

BUCKET NUMBER
PROD. & UTIL. FAC.

58-443/444-02

BUCKET NUMBER

PROPOSED RULE

PR-DPR-50

FEB 23 1987

(52 FR 6980)

DOCKETED

95

TESTIMONY PRESENTED BY

GOVERNOR MICHAEL S. DUKAKIS

'87 MAR -4 P12:09

BEFORE THE NUCLEAR REGULATORY COMMISSION

FEBRUARY 24, 1987

I WANT TO THANK YOU, CHAIRMAN ZECH AND MEMBERS OF THE COMMISSION, FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY.

I ASKED FOR THIS OPPORTUNITY, AS DID GOVERNOR CUOMO AND OTHERS, BECAUSE I BELIEVE THAT THE RULE CHANGE YOU ARE CONSIDERING WILL UNDERMINE THE PUBLIC HEALTH AND SAFETY OF THE PEOPLE OF MASSACHUSETTS, NEW ENGLAND, AND THE NATION.

BACK IN 1946 NO ONE KNEW OR FULLY APPRECIATED THE MAGNITUDE OF THE RISK THAT NUCLEAR POWER COULD POSE TO OUR CITIZENS. WHILE WE SAW WHAT WE BELIEVED WERE THE TREMENDOUS ADVANTAGES OF NUCLEAR POWER, THE SERIOUS DISADVANTAGES HAVE ONLY REVEALED THEMSELVES OVER TIME.

THESE RISKS HAVE POSED A CHALLENGE TO GOVERNORS AND TO STATE GOVERNMENTS. BECAUSE FOR 200 YEARS IT IS STATE GOVERNMENT IN THIS COUNTRY THAT HAS BEEN CHIEFLY RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY OF OUR CITIZENS IN THE EVENT OF MAJOR DISASTERS AND ACCIDENTS.

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NO ONE DOUBTS THE AUTHORITY AND THE OBLIGATION OF GOVERNORS TO ACT IN INSTANCES WHERE THERE ARE SAFETY VIOLATIONS OR POTENTIAL DANGERS AT CHEMICAL PLANTS, OIL OR COAL-FIRED GENERATING PLANTS, OR GAS-FIRED FACILITIES. BUT WHEN IT COMES TO NUCLEAR PLANTS THE SITUATION IS DRAMATICALLY DIFFERENT.

FOR THE RULE YOU ARE DISCUSSING TODAY WOULD MAKE A GOVERNOR'S RIGHT TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE PEOPLE OF HIS OR HER STATE VIRTUALLY MEANINGLESS ONCE A NUCLEAR ACCIDENT HAD OCCURRED.

I DON'T KNOW HOW MANY OF YOU ARE FAMILIAR WITH THE AREA AROUND SEABROOK. SO LET ME DESCRIBE IT TO YOU SO YOU CAN UNDERSTAND EXACTLY WHAT I AND THE RESIDENTS OF THE SURROUNDING COMMUNITIES ARE FACING.

THE SEABROOK AREA IS HIGHLY POPULATED AND GROWING. WE HAVE ABOUT FIFTY THOUSAND MASSACHUSETTS RESIDENTS IN THE SEABROOK EMERGENCY PLANNING ZONE. THAT PERMANENT POPULATION BALLOONS TO UPWARDS OF 150,000-200,000 DURING THE PEAK SUMMER BEACH MONTHS.

THE AREA IS A NOTORIOUS POINT OF SUMMER TRAFFIC CONGESTION, AS ANY BOSTONIAN WHO HAS SPENT THREE HOURS ON INTERSTATE 95 OR ROUTE 1 ON A SUNDAY NIGHT RETURNING FROM HAMPTON BEACH CAN TELL YOU.

THE BEACHES THEMSELVES ARE SERVED BY NARROW ROADS--IN SOME INSTANCES ROADS NOT MUCH WIDER THAN THE HALLWAY OUTSIDE THIS ROOM. THE WEATHER IS TYPICAL NEW ENGLAND SEASHORE WEATHER: CHANGEABLE, TURBULENT, UNPREDICTABLE--SO MUCH SO THAT EFFECTIVELY TRACKING A RADIOACTIVE PLUME FROM SEABROOK WOULD BE DIFFICULT, IF NOT IMPOSSIBLE.

THE HOUSING STOCK IS, FOR THE MOST PART, INADEQUATE FOR ANY KIND OF TEMPORARY OR LONG-TERM SHELTER. OLD WOODEN BEACH COTTAGES WITHOUT BARS PREDOMINATE ALONG THE SHORES; INADEQUATE FOR WINTER WEATHER, MUCH LESS SHELTER FROM A RADIOACTIVE STORM.

SO WHEN I BEGAN TO APPROACH THE QUESTION OF EMERGENCY PLANNING AT SEABROOK, I DID SO AS SOMEONE WHO KNOWS ALMOST EVERY INCH OF THOSE CITIES AND TOWNS AND THAT TERRITORY--WHICH IS PRECISELY WHY GOVERNORS HAVE BEEN GIVEN THE ROLE THEY HAVE IN EMERGENCY PLANNING--UNTIL TODAY. AND BECAUSE OF THAT, MY STAFF AND I, ASSISTED BY DR. ALBERT CARNESALE, DEVOTED LITERALLY THOUSANDS OF HOURS TO OUR REVIEW.

AFTER MONTHS AND MONTHS OF WORK, EFFORT, AND ANALYSIS I CAME TO ONE FUNDAMENTAL CONCLUSION--THE AREA AROUND THE SEABROOK NUCLEAR POWER PLANT COULD NOT BE EVACUATED IN THE EVENT OF A SERIOUS NUCLEAR ACCIDENT. THAT IS THE FUNDAMENTAL FACT OF THE MATTER--AND IT IS ONE THIS COMMISSION MUST FACE AND FACE SQUARELY.

THIS WAS NOT AN ARBITRARY DECISION. IT FLOWED LOGICALLY FROM MONTHS OF CAREFUL AND THOUGHTFUL ANALYSIS.

FOR THAT REASON, I RESENT THE IMPLICATION OF THE GENERAL COUNSEL'S MEMORANDUM TO THIS COMMISSION. NON-COOPERATION? THE ONLY DEFINITION OF COOPERATION THAT WOULD FIND FAULT WITH WHAT WE HAVE DONE IS ONE THAT ASSUMED ALL THE CONCLUSIONS BEFOREHAND.

THE PROPOSED RULE CHANGE HAS BEEN PROVOKED, IN PART, BY MY DECISION REGARDING SEABROOK. THE FACT IS, MR. CHAIRMAN, THAT THE SEABROOK PLANT SHOULD NEVER HAVE BEEN BUILT THERE IN THE FIRST PLACE, AND I DOUBT VERY MUCH WHETHER THIS COMMISSION WOULD EVER CONSIDER LOCATING A NEW PLANT THERE TODAY.

THE COMMONWEALTH OF MASSACHUSETTS HAS WARNED ABOUT THE PROBLEMS OF EFFECTIVE EMERGENCY RESPONSE AT SLABROOK FOR TWELVE YEARS. SO ALLOW ME TO ISSUE THE WARNING ONCE AGAIN. YOU SIMPLY CANNOT EVACUATE THIS AREA IN THE EVENT OF A SERIOUS NUCLEAR ACCIDENT.

AS COMMISSION MEMBERS YOU ARE CHARGED UNDER THE LAW WITH REGULATING NUCLEAR POWER IN THIS COUNTRY SO AS TO PROTECT THE PUBLIC'S HEALTH AND SAFETY. THE RULE CHANGE PROPOSED TODAY MUST MEET THAT TEST. YET THE ONLY REAL JUSTIFICATION OFFERED FOR THE NEW RULE IS ECONOMIC. IN HIS MEMORANDUM, THE GENERAL COUNSEL SUGGESTS THAT OFF-SITE EMERGENCY PLANNING IS TO BE DOWNGRADED. WITH ADMIRABLE BUT CHILLING FRANKNESS HE TELLS US THAT THE REASON FOR ALL THIS IS THAT "BILLIONS OF DOLLARS HAVE...BEEN INVESTED," WHICH "POSE SERIOUS FINANCIAL CONSEQUENCES."

AT SEABROOK THIS RISK AND THESE CONSEQUENCES HAVE BEEN KNOWN AND ACKNOWLEDGED BY THE PLANT'S OWNERS FOR YEARS. THEY WERE ACKNOWLEDGED WHEN THE OWNERS SOUGHT A CONSTRUCTION PERMIT FROM THIS COMMISSION, AND THEY WERE ACKNOWLEDGED WHEN THIS COMMISSION IMPOSED THE NEW EMERGENCY PLANNING RULES AFTER THREE MILE ISLAND.

IN BOTH INSTANCES MASSACHUSETTS AND OTHER INTERVENORS RAISED THE ISSUE OF EMERGENCY PLANNING, IN BOTH INSTANCES THE NRC AFFIRMED THAT THE PLANT WOULD NOT OPEN UNLESS THESE ISSUES WERE RESOLVED, AND IN BOTH INSTANCES NEITHER THE PLANT NOR THE NRC DID ANYTHING TO RESOLVE THE ISSUES.

NOW, YEARS LATER, THE PLANT HAS BECOME A WHITE ELEPHANT. A WHITE ELEPHANT, I MIGHT ADD, THAT CANNOT MEET EXISTING EMERGENCY PLANNING GUIDELINES AND WOULD INCREASE THE COST OF ENERGY TO THE CITIZENS OF NEW ENGLAND AT A TIME WHEN THE COST OF ALTERNATIVE ENERGY IS AVAILABLE AT HALF THE COST.

IN FACT, TWENTY SEVEN (27) SMALL POWER PRODUCERS HAVE ALREADY OFFERED PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE THE EQUIVALENT OF THE SEABROOK PLANT OUTPUT AT LITTLE MORE THAN HALF OF THE COST. WHAT HAS PUBLIC SERVICE OF NEW HAMPSHIRE DONE? OFFERED TO PAY MANY OF THESE PRODUCERS NOT TO PRODUCE THE POWER!!

IN SHORT, WHAT YOU ARE PROPOSING IS THE NUCLEAR EQUIVALENT OF CUTTING THE NUMBER OF LIFEBOATS FOR THE "UNSINKABLE" TITANIC BECAUSE IT WOULD REDUCE THE SPACE FOR PASSENGERS AND MAKE THE VOYAGE UNPROFITABLE.

THAT'S NOT WHAT THIS COMMISSION WAS SET UP TO DO. THAT'S NOT WHAT GOVERNORS ARE ELECTED TO DO. AND THAT'S NOT WHAT THE CONGRESS INTENDED WHEN IT GAVE YOU--AND ME--THE RESPONSIBILITY TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE AMERICAN PEOPLE.