be shorter than the times that have been talked about. On
25 the other hand, the ones that have been talked about may be