

April 23, 1992

MEMORANDUM FOR: James G. Partlow  
Associate Director for Projects

FROM: Steven A. Varga, Director  
Division of Reactor Projects - I/II

SUBJECT: GREEN TICKET CORRESPONDENCE EDO #0007575

As requested by the EDO's office we have reviewed the subject correspondence (attached). I have decided that no action is the appropriate course for the subject matter. The White House did not request an NRC response, and the author (Comley) stated he does not desire an NRC response. Therefore, unless you object, I plan to request Margo Bridgers in the EDO's office to close Control No. 0007575 with no response.

Original signed by  
Steven A. Varga, Director  
Division of Reactor Projects - I/II

Attachment:  
As stated

cc: J. Calvo  
V. Nerses  
G. Edison  
M. Bridgers

DISTRIBUTION: Gocket File 50-443  
NRC PDR & LPDR  
PDI-3 Reading File w/incoming  
SVarga  
JCalvo  
VNerses  
MRushbrook  
NRR Mailroom #7575 w/incoming  
CNorsworthy  
Secy # CRC-92-0236  
BClayton

\*See previous concurrence

OFFICE	LA:PDI-3	PM:PDI-3	(A)D:PDI-3	ADRI*	D:DRPE
NAME	MRushbrook	GEdison:sk	VNerses*	JCalvo	SVarga
DATE	4/23/92	4/24/92	04/22/92	04/23/92	4/24/92

OFFICIAL RECORD COPY  
FILENAME: SEABROOK.GT

9205070235 920423  
PDR ADDCK 05000443  
P PDR

280013

NRC FILE CENTER COPY

✓  
WB

WB/VN/Gordon E.

Look this over to see if a response  
is warranted. We may ~~provide~~  
~~same response given to~~  
copy of response to Kostman or

CONTROL NUMBER: 0007575 TO FOUR MEMBERS

NRR RECEIVED: Mar. 23, 1992 <sup>or</sup> 3/23/92 BY Joe LITVIN

ACTION: DRPE: Vuga JVL  
3/23/92

PLEASE NOTE THE ATTACHED GREEN TICKET IS FOR  
APPROPRIATE ACTION. PLEASE REVIEW THIS ITEM  
AND DETERMINE WHETHER OR NOT YOUR DIVISION  
WILL TAKE ACTION. IF ACTION IS GOING TO BE  
TAKEN, WHAT IS AN APPROPRIATE DUE DATE?  
RETURN ONLY THIS COMPLETED COVER SHEET TO THE  
NRR MAILROOM, 12-G-18, BY \_\_\_\_\_.

*no due date. we need  
to figure out what the approp.  
due date should be.*

NO ACTION NECESSARY

YES, ACTION

DUE DATE: \_\_\_\_\_

NRR ROUTING: MURLEY  
MIRAGLIA  
PARTLOW  
RUSSELL  
GILLESPIE  
NRR MAILROOM (12-G-18)  
*Crutchfield*



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D. C. 20555

**ACTION**

EDO Principal Correspondence Control

FROM:

DUE:

EDO CONTROL: 0007575  
DOC DT: 01/31/92  
FINAL REPLY:

Stephen B. Comley  
We The People, Inc. of the United States

TO:

President Bush

FOR SIGNATURE OF:

\*\* GRN \*\*

CRC NO: 92-0236

DESC:

CONCERNING SEABROOK

DATE: 03/20/92

ASSIGNED TO:

NRR

CONTACT:

Murley

ROUTING:

Taylor  
Sniezek  
Thompson  
Blaha  
TTMartin, RI

SPECIAL INSTRUCTIONS OR REMARKS:

FOR APPROPRIATE ACTION

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-92-0236                      LOGGING DATE: Mar 19 92

ACTION OFFICE: EDO

AUTHOR: STEPHEN COMLEY

AFFILIATION:

ADDRESSEE: PRESIDENT BUSH

LETTER DATE: Jan 31 92                      FILE CODE:

SUBJECT: NUCLEAR POWER PLANT SAFETY

ACTION: Appropriate

DISTRIBUTION:

SPECIAL HANDLING: NONE

CONSTITUENT:

NOTES: WHITE HOUSE REFERRAL

DATE DUE:

SIGNATURE: .                                      DATE SIGNED:

AFFILIATION:

EDO --- 007575  
92-01885-A-00

137  
NRC

We The People, Inc.  
of the United States

Stop Chernobyl Here

January 31, 1992

CERTIFIED MAIL, RETURN  
RECEIPT REQUESTED

President George Bush  
The White House  
Pennsylvania Avenue  
Washington, DC 20500

Dear President Bush,

Enclosed are some materials I had intended to give you on January 15, 1992, at the Portsmouth Rotary Club dinner in New Hampshire. Unfortunately, even though I had a valid ticket and was acting with propriety, Mr. Molt, president of the Rotary Club, had me arrested. As best as I can tell, I was arrested simply because I am known in that area for my concerns about nuclear power plant safety.

I had intended to give you the information in the packet enclosed here. I was unable to do so because I was taken away in handcuffs, leaving behind my wife who was meeting me there, without opportunity to tell her what had happened. I feel I was treated unfairly by your Secret Service people, as well as by the Portsmouth Rotary Club and the Portsmouth police.

It seems to me that certain domestic issues deserve your attention: joblessness, homelessness, and the fact that the Nuclear Regulatory Commission is, according to the General Accounting Office, endangering the people of this country by their lax attitude toward nuclear power plant safety.

I hope you read the enclosed materials and consider them seriously. I am asking you to personally answer this letter and not pass it on to the NRC. In all due respect, since the NRC is under investigation by their own Inspector General, it is inappropriate for them to receive and answer my letter. I look forward to your response in this matter.

Sincerely,

Stephen B. Comley  
Executive Director

SBC/ca  
enclosures

# The Boston Globe

WEDNESDAY, JANUARY 29, 1992

## NRC staff lied about Seabrook, study says

By Ross Gelbspan  
GLOBE STAFF

The staff of the Nuclear Regulatory Commission lied to Congress about inadequate safety documentation and other problems at the Seabrook nuclear power plant as late as a month before the NRC gave the plant final operating approval in March 1990, according to an internal report by the NRC inspector general.

The report, a copy of which was obtained by the Globe, also found NRC staff members ignored potentially serious problems that had been brought to its attention.

In February 1990, several senators and congressmen concerned about safety at Seabrook asked the NRC to address six sets of questions - most of which focused on the safety of key welds in the plant and whether X-rays of the welds had been adequately reviewed. After the plant was licensed the following month, they asked the inspector general to find out whether the NRC staff had lied to Congress.

The inspector's report, summarizing an 18-month probe that included interviews with 48 NRC and Seabrook officials, concluded that the agency misled Congress in five of the six areas it queried.

NRC, Page 8

REP. PETER KOSTMAYER'S  
CHIEF LEGAL ADVISOR  
ON THIS CASE, JOHN  
O'DONNELL, WILL CONFIRM  
THAT THIS INVESTIGATION  
WAS TRIGGERED BY WE  
THE PEOPLE. SEE  
ENCLOSED LETTER TO  
REP. KOSTMAYER DATED  
FEBRUARY 21, 1990.  
HE CAN BE REACHED AT  
202-226-4085

*I wanted you to  
see this news  
story!*

# NRC staff lied about Seabrook, study says

■ NRC

Continued from Page 1

The report found, among other things, that:

■ The NRC had no evidence that Seabrook's manager, Yankee Atomic Electric Co., ever conducted a 100 percent review of the X-rays of the plant's 2,669 safety-related welds. But the NRC told Congress just before approving the plant's operating license that Yankee had conducted such reviews since the beginning of the plant's construction in 1979.

■ The NRC had no factual basis for telling Congress that "it was not unusual" for 20 percent of the plant's weld X-rays to be rejected - especially since some of those X-rays had been previously approved by senior examiners. Joseph Wampler, an inspector for a major Seabrook contractor, said that before he was fired in 1984 he rejected 20 percent of the X-rays either because of defects in the welds themselves or because of film defects which made it impossible to determine whether the welds were safe.

■ Yankee routinely returned defective weld radiographs to the contractor, Pullman-Higgins, without reporting the defects - either in the actual welds or the radiographs - to the NRC. James Sniezek, an NRC deputy executive director, told investigators such "informal returns" violated NRC rules and "could result in safety problems." When legislators initially asked about the undocumented "informal returns," NRC staffers denied they had occurred.

■ The NRC misled Sen. Edward Kennedy on March 15, 1990, by telling him that Wampler's settlement agreement with the contractor, Pullman-Higgins, did not prevent him from discussing safety problems at Seabrook with the NRC. In a letter to Wampler the previous day, an NRC official directly contradicted that statement, saying the agreement did, in fact, prohibit Wampler from discussing those issues.

■ The NRC failed to act on 14 reports of defective weld documentation that were being written up by Wampler at the time of his termination. Initially the NRC implied to Congress that the reports were reviewed, but subsequently the inspector learned the NRC never reviewed those specific reports. An NRC official told the inspector he decided not to pursue those reports in order to protect Wampler's anonymity.

The report quotes one of the authors of a flawed February 1990 memorandum to Congress on weld safety verification as saying that he

and other NRC staff members felt pressure to respond to Congress as quickly as possible in order not to delay the plant's final licensing.

"In hindsight, if we knew that everybody was going to go over each word of the [memorandum] with a magnifying glass... we would have probably spent a whole lot more time putting it together," the staff member told investigators.

NRC spokesman Joe Fouchard said yesterday that the Nuclear Regulatory Commission has directed the staff to "do follow-up work on issues arising out of the report." NRC officials declined further comment, saying the report, which was not intended for public distribution, would have to speak for itself. The officials stressed that, as a result of NRC and Seabrook reviews last summer, they have no current concerns about weld safety at the plant. They noted the NRC recently fined Seabrook \$100,000 for defective weld documentation.

## Actions termed unacceptable

Rep. Peter Kostmayer (D-Pa.), chairman of a House subcommittee that oversees the NRC, said through an aide:

"Either the NRC staff didn't know what they were talking about when they answered Congress or else they were lying to us. Either of those possibilities is unacceptable. We've made that very clear to the NRC commissioners."

Kostmayer aide John O'Donnell declined to comment on the inspector's failure to identify staff members who provided the false information, saying the ball is now in the commission's court.

"It is incumbent on the NRC commissioners to ensure that the agency never again provides false information to the Congress of the United States," he said, adding "We've made our feelings known to them very clearly."

The inspector's report follows the tortuous saga of weld safety at the plant, which has been at the center of numerous investigations by both Congress and the NRC.

In April 1990, a month after the plant received the NRC's approval to start operations, Kostmayer, along with Sens. Kennedy and John Kerry (D-Mass.), and Reps. Edward Markey (D-Mass.), Nicholas Mavroules (D-Mass.), and Morris Udall (D-Ariz.), asked the NRC's inspector general to determine whether or not NRC officials lied to Congress prior

to licensing the plant.

The report stopped short of assigning blame to specific NRC officials, saying, in several cases, that investigators could not ascertain how the misleading statements came to be made or who was responsible for them. Nor did it recommend criminal or civil action against any NRC staff members.

## Author of change a mystery

The inspector found in one portion of the February 1990 memorandum that "the author's draft was altered without his knowledge," adding that inspectors could not determine who made the change.

Following receipt of that memorandum, Kostmayer, chairman of the subcommittee on energy and environment of the House Committee on Interior and Insular Affairs, asked the agency to verify the existence of a 100 percent review program of weld X-rays.

NRC officials responded that a 1984 inspection report proved the program existed.

But the inspector general found that the report "did not support the NRC's representation to Kostmayer" about the review program. The report added, "Contrary to the NRC's response to Kostmayer," during a 1984 inspection Yankee "did not have a written procedure" requiring such a radiograph review program.

Moreover, the leader of an NRC team that inspected the plant in 1984 told investigators he believed Seabrook's management was reviewing only a 10 percent sample of the X-rays at that time.

The investigation also concluded that the NRC had no basis for telling Congress that the 20 percent rejection rate of radiographs reviewed by Wampler "was not unusual."

"The NRC officials who reviewed this statement provided... little factual support for their concurrence," according to the inspector. The report added that "the lack of knowledge [about] who wrote the statement is indicative of a vulnerability" in the NRC's internal review process.

But the inspector said there was no evidence that specific statement was deliberately intended to mislead Congress.

Several sources on Capitol Hill familiar with the history of Seabrook's problems criticized the report's failure to assign specific responsibility for the misstatements.

**We The People, Inc.**  
**Save the United States**  
*Stop Chernobyl Here*

January 15, 1992

President George Bush  
The White House  
Pennsylvania Avenue  
Washington, D.C. 20001

Dear Mr. Bush,

This is not the first time I have approached you about a problem which both endangers the American people and threatens to undermine the democratic principle upon which this country was founded. In August, 1988, at the Republican Convention, I presented your staff with information about counterfeit, substandard materials built into the safety systems of nuclear power plants in this country and the Nuclear Regulatory Commission (NRC) was covering up those facts. I never received a response from you about my concerns.

The organization I head, We The People, staged a demonstration near your home in Maine on September 2, 1991 (AP story enclosed) to try once again to bring this issue to your attention. In a speech about the Baltics you gave that day you said you didn't know what the demonstration was about, but that you favor nuclear power because we have good science on it. You also said you valued your privacy at your home and you didn't think demonstrations were necessary.

Unfortunately, you did not hear our message which is: protect U.S. democracy, investigate the Nuclear Regulatory Commission. I know you have been busy ensuring that the democratic rights of people in other countries are protected, but if you were to look at the actions of the NRC, an agency under your control, you would find it is violating the rights of the people of this country. As regards the Seabrook nuclear power plant in New Hampshire, the NRC ignored the fact that people cannot be evacuated from the area in the event of a serious nuclear accident. The agency overrode the states of Massachusetts and Maine and the people of the New Hampshire seacoast by changing the regulations on evacuation plans when it became clear the people could not be adequately protected. The NRC then gave the plant a full operating license despite information it had about documentation problems with safety welds. This action was contrary to law and further endangered the people living near the plant.

These are just two examples of a pattern of behavior carried on by the NRC, a pattern which clearly shows it protects industry profits over the safety of the American public. We The People is circulating a petition calling on you to investigate the NRC. It is our hope that you will listen to the will of the people who are, in all due respect, your bosses, and undertake such an investigation.



Page 2.

Your comment about your support of nuclear power leads me to believe that perhaps you do not have all the facts. It may be you have been misled by Mr. Sununu who has been a staunch supporter of nuclear power as was his father before him. One of your own agencies, the General Accounting Office, produced a report last year which said that the tens of thousands of counterfeit, substandard valves, circuit breakers, piping materials, fasteners and other parts, could cause injury or death to the public. That report also chastised the NRC for knowing about the problem for a long time and doing nothing to correct it. Instead of requiring the nuclear utilities to find and replace the substandard parts, the NRC lowered safety standards for those parts.

I am a businessman and run a nursing home twelve miles from the Seabrook nuclear power plant. I have been under attack from the NRC for many years because I believe the people deserve to know the truth about nuclear power. Last year Federal Court Judge Pratt for the District of Columbia found Victor Stello, the former Executive Director of the NRC and your former nominee for Assistant Secretary of Energy, along with Lando Zech, former Chairman of Commissioners and Ivan Smith, a NRC Law Judge, had violated my constitutional right to freedom of expression simply because, in his words, "they did not like the message." (News story enclosed)

Currently I face more than \$200,000 in fines and indefinite imprisonment for refusing to cooperate with an internal NRC investigation which has been termed by several Congressional committees as a witch hunt and a personal vendetta. Personally, I believe in the law and always try to obey it. However, in this case the NRC is abusing its power in order to silence my organization and others like it.

We The People protects nuclear whistleblowers who have safety information they are afraid to take directly to the NRC. Too often whistleblowers who have trusted the NRC find their careers in ruins. If I lose my freedom because I am standing up for my rights, it will have a chilling effect on all those groups which seek to exercise their freedoms by protecting whistleblowers and bringing their information to the public. Personally, I feel the tactics being used against me, a concerned citizen, would have been more appropriate to the USSR in the 1950s, not the U.S. in the 1990s.

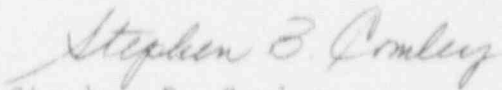
I understand your need for privacy and your wish that demonstrations not occur. Perhaps if you responded to the concerns the demonstrators are raising, there would not be a need for the people to hold them. I hope you will agree that ensuring the safety of the American public is an important part of your job, as is the protection of our democratic rights. I urge you to look into this matter and to order an investigation of the NRC. Ultimately as the President, you are

Page 3.

responsible for the agencies actions. I would also like to remind you that your home in Maine is quite close to the Seabrook nuclear power plant, a facility which has counterfeit parts built into it. None of us who live on the seacoast want to lose our homes because of a nuclear disaster at it.

Thank you for taking the time to consider these matters.

Sincerely,



Stephen B. Comley  
Executive Director

SBC/ca  
enclosures

# We The People, Inc. of the United States

*Stop Chernobyl Here*

THE NRC'S WORST ENEMY:

Steve Comley Fights for "We The People"

Who is Stephen B. Comley?

\* He is the NRC's worst enemy. He is a nursing home director in Rowley, MA who found out that the only evacuation plan for his patients was voluntarily administered potassium iodide in the event Seabrook had a catastrophic accident.

\* He founded "We The People, Inc." to protect whistleblowers who came forward with allegations involving nuclear power plant safety. He works tirelessly to confirm safety allegations and present the facts to the appropriate officials.

\* His work revealed the use of counterfeit and substandard parts in nuclear power plants around the country. Information secured by Mr. Comley and We The People, Inc. resulted in Congress requesting a study by the General Accounting Office. The subsequent October 1990 report confirmed the presence of counterfeit and/or substandard parts in 72 of 113 operating nuclear power plants and that the NRC had neglected its duties. The report said, "An accident caused by using a nonconforming part in a nuclear power plant... could result in death or injury to the public..." (Report reference number: GAO/RCED-91-6)

\* Mr. Comley personally handed the counterfeit materials information to the President Ronald Reagan. He has repeatedly presented the counterfeit materials problem to John Sununu, only to be rebuffed. He has proof that high officials in the NRC worked to cover up this safety problem and many others.

\* In April, 1990, Mr. Comley gave Congress important information regarding failures in the Seabrook station weld inspection program, which sparked the ongoing investigation of welds at the plant. The NRC knew of the weld safety problems before it granted Seabrook an operating permit, which has been challenged by Congress.

\* Mr. Comley's freedom of expression was violated by an NRC Chairman, Mr. Lunda Zech, an NRC Judge, Ivan Smith, and the then Director of Operations, Mr. Victor Stello, who had him ejected repeatedly from NRC meetings because of his views. A federal judge found in favor of Mr. Comley in September, 1990.

\* Mr. Comley is now the target of a witch hunt that stems from Victor Stello's personal vendetta against NRC employee Roger Fortuna, whose job involves prosecuting utilities for safety violations. Stello tried to discredit Fortuna by paying an informant \$8,000 for a taped conversation between Mr. Comley and Mr. Fortuna. It backfired, and Stello was investigated by a congressional committee, while Mr. Fortuna was cleared of any wrongdoing. Chief of Staff, John Sununu, lobbied for Stello for the post of Assistant Secretary of the DOE during this investigation. Stello subsequently had to withdraw his presidential nomination.

\* The witch hunt continues. Mr. Comley has been subpoenaed to turn over more alleged taped conversations with Mr. Fortuna. Mr. Comley refuses to comply with the NRC subpoena, saying that it violates his freedom of association by forcing him to reveal whistleblower sources, endangering their jobs and lives. "The NRC has made a mockery of democracy, and it has got to stop!" - Steve Comley. \*\*\*



## Maine Nuclear Referendum Committee

P.O. Box 4034  
Portland, ME 04101  
Phone: (207) 772-2958

P.O. Box 2627  
Augusta, ME 04338  
Fax: (207) 772-2970



*Safe energy for Maine's future...It's in our hands!*

A CALL TO SOLIDARITY!

JANUARY 10, 1992

CONTACT: ROBERT MOLDAVER, EXECUTIVE DIRECTOR  
(207) 772-2958, FAX (207) 772-2970

ACTIVIST STEPHEN COMLEY REFUSES TO BREAK UNDER NRC PRESSURE AND  
VOWS TO PROTECT WHISTLEBLOWERS FROM HARASSMENT

JAIL TERM IS EXPECTED BY THE FIRST WEEK IN FEBRUARY, 1992!

In the U.S. District Court in Boston, Justice Robert Keeton, ruling against Mr. Stephen Comley, refused to stay a subpoena calling on the nursing home director to turn over alleged tapes of conversations he had with NRC deputy director of the NRC Office of Investigations, Roger Fortuna.

Steve faces an indefinite jail term and expects to be notified of his contempt of court hearing in the next few days! Expected to fall within the first week of February, Steve has been told by his attorney, Ernest Hadley, that he will be led away from the hearing in handcuffs! Steve will be behind bars pending appeal!

We must plan a unified strategy that will produce a cry of outrage from our memberships, our elected officials and the general public. The time is NOW. Steve's rights, our rights, the rights of whistleblowers, and many other activists and their organizations are being simultaneously attacked by this witch hunt. At stake are our freedoms, public safety and the environment!

We have little time to show the unity and organization that this flashpoint demands. National media, university campuses, you and your organization are aware of the whole story behind the witch hunt of Roger Fortuna and Steve Comley.

Justice for those who have endangered our lives by covering up safety violations, counterfeit parts, substandard materials and corrupt officials within the nuclear industry and the NRC will only come if we unify our efforts and ALERT our memberships, awaken our elected officials and obtain media attention!

Please get the necessary approvals from your Boards of Directors to do each of all of the following: 1) Join on to the Amicus Brief on Steve's behalf. 2) Prepare to send out the alert to your memberships in the greater Boston area to attend the contempt of court hearing. 3) Prepare a press release to be used on the day of the contempt of court hearing (for ideas please call). 4) Start (or restart) letter writing, phone calls and visits to your congressional delegations calling for an independent investigation of the NRC.

It is vital that we show outrage as a whole movement over this unjust witch hunt. Please see my letter to you of November 15, 1991 which has other suggestions for action. You will be notified of the contempt of court hearing date as soon as we know it. Please call me with your plans.

In Solidarity,  
Robert E. Moldaver  
Executive Director

# The Union Leader

"THERE IS NOTHING SO POWERFUL AS TRUTH" — DANIEL WEBSTER

GES

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MANCHESTER, N.H. — WEDNESDAY, JANUARY 8, 1992

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## Court: Anti-Nuke Activist Must Surrender Tapes

BOSTON (AP) — A federal judge has denied a request to protect an anti-nuclear activist from having to surrender recordings of conversations he held with a Nuclear Regulatory Commission official.

U.S. District Judge Robert Keeton refused to stay a subpoena ordering Stephen Comley to hand over the recordings to the government.

A government attorney, Roberta Brown, said contempt charges probably would be filed against Comley.

Comley's attorney, Ernest Hadley, said he would file an appeal with the First Circuit Court of Appeals within the next few days.

"I had hoped for better," Hadley said Monday.

If Comley's appeal is denied, he could face an indefinite prison sentence and fines of up to

\$180,000.

"I'm scared. There's no question about it. I've never been to jail before and I don't want to go there," Comley said.

Comley began a crusade against the Seabrook, N.H., nuclear power plant in 1986 when he became concerned that residents of his Rowley nursing home could not be safely evacuated in case of an accident at Seabrook.

The subpoena against Comley stems from telephone conversations he apparently taped with Roger Fortuna, deputy director of the NRC's Office of Investigations. The NRC says the tapes could contain safety-related information.

In September, Judge Keeton dismissed an argument by Hadley that the subpoena imposes a chill on nuclear whistleblowers.

## Anti-nuke activist loses in court, must turn over tapes of NRC talk

BOSTON — Anti-nuclear activist Stephen Comley lost another battle in U.S. District Court when Justice Robert Keeton refused to stay a subpoena issued by the Nuclear Regulatory Commission.

The subpoena calls for Mr. Comley to turn over tapes he allegedly made of conversations he had with Roger Fortuna, deputy director of the NRC's Office of Investigations. In the tapes, safety related issues were reportedly discussed. NRC officials are investigating misconduct charges against Mr. Fortuna and say they need the tapes for their case.

In September, Judge Keeton denied a request to dismiss the subpoena based on the argument that enforcement could have chilling effects on other agency workers who attempt to circumvent a federal bureaucracy allegedly unwilling to admit that safety hazards exist at the nation's nuclear power plants.

Despite three congressional investigations which cleared Mr. Fortuna of any wrongdoing, the agency continues to pursue Mr. Comley for the tapes. "What bothers me is how a federal judge can allow an agency to free-wheel

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*The subpoena calls for Mr. Comley to turn over tapes he allegedly made of conversations he had with Roger Fortuna, deputy director of the NRC's Office of Investigations.*

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like this on only suspicion, and force me to give out names," said Mr. Comley.

Since 1986, when Mr. Comley found out there were no provisions made for evacuation a nursing home he owned in Rowley, Mass., in the event of an accident at Seabrook Station, he has actively crusaded against the nuclear industry. The former Republican Party activist founded We the People Inc., a whistleblowers' protection group that has over the past few

years uncovered information on safety-related failures at nuclear power plants across the country.

It was information developed by Mr. Comley's group that led to a \$100,000 fine levied against the Seabrook plant last month for failing to have adequate welding documentation. It is just this type of activity that Mr. Comley feels has forced the NRC to exert pressure on him.

"Their mission is to destroy We the People and stop the flow of information about safety problems at nuclear plants," said Mr. Comley.

Citing the many safety allegations he has forwarded to both NRC and congressional investigators, Mr. Comley said any safety-related information that might have been on the alleged tapes would have already been made public. "I would never withhold safety information," he said.

Mr. Comley faces an indeterminate jail sentence as well as fines for failing to comply with the subpoena. He may also face contempt-of-court charges for failing to show up at a hearing on the matter that he claims he was never notified of.

A

# The Boston Globe

TUESDAY, JANUARY 7, 1992

## Activist ordered to yield tapes

A federal judge yesterday affirmed an order to an antinuclear activist to hand over recordings of conversations with a Nuclear Regulatory Commission official. Ernest Hadley, attorney for activist Stephen Comley, said he would appeal the ruling by US District Judge Robert Keeton. If Comley's appeal is denied, he could face an indefinite prison sentence and fines of up to \$180,000. The subpoena against Comley, a Rowley, Mass., nursing home owner and an opponent of the Seabrook, N.H., nuclear power plant, stems from telephone conversations he apparently taped with Roger Fortuna, former head of the NRC's Office of Investigations. The NRC says the tapes could contain safety-related information. Comley maintains the subpoena imposes a chill on nuclear whistleblowers. (AP)

STILL  
THERE



# THE SALEM EVENING NEWS

WEDNESDAY, JANUARY 7, 1992

Largest daily on the North Shore

SALEM, MASS.

\$1.90 PER WEEK HOME DELIVERED

## Anti-nuclear activist gets order to surrender tapes

BOSTON (AP) — A federal judge denied a request to protect a Rowley anti-nuclear activist from having to surrender recordings of conversations he held with a Nuclear Regulatory Commission official.

U.S. District Judge Robert Keeton refused to stay a subpoena ordering Stephen Comley to hand over the recordings to the government.

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The subpoena against Comley stems from telephone conversations he apparently taped with Roger Fortuna, deputy director of the NRC's Office of Investigations. The NRC says the tapes could contain safety-related information.

In September, Judge Keeton dismissed an argument by Hadley that the subpoena imposes a chill on nuclear whistleblowers and encourages NRC and other nuclear power plant officials to exact retribution from workers who point out safety problems.

"I'm always disappointed when the court doesn't rule for the people," Comley said after hearing of the ruling. "I have faith that the court of appeals will rule for us when we get there."



# THE DAILY NEWS

Newburyport, Massachusetts

Tuesday, January 7, 1992 / 24 Pages

35 cents \$2 home-delivered

## Judge upholds order on release of tapes

By DONALD BRICHTA  
Ottaway News Service

BOSTON - Anti-nuclear activist Stephen Comley of Rowley continues to suffer setbacks in his legal battle against the federal government and the Nuclear Regulatory Commission.

A federal judge yesterday refused to postpone his order that Comley must give the government tape recordings he supposedly made in 1987 with an NRC investigator.

Comley has refused to release the tapes, which he also refuses to acknowledge he

has, and has ignored two court orders that he turn them over to the government.

Comley sought the postponement pending an appeal. He now faces a contempt of court finding, which could subject him to jail, for refusing to abide by the court order.

"I'm scared, there's no question about it. I've never been to jail before and I don't want to go there," Comley said.

A government attorney, Roberta Brown, said contempt charges probably would be filed against Comley.

U.S. District Judge Robert Keeton, who last September ruled Comley must comply with a subpoena from the NRC inspector Comley, page A12

## COMLEY: Judge upholds order on tapes

Continued from page A1  
general, said yesterday Comley failed to meet the legal standard for a stay.

Keeton said Comley failed to show there is a strong likelihood he would prevail on appeal.

The government wants the tapes as part of an investigation of potential wrongdoing by Roger Fortuna, a top NRC investigator with whom Comley was cooperating. The NRC - and now the inspector general - say the tapes are critical to see if Fortuna improperly revealed confidential information to Comley.

Comley says the case is really an attempt by the agency to silence its

critics and to make it more difficult for those who work in nuclear plants to report safety problems in confidence to independent groups such as We The People, the group Comley heads.

"I'm always disappointed when the court doesn't rule for the people," Comley said after hearing of the ruling. "I have faith that the court of appeals will rule for us when we get there."

Following the afternoon court session, Comley's lawyer, Ernest C. Hadley, said Keeton's decision makes a jail sentence "a very realistic fear" while the appeal is pending. He said he will ask the appeals court to stay Keeton's ruling.

Hadley said he would file the appeal with the First Circuit Court of Appeals within the next few days.

"I had hoped for better," Hadley said yesterday.

When Comley failed to provide the tapes in 1989, Keeton found him in contempt of court and fined him \$135,000. Comley has not paid the fine.

Comley began a crusade against the Seabrook, N.H., nuclear power plant in 1986, saying he was concerned that residents of his Rowley nursing home could not be safely evacuated in case of an accident at Seabrook.

THOMAS H. ANDREWS

MEMBER OF CONGRESS  
FIRST DISTRICT MAINE

WASHINGTON OFFICE  
1724 LONGWORTH BUILDING  
WASHINGTON, DC 20518  
(202) 225-8118

DISTRICT OFFICE  
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COMMITTEE ON  
ARMED SERVICES

COMMITTEE ON  
SMALL BUSINESS

Congress of the United States  
House of Representatives

January 7, 1992

Mr. and Mrs. Nicholas and Cynthia Costello  
182 Whitehall RD  
Amesbury, MA 01913

Dear Mr. and Mrs. Costello:

I want to thank you for contacting me with your concern about the treatment of Stephen Comley by the Nuclear Regulatory Commission (NRC). I and my staff have been looking into this disturbing case. I apologize for the delay in responding to you.

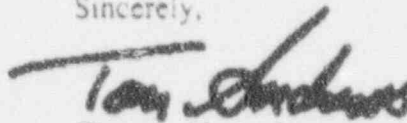
Standing up for what is right by blowing the whistle on wrongdoing is an act of courage that must be encouraged and protected. I share your concern about the case of Stephen Comley and the Nuclear Regulatory Commission (NRC). Mr. Comley is faced with an indefinite jail term and heavy fines for refusing to comply with a subpoena issued by the Inspector General of the NRC. As you know, he is accused of withholding nuclear power plant information from the NRC.

I understand that Mr. Comley has dedicated himself to reporting dangerous practices within the nuclear power industry. Persons who bring safety concerns to light should be protected from intimidation. Nevertheless, substantial evidence points to a case where Mr. Comley has been subject to unreasonable treatment and persecution. I have written Chairman Kostmayer of the Interior Subcommittee on Energy and the Environment, which has jurisdiction over the NRC, to urge their investigation of Mr. Comley's situation. I will press to have this case thoroughly examined.

Mr. Comley's situation is an example of the continuing need for whistleblower protection. I am a co-sponsor of H.R. 3081, the Nuclear Whistleblowers Protection Act Amendments. This legislation protects nuclear whistleblowers who are employees of private companies. I was the sponsor and advocate of Maine's Whistleblower Protection Act when I served in the Maine Senate.

Again, thank you for contacting me about this important issue. Be assured that I will continue to carefully monitor developments in this matter.

Sincerely,

  
Thomas H. Andrews  
Member of Congress

THA:dmd

THOMAS H. ANDREWS

MEMBER OF CONGRESS  
FIRST DISTRICT, MAINE

WASHINGTON OFFICE  
1724 LONGWORTH BUILDING  
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COMMITTEE ON  
ARMED SERVICES

COMMITTEE ON  
SMALL BUSINESS

Congress of the United States  
House of Representatives

December 17, 1991

The Honorable Peter H. Kostmayer  
Chairman  
Energy and the Environment Subcommittee  
House Committee on Interior and Insular Affairs  
1324 Longworth House Office Building

Dear Mr. Chairman:


I would like to request your investigation of the veracity of allegations against Stephen Comley by the Nuclear Regulatory Commission (NRC).

Mr. Comley has been threatened with an indefinite jail term for refusing to comply with a subpoena issued by the Inspector General's office of the NRC. He also owes over \$300,000 in fines for refusing to turn over a tape, for which he was found in contempt of court. The tape, which Comley neither admits nor denies exists, supposedly records a phone call with NRC employee Roger Fortuna, who presumably alerted Mr. Comley to NRC's faulty oversight of the industry and, as a result, Mr. Fortuna was charged of wrongdoing in a nuclear whistleblower case.

I understand that your subcommittee investigated the case of Roger Fortuna and that you are familiar with the situation of Mr. Comley. It is my understanding, however, that your investigation centered primarily on the NRC's actions regarding Mr. Fortuna. I am requesting that your subcommittee investigate the NRC's actions against Mr. Comley for wrong-doing, as it appears the NRC has acted inappropriately and with vindictiveness. I would also request that you continue your inquiries into the appearance of the NRC promoting the endeavors of those it is charged to regulate, the nuclear industry.

Thank you for your attention to this matter. I look forward to your counsel and views of this case.

Sincerely,

  
Thomas H. Andrews  
Member of Congress

THA/dmkl



12/27/91 g

# ADJUDICATORY ISSUE

December 16, 1991

(Information)

SECY-91-405

FOR: The Commissioners

FROM: John F. Cordes, Jr.  
Solicitor

SUBJECT: LITIGATION REPORT 1991 - 22

United States v. Comley, Civ. Action M.B.D.  
No. 91-11556-K (D. Mass., Oct. 31, 1991).

The agency's longstanding effort to obtain audio tapes (or tape transcripts) held by Stephen B. Comley has entered another phase. The district court (Keeton, J.) recently ruled that the Inspector General's subpoena for the tapes or transcripts was valid and enforceable. The court gave Mr. Comley until November 22 to comply. Mr. Comley has not complied. Instead he filed a notice of appeal to the United States Court of Appeals for the First Circuit and sought a stay pending appeal in the court of appeals. The court of appeals denied the stay request "without prejudice" to Mr. Comley's right to seek a stay in the district court (where he should have proceeded in the first place).

Mr. Comley now has re-filed his stay application in the district court. Unless Mr. Comley obtains a stay, the United States Attorney's office is prepared to initiate contempt proceedings against him.

Attachment: Order

Contact:  
Neil Jensen  
504-1634

NOTE: TO BE MADE PUBLICLY  
AVAILABLE IN 10 WORKING  
DAYS FROM THE DATE OF  
THIS PAPER

16  
DEC 31 1991

9112270294

300 1st Floor

RTB

RECEIVED  
U.S. ATTORNEY  
BOSTON, MASS.

JAN 10 1 03 PM '92

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,  
Petitioner

v.

STEPHEN V. COMLEY,  
Respondent

CIVIL ACTION  
NO. 91-11556-K

Order  
January 6, 1992

The court having received written submissions in support of and in opposition to respondent Comley's motion for stay of enforcement of this court's Order of October 31, 1991, and having heard oral arguments on this date, the court finds and determines essentially for the same reasons stated in this court's findings and conclusions of September 19, 1991 and October 31, 1991:

(1) that Respondent has failed to show a likelihood of success on the merits, much less a strong likelihood, and (2) that the balance of likely harm weighs against Respondent, especially in view of his advising the court through his counsel that he was unwilling, as a condition of a stay, to deliver the subpoenaed materials under seal into court custody. It is therefore ORDERED:

Respondent's motion for a stay (Docket No. 21) is denied.

*Robert Keenan*

United States District Judge

# THE VALLEY Advocate

THE VALLEY'S NEWS & ARTS WEEKLY December 12—December 18, 1991

## BRIEFS ■ Sununu's Vendetta

Ding, dong, the wakened chief is gone! But outgoing White House Chief of Staff John Sununu's five-year vendetta against anti-nuclear whistleblower Steve Comley continues to haunt Comley in the courts. Comley first wrote Sununu, then Governor of New Hampshire, in 1986, telling him that patients in his Rowley, MA nursing home could not be evacuated in case of a nuclear accident at Sununu's pet nuke, Seabrook.

When Sununu ran for re-election that year, Comley purchased tickets to GOP fundraisers and haunted Sununu on the campaign trail, asking questions about the evacuation plan Channel 21 in New Hampshire filmed one evacuation in which

Sununu appeared visibly shaken by Comley's questions and canceled a hazardous waste conference because of Comley's presence.

In 1987, Sununu had Comley arrested and removed from his inauguration, even though Comley had a press pass. Immediately after that event, Sununu's staff issued a policy that required photo identification by all reporters. Comley repeatedly criticized Sununu in letters to New Hampshire newspapers.

Comley helped lead the charge in 1989 to stop the nomination of U.S. Nuclear Regulatory Commission chair and Sununu crony Victor Stello to the job of Assistant Secretary of Energy. Stello and the NRC put Comley under court order to release tapes he allegedly has of conversations with NRC employees about falsified documents and faulty welds at the Seabrook nuke. Comley was fined \$1000 a day for six months for refusing to hand over the tapes or even acknowledge their existence. Comley has not paid any fines and is facing prison time.

Throughout these years, Comley has continued to dog Sununu at Republican fundraisers and in Washington. In April 1991 Comley handed Sununu a packet about counterfeit materials in 72 U.S. nuclear power plants. Sununu threw the packet on the floor and kicked it under a table. Steve Comley repeatedly exposed the fact that Sununu is a vindictive S.O.B.—a truth to which even the Republican party has suddenly awakened. America should be thanking Comley, not prosecuting him.

Al Giordano

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# Merrimack Valley SUNDAY

Serving Newburyport, Salisbury, West Newbury, and Newbury

Vol. 5 No. 11 SUNDAY, NOVEMBER 3, 1991

U.S. Postage Bulk Rate Paid By North Shore Weeklies

## BYLINE

# A high price to pay for truth

**I**magine finding what Steve Comley recently did in his morning mail: a notice from the Justice Department demanding \$172,500 — due in 60 days and payable, if it's any consolation, by Visa or Mastercard.

No, it's not a mistake, or a cruel joke. And it's not the result of Comley committing any crime, or owing back taxes. Instead, it appears to be another blow from on high, aimed at silencing Comley's criticism of the nuclear power industry.

The government says Comley owes the money because he didn't comply with a Nuclear Regulatory Commission subpoena to turn over audio tapes of conversations he might have had with Roger Fortuna, who was the NRC's chief investigator at the time of the alleged conversations. For every day that Comley refused to hand over the tapes, the government fined him \$1,900.

For those unfamiliar with his saga, Comley runs a Rowley, Mass. nursing home and used to be a staunch Republican. But five years ago, in the wake of the Chernobyl disaster, Comley



By  
BOB  
YOUNG

wrote the NRC, asking them how he should evacuate nursing home residents in the event of an accident at Seabrook.

The NRC replied that he should give residents potassium iodide to stem the effects of radiation on their thyroid glands. Obviously, this wasn't the solution for anyone mobile enough to flee the area, and Comley interpreted the NRC's response as a prescription for euthanasia.

Thus, began his campaign against Seabrook and the NRC. Comley soon developed contacts with nuclear industry whistle blowers. And he found there were people in the industry — people whose careers depended on safe nuclear power — who were concerned about plants built with faulty parts, shoddy workmanship, and other problems.

The NRC suspects that Roger Fortuna discussed safety problems with Comley, and might have given him names of whistle blowers. But Comley argues that if he gives up any tapes, it will discourage whistle blowers from coming forward in the future.

Last month, however, federal judge Robert Keeton rejected Comley's defense and ordered him to surrender the tapes. (For the record, Comley will neither confirm nor deny the existence of 40 to 50 taped conversations between him and Fortuna, which the government believes he possesses. But his lack of a firm denial is considered evidence that the tapes exist.)

And on Tuesday, Keeton drew up the terms of surrender, saying that Comley must give up the tapes at 10 a.m. on November 22, or go to jail for an indefinite term.

The jail term is open-ended because it's intended for only one purpose — to induce Comley to turn over the tapes.

But since that threat clearly hangs over Comley, why is the government also pressing him to

pay the fines? Moreover, questions remain about why the government wants the tapes in the first place.

Some people, like former State Senator Nick Costello, feel it's to quash dissent. "Obviously they see Steve as a serious threat. We see this as an attempt by the government to stop Steve's activism and to ruin his efforts to bring whistle blower information forward," Costello says.

The tape chase dates back to the NRC's investigation into possible misconduct by Roger Fortuna, an aggressive former district attorney who wanted to prosecute nuclear plants that violated safety regulations.

The investigation ostensibly began in 1987, when Comley brought whistle blower Doug Ellison to Washington with the intention of taking him to the Justice Department.

Ellison, a former technician at the Nine Mile nuclear plant in New York, claimed the NRC was ignoring technical problems at the plant.

But Comley — perhaps acting

Continued on next page



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Ellison, a former technician at the Nine Mile nuclear plant in New York, claimed the NRC was ignoring technical problems at the plant.

But Comley — perhaps acting

Continued on next page

## Truth

Continued from previous page

on Fortuna's advice — suddenly decided not to take Ellison to the Justice Department. It appears Comley changed his mind because he learned Ellison had a slight credibility problem, owing to the fact that Ellison had pleaded guilty to attempted sexual abuse of a 13 year-old girl.

Upset by Comley's reversal, Ellison surreptitiously recorded two conversations between Comley and Fortuna, and gave them to NRC in exchange for \$6,000 in "consulting" fees.

The tapes were then used to launch an investigation of Fortuna by the NRC's executive director Victor Stello. NRC investigators later admitted in affidavits that they feared Fortuna was conspiring with antinuclear activists to "topple the agency."

A U.S. Senate committee, however, concluded that the investigation of Fortuna was the result of an internal feud. The committee said the investigation wasted taxpayers' money, and was unfair to Fortuna.

Yet the NRC persists, two years later, in demanding the tapes from Comley. Their official reason remains that they were never able to complete the Fortuna investigation without the tapes. The NRC suspects that Fortuna might not have been passing on to other NRC officials safety information brought to his attention. Not following that protocol could have violated NRC regulations.

But Comley-watchers like Costello and Henry Bedford, who's authored a book about Seabrook, remain perplexed about why the NRC is still pursuing the tapes.

"I'm at a loss, trying to figure out why," Bedford says.

"Even if the NRC were to find (Fortuna) had misbehaved, that wrongdoing would merit no more than a slap on the wrist. Yet the NRC is persecuting a civilian unmercifully because it thinks he might have such evidence," Costello says.

Comley — who has some reason to feel paranoid — wonders if the orders to clamp down on him come from the White House and his old friend John Sununu (Comley was once arrested for disrupting Governor Sununu's inauguration with an anti-Seabrook harangue.)

It sounds outrageous, but consider the recent revelation that a Department of Energy honcho sent a memo to Energy Secretary James Watkins proposing that Sununu could pressure NRC chairman Ivan Selin to reverse his opposition to a plan that would permit the licensing of nuclear power plants without public hearings.

The memo from William Young, assistant secretary for nuclear energy, outlines five ways to coerce Selin to change his mind about so-called "one-stop licensing," which the Bush Administration supports in its new nuclear energy strategy.

Four of the suggestions in-

volve getting Sununu to exert his influence on Selin. (Selin is hired and fired by the White House.)

Comley vows, however, that he won't cave into the pressure. "If I give up one (whistle blower), I give up all of them ... " He plans to seek a stay of Judge Keeton's order and appeal his case to a higher court.

As for forking over \$172,500, Comley says "it's a helluva price to pay for trying to provide truth to the public."

"I haven't committed any crime. And look at Seabrook — nobody fined them for providing false information to the NRC about weld safety documentation. (Congress discovered — thanks, in part, to Comley — that Seabrook was licensed with insufficient weld safety records — a violation of NRC rules.)

Although it's gallows humor, Comley is still resilient enough to poke fun at the fines.

"We all know the economy is bad. Maybe the government needs the money for weapons. Personally, I'd like to see it go to extending unemployment benefits," he says.

It's that spirit the government seems intent on breaking. And whether you support or oppose nuclear power, it seems we're all better off having Steve Comley looking out for our safety.

Bob Young is a reporter for Merrimack Valley Sunday.

We The People, Inc.  
of the United States

*Stop Chernobyl Here*

MRS. BUSH'S OFFICE SAID THEY HAVE  
LOST THE LETTER - WE ARE IN THE  
PROCESS OF RECONTACTING HER.

September 2, 1991

First Lady of the United States  
Mrs. Barbara Bush  
Walkers Point  
Kennebunkport, Maine

Dear Mrs. Bush:

I intrude on your vacation and your privacy with great reluctance. Only matters of considerable public and private consequence could induce my participation in the nearby demonstration and in an effort to secure your intervention.

The public issue is the process for regulation of nuclear power, which is the organizational focus for the Maine Nuclear Referendum Committee and for We The People, Inc. of the United States. Both of these organizations, and others, believe that the link between the Nuclear Regulatory Commission and the nuclear industry is demonstrable, close and corrupt. We seek investigation of what appears to be a collaborative, rather than a regulatory relationship; we urge both the President and Congress to undertake such investigation promptly. In our view, fundamental democratic principles in the right of the people - not only to be heard, but heeded - are at stake.

One aspect of our concern is the irregular way the NRC granted an operating license to Seabrook Station. Compounding our questions about this unusual procedure was a report the Government Accounting Office issued last October. That document verified our claims that many of the nation's nuclear generating stations, including Seabrook, contained substandard components, some of which are crucial to public safety. Your Maine home is about 18 miles from Seabrook; the immobile residents of the nursing home I operate live about 12 miles from a reactor with parts that did not meet federal specifications but is nonetheless licensed. Some years ago the head of the NRC's staff advised me to keep a supply of potassium iodide on hand; that would protect our patients' thyroids and presumably satisfy my concern for their welfare. I was not reassured and I did not believe either my responsibility or that of the government would be fulfilled by that expedient.

Finally, I myself have a date in federal court in a couple of weeks as a result of my campaign to encourage whistleblowers to provide information about the construction and operation of nuclear plants. To inhibit this effort, the NRC, according to a federal judge, has

Page 2.

abridged my first amendment rights and had pursued a case for contempt of court that may result in a prison sentence. My personal legal jeopardy, however, is not the point; the jeopardy of people near Seabrook and other nuclear plants is. I hope you will endorse the petition we are sponsoring and you will speak out of support of an investigation that might help protect American democracy, as well as people and property that lax government regulations puts at risk.

Sincerely yours,

*Stephen B. Comley*

Stephen B. Comley  
Executive Director

Enclosures

# Portsmouth Herald

TUESDAY, SEPTEMBER 3, 1991

50¢ SINGLE COP



**ANTI-NUKERS** — Stephen Comley, left, of Rowley, Mass., executive director of "We The People Inc.," and an unidentified person hold up a banner Monday near President Bush's summer home in Kennebunkport, Maine, which can be seen in the background. (AP photo)

## Nuclear foes present letter to Bush staff

**KENNEBUNKPORT, Maine (AP)** — Members of several groups opposed to nuclear power delivered a petition asking President Bush to investigate allegations of corruption in the Nuclear Regulatory Commission.

Several members of the Maine Nuclear Referendum Committee carried a banner toward Bush's Walker's Point vacation home and gave a letter Monday to Marlin Fitzwater, the president's press secretary, according to Robert Moldaver,

executive director of the referendum committee, said Fitzwater couldn't promise to deliver a letter the group had for Barbara Bush, but said he would alert the White House staff to be ready when it arrived in the mail. Fitzwater also said the White House staff would read the petition.

"We expect a response to that as soon as possible," Moldaver said.

The letter to Mrs. Bush asks her to check into

safety concerns at the Seabrook nuclear power plant in New Hampshire and other plants nationwide.

Stephen Comley, director of We The People, Inc., alleged in a letter he delivered with Moldaver that the NRC is persecuting him for his outspokenness against Seabrook.

"We accomplished everything we wanted to accomplish," Moldaver said.



*The Chairman and Executive Committee  
of the*

*National Republican Senatorial Committee*

*do on this second day of August, in the year of our Lord,  
one thousand-nine hundred and ninety-one, hereby confer  
with all due circumstance and respect*

THE

# PRESIDENTIAL ORDER OF MERIT

upon

*Mr. Stephen B. Comley*

*from the City of Roxley*

*in the Commonwealth of Massachusetts*

*For self, in worthy and honest pursuit, has unequivocally earned this good  
and high tribute in recognition of their undying commitment, patriotic  
loyalty, and dedication of service to the President,  
the Republican Party, and the United States of America.*

*Phil Gramm  
Chairman*



1991-1992

*George Bush  
President*



CHARTER ISSUE

Who's Who in the Republican Party  
RECOGNIZES

Mr. Stephen B. Comley

---

for distinction and achievement in helping to promote  
and perpetuate the ideals and principles  
of the Republican Party

---

April 5, 1991

Acceptance Date

Richard Nixon  
President 1968-74

Gerald Ford  
President 1974-76

Ronald Reagan  
President 1981-88

George Bush  
President 1989-Present

# Boston Sunday Globe

SUNDAY, OCTOBER 7, 1990

## Court says NRC critic wronged

By James L. Franklin  
GLOBE STAFF

A federal judge has ruled that the Nuclear Regulatory Commission violated the First Amendment rights of Steve Comley, a Rowley businessman and longtime NRC critic, on several occasions when it barred or ejected him from NRC meetings.

The commission "prevented Comley from engaging in protected speech because they did not like his message," Judge John H. Pratt of the U.S. District Court for the District of Columbia wrote in a decision filed Sept. 19.

The court held that Comley's display of posters and bumper stickers bearing the message, "Stop Chernobyl Here," at NRC hearings on the Seabrook and Pilgrim nuclear power plants "is protected speech under the First Amendment."

---

It appears that  
NRC officials  
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differently from  
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attendees, and that  
this difference in  
treatment was  
based on Comley's  
views ...

JUDGE JOHN H. PRATT  
U.S. District Court

The NRC's rules against display of "visually disruptive" posters or signs at its public meetings are a reasonable restriction, but it failed to show that the actions against Comley were "viewpoint neutral," Pratt wrote.

The court said NRC officials singled Comley out, assigned security guards to monitor him at commission meetings, and at one point barred him from a meeting because he was carrying a small bag, although other members of the public were allowed into the room carrying briefcases, purses and similar items.

"It appears that NRC officials treated Comley differently from other meeting attendees, and that this difference in treatment was based on Comley's views, which no doubt were irritating and annoying," the court said.

Ernest Hadley, Comley's attorney, observed: "The First Amendment is not based on what government officials find distressing. Mr. Comley's conduct was not disruptive, and no one complained."

Hadley said the decision bolsters arguments that the NRC treats its critics more harshly than industry representatives.

Robert A. Backus, a Manchester, N.H., attorney who has represented Seabrook opponents for more than a dozen years, said the decision showed the NRC has been less than evenhanded.

"I don't think anybody other than NRC staff or license applicants ever thought they got a fair hearing," he said, complaining of what he described as the agency's "barely disguised contempt for intervenors."

Joseph J. Fouchard, the NRC's director of public affairs, said the agency is reviewing the decision. "We don't permit signs or banners in NRC meetings, but we do not single out individuals," he said.