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

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USNRC

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Mr. William Parler  
General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

In the Matter of  
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, ET AL.  
(Seabrook Station, Units 1 and 2)  
Docket Nos. 50-443, 50-444 Off-Site Emergency Planning -DL

Dear Mr. Parler:

On November 8, 1989, Robert Backus the attorney for Intervenor, Seacoast Anti-Pollution League wrote to you concerning the participation of Commissioner Thomas Roberts in this proceeding. He annexed to that certain pages of a deposition transcript of Edward A. Thomas.

Enclosed for your information are additional pages from the depositions of Mr. Thomas in the Seabrook proceeding, which might be considered relevant to this matter.

Sincerely,

Edwin J. Reis  
Deputy Assistant General Counsel  
for Reactor Licensing

Enclosure: As stated

cc w/encls: Service List

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
BEFORE ADMINISTRATIVE JUDGES:  
IVAN W. SMITH, CHAIRMAN  
DR. JERRY HARBOUR  
GUSTAVE A. LINENBERGER, JR.

DORIS O. WONG ASSOCIATES, Inc.

50 FRANKLIN STREET, BOSTON, MASSACHUSETTS 02110 TELEPHONE (617) 426-2432

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IN THE MATTER OF:	:
PUBLIC SERVICE COMPANY	: Docket No.
OF NEW HAMPSHIRE, et al.,	: (8)50-443/44-OL
(SEABROOK STATION, UNITS 1 and 2)	: (Off-Site EP)
-----x	: March 16, 1988
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DEPOSITION OF EDWARD A. THOMAS, a witness called on behalf of the Commonwealth of Massachusetts, taken pursuant to the Federal Rules of Civil Procedure, before Myrian A. Maracas, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of the Attorney General, One Ashburton Place, Boston, Massachusetts, on Wednesday, March 23, 1988 commencing at 10:25 a.m.

PRESENT:

The Commonwealth of Massachusetts  
Department of the Attorney General  
Public Protection Bureau  
(by Stephen H. Oleskey, Esq.;  
Carol Schneider, Esq.; and  
George B. Dean, Esq.)  
One Ashburton Place, Boston, MA 02108,  
for the Commonwealth of Massachusetts.

H. Joseph Flynn  
Office of General Counsel  
Federal Emergency Management Agency  
500 C Street, S.W.,  
Washington, D.C. 20472, for  
Federal Emergency Management Agency.

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1 population, and with respect to the behavior of the  
2 drivers on the beach and within sight of Seabrook,  
3 they recommended action of sequential evacuation,  
4 sheltering population, building supplemental and  
5 evacuating only ramps onto Route 195.

6 So we sort of had that as a basic part of  
7 our planning and our thought process in dealing with  
8 Seabrook.

9 Q. Was that your basic planning document on  
10 this issue from 1981 on?

11 A. It certainly served as a starting point in  
12 our evaluation. The other starting points in our  
13 evaluation came up as we became more and more  
14 familiar with the review of off-site emergency  
15 plans, and also as we got more involved in the  
16 Seabrook process at the coordination meetings, and  
17 the rest of that we had devised in order to  
18 accelerate and promote emergency planning at  
19 Seabrook.

20 The issues that started coming up as early  
21 as 1982. And not just with respect to the beach  
22 population, but throughout the Seabrook emergency  
23 planning process, was that the Seabrook containment  
24 was quite special and deserved special



1 consideration. That would come up in the context of  
2 meetings that we have to talk about what needed to  
3 be done with respect to the emergency planning at  
4 Seabrook and occasionally, NRC staff or more  
5 frequently the personnel representing the utility  
6 would indicate that Seabrook deserved special  
7 consideration. This came up in the context also of  
8 the design of the alerting and notification system  
9 for Seabrook.

10 When that was in process, we became aware  
11 of some informal communication between Commissioner  
12 Thomas Roberts to Governor John Sununu, which we  
13 understood second-hand Governor Sununu understood to  
14 indicate that there was now a technical basis for a  
15 reduction in the size of emergency planning zones;  
16 and that, therefore, the design and the construction  
17 of the Seabrook alerting and notification system,  
18 perhaps, should be deferred until such time as the  
19 one-mile emergency planning zone was resolved either  
20 with respect to Seabrook or with respect to plants  
21 generally.

22 My office got involved in encouraging  
23 communications within the NRC so that this situation  
24 was properly explained to Governor Sununu that the

1 one-mile EPZ, at least generically throughout the  
2 country, was not something that was going to happen  
3 any time soon and certainly not prior to the  
4 licensing of Seabrook.

5 The issue of the containment would come up  
6 from time to time. I particularly recall in 1985 we  
7 had discussions with utility president Edward Brown,  
8 Henry Vickers, and I had discussions with him  
9 regarding the beach population and the fact that as  
10 we saw it, it may be very difficult to design  
11 emergency plans that would achieve a reasonable  
12 level or an adequate level of -- a reasonable  
13 assurance of an adequate level of protection; and  
14 that if the utility felt that the containment was  
15 unusually strong, that they should put that into the  
16 record so that it could receive the special  
17 consideration that it apparently deserved.

18 We did have a meeting with Attorney Dignan  
19 and Attorney John Quinn, who was the director of  
20 emergency planning, at which time it was indicated  
21 to me that Tom Dignan indicated to me that he would  
22 not recommend that the utility proceed with that  
23 recommendation because he felt that emergency plans  
24 could be developed that would be adequate and that

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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION  
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DR. JERRY HARBOUR  
GUSTAVE A. LINENBERGER, JR.

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	: March 16, 1988
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CONTINUED DEPOSITION OF EDWARD A. THOMAS, a witness called on behalf of the Commonwealth of Massachusetts, taken pursuant to the Federal Rules of Civil Procedure, before Myriam A. Maracas, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of the Attorney General, One Ashburton Place, Boston, Massachusetts, on Thursday, March 24, 1988, commencing at 10:55 a.m.

PRESENT:

The Commonwealth of Massachusetts  
Department of the Attorney General  
Public Protection Bureau  
(by Stephen H. Oleskey, Esq.,  
Carol Sneider, Esq., and  
George B. Dean, Esq.)  
One Ashburton Place, Boston, MA 02108,  
for the Commonwealth of Massachusetts.

H. Joseph Flynn  
Office of General Counsel  
Federal Emergency Management Agency  
500 C Street, S.W.,  
Washington, D.C. 20472, for  
Federal Emergency Management Agency.

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1 said at that time, and I have recollections of what  
2 went on or what was told to me went on in that  
3 meeting.

4 Q. Secondly, you mentioned a contact which I  
5 understood to be a telephone conversation between  
6 Commissioner Roberts of the NRC and Governor Sununu  
7 concerning --

8 MR. TURK: I didn't hear that statement.  
9 There was noise from the door.

10 Q. You testified to a contact which I  
11 understood to be a telephone conversation between  
12 Commissioner Roberts of NRC and Governor Sununu of  
13 New Hampshire with respect to the application  
14 pending at one time for reduction of the EPZ. Do  
15 you recall testimony to that substance yesterday?

16 A. If I made testimony of that substance, I  
17 misspoke. Let me be very precise. My recollection  
18 of that testimony was that we were talking about the  
19 historic context of the development of the Seabrook  
20 emergency plant; and within that context, it was  
21 reported to me that there was a conversation between  
22 Commissioner Roberts and Governor Sununu, which I  
23 hope I said yesterday was in the context either of  
24 specifically with respect to Seabrook or more likely

1 generically with respect to nuclear power plants in  
2 general; that the NRC was developing information  
3 which would justify the reduction of the emergency  
4 planning zone to approximately one mile; that what  
5 was reported to me was that Governor Sununu,  
6 therefore, felt that the development of the alerting  
7 and notification system for Seabrook be an extremely  
8 costly system of sirens, primarily of sirens.

9           The Emergency Planning Zone, the  
10 development of that system should be deferred until  
11 such time as the Emergency Planning Zone was  
12 reduced; and that based on that information being  
13 reported to me, I had gone up through my channels in  
14 the NRC and directly to my supervisor, David M.  
15 Sparks, regional director of FEMA at that time, who  
16 was personally friendly with Commissioner Roberts or  
17 personally knew him, so that that misunderstanding  
18 could be clarified so that the Governor would  
19 understand that the probability of there being a  
20 change in the size of the EPZ to one mile, the  
21 probability of that happening was not -- it just  
22 wasn't going to happen soon, and that it would, in  
23 all probability, not happen until after Seabrook was  
24 licensed and, therefore, the existing Emergency



1 Planning Zone size should be used as the basis for  
2 alerting notification system designs. I apologize if  
3 there was any misunderstanding.

4 Q. What was the context as reported to you for  
5 that conversation between Commissioner Roberts and  
6 Governor Sununu?

7 A. The context of the conversation as reported  
8 to me, as I recall -- and I have not looked in my  
9 notes for this -- the context of that was, in  
10 essence, that Commissioner Robert and Governor  
11 Sununu were having a general conversation, and the  
12 subject of the size of emergency planning zones came  
13 up and at that time, the Governor had or was shortly  
14 going to have an action document on his desk  
15 concerning the design of the alerting and  
16 notification system; and as I recall, what was said  
17 to me was that the Governor was extremely concerned  
18 about the cost of the system, and thought it would  
19 be wasteful to proceed forward with such a large and  
20 elaborate system if, in fact, the Emergency Planning  
21 Zone was going to be reduced in size.

22 Q. What was the year of that conversation?

23 A. My best recollection is that that was in  
24 1983.

1 Q. Was it a face-to-face conversation as  
2 reported to you?

3 A. The best recollection that I have -- and,  
4 again, I have not made an attempt to go back in my  
5 notes on this -- there was no indication as to  
6 whether the conversation was face to face. Whether  
7 or not it was face to face, I do not know.

8 Q. Was it reported whether there were other  
9 people present than the Governor and the  
10 Commissioner?

11 A. I don't remember. If you would like, I can  
12 put that down on my list. I can go back and try and  
13 research that in my notes.

14 Q. Would you do so?

15 A. Yes, I will do so.

16 Q. Finally, under the heading of  
17 "Clarifications," you testified yesterday that in  
18 early '86, you understood as the decision on whether  
19 to hold an exercise was pending there was a call to  
20 an official at FEMA from someone in the White House  
21 indicating that it should go forward. Do you recall  
22 testimony yesterday, in substance, along those  
23 lines?

24 A. I recall that I testified -- and I hope I

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CONTINUED DEPOSITION OF EDWARD A. THOMAS, a witness called on behalf of the Commonwealth of Massachusetts, taken pursuant to the Federal Rules of Civil Procedure, before Myriam A. Maracas, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the Offices of the Attorney General, One Ashburton Place, Boston, Massachusetts, on Tuesday, April 5, 1988 commencing at 9:40 a.m.

PRESENT:

The Commonwealth of Massachusetts  
Department of the Attorney General  
Public Protection Bureau  
(by Stephen H. Oleskey, Esq., and  
Carol Sneider, Esq.,)  
One Ashburton Place, Boston, MA 02108,  
for the Commonwealth of Massachusetts.

H. Joseph Flynn  
Office of General Counsel  
Federal Emergency Management Agency  
500 C Street, S.W.,  
Washington, D.C. 20472, for  
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1 matters.

2 MR. FLYNN: He asked you for the connection  
3 between that question and our testimony. I mean,  
4 there has been a lot of testimony in these  
5 depositions about the views that were before the  
6 decision-makers at the time the decision to adopt a  
7 position was made.

8 MR. TURK: Are you directing him not to  
9 answer?

10 MR. FLYNN: Yes.

11 Q. Out of curiosity Mr. Thomas, one portion of  
12 your testimony dealt with a purported communication  
13 between Governor Sununu and Commissioner Roberts,  
14 and I never did hear who the source was for that  
15 conversation. Do you recall?

16 A. I was not able to find it in my notes, and  
17 I do not recall. I had my recollection refreshed in  
18 a conversation with someone, and we are reasonably  
19 confident -- I'm reasonably confident it was either  
20 Dick Strome or Mike Nawoj of the New Hampshire Civil  
21 Defense Agency.

22 Q. Also earlier in this deposition, you  
23 indicated that there had been some informal  
24 discovery made by the Massachusetts AG's office. Do