



Public Service of New Hampshire

New Hampshire Yankee Division

July 29, 1986

George S. Thomas
Vice President-Nuclear Production

SBN-1173
T.F. B7.1.99, B7.1.8

United States Nuclear Regulatory Commission
Washington, DC 20555

Attention: Mr. Vincent S. Noonan, Project Director
PWR Project Directorate No. 5

References: (a) Construction Permits CPPR-135 and CPPR-136, Docket
Nos. 50-443 and 50-444
(b) PSNH Letter (SBN-1167), dated July 21, 1986, "Seabrook
Station Probabilistic Safety Assessment Update",
J. DeVincentis to V. S. Noonan
(c) PSNH Letter (SBN-1152), dated July 3, 1986, "Request
for Issuance of an Operating License; Seabrook Station
Unit 1", W. B. Derrickson to H. R. Denton

Subject: Seabrook Station Probabilistic Safety Assessment Update

Dear Sir:

Reference (b) submitted, for your review, new information we intend to include in a future update of the Seabrook Station Probabilistic Safety Assessment (SSPSA). The importance of the Staff's technical review of these documents has been heightened by articles appearing recently in local newspapers (Attachment 1). These articles discuss the apparent strategy of the Commonwealth of Massachusetts to intentionally delay the Seabrook licensing process.

Based on these developments, it is clear we must request the NRC to expedite the technical review of the Reference (b) attachments so that we can determine whether there is an adequate basis for future submittals/requests. A future submittal, depending on the results of the technical review, may request a change to the emergency response plan process for Seabrook Station. We cannot, at this time, specify what action such a future request may seek, but it is important that we address as soon as possible what options are available to us relative to full power licensing. This is important in light of the apparent strategy of the State of Massachusetts to delay the process.

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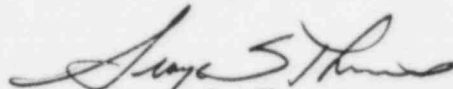
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United States Nuclear Regulatory Commission
Attention: Mr. Vincent S. Noonan

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As noted in Reference (c), we have been ready to receive an operating license since July 20, 1986. We have already been forced to announce a delay in Commercial Operations until the spring of 1987. From this point forward any further delay is a day-to-day delay in Commercial Operations. Given the urgency of this situation, we suggest a meeting at your earliest convenience.

Very truly yours,



George S. Thomas

Attachment

cc: Atomic Safety and Licensing Board Service List

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Sununu 'Very Disappointed' With Dukakis

By DONN TIBBETTS
State House Bureau Chief
CONCORD — New Hampshire Gov. John Sununu is "very disappointed" that Mas-

sachusetts Gov. Michael Dukakis may have been following a report recommending using safety concerns as a tactic to delay licensing of the Seabrook nuclear power station.

RELATED STORIES

See Page Three

Sununu intends to study the 95-page report "in detail" and then "at some point, I certainly will be discussing that document with Gov. Dukakis in as much detail as he's willing to go into.

"I think it's a shame. It sets

in public very clearly what their strategy has been all along down there and it just says you can't assume they are acting in good faith," asserted Sununu yesterday.

Sununu said that he was "as-
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tounded" that Gov. Dukakis' chief advisor on the Seabrook issue was "a very active part of that whole thing.

"I'm very much disappointed because I assumed Gov. Dukakis had been acting in good faith" when he held up submitting an emergency evacuation plan for Bay State communities within 10 miles of the Seabrook nuclear power station.

"The concern I have is that everything that has happened seems to fall in the scenario that the press says is outlined in that report," said Sununu.

Sununu was asked if he were saying that he doesn't believe Dukakis claims of added safety concerns at Seabrook in light of the Chernobyl Soviet nuclear disaster.

"I don't believe in coincidences as exceptional as that in light of his actions so closely paralleling what is in the report," replied Sununu.

Does Sununu think Dukakis will continue to drag his feet on the evacuation plan now that Dukakis' apparent strategy report has been made public?

"I think it's clear that Tom Hubbard has been very much a part of the generation of that report as well as what is happening out of the governor's office. I think, as they themselves have noted, there are alternatives and I think now, with this coming out, people are going to look more aggressively at some of the alternatives," said Sununu.

The report — authored by a Boston law student — advised Dukakis that "focusing on safety concerns or justifying current dissent on the basis of a previous lack of input" will avoid the appearance he is making "illegitimate use of the flaw."

The reference is to a flaw in federal law allowing a state to indefinitely delay licensing of a nuclear plant by delaying submission of an emergency evacuation plan.

Dukakis reportedly approved delay strategy for Seabrook

BOSTON (AP) — Massachusetts Gov. Michael S. Dukakis reportedly approved a study on how to delay approval of evacuation plans for the Seabrook, N.H., nuclear power plant, but an aide said it was not an official report done for state government.

The Boston Herald today said the 92-page study was written in April by Robert Fitzsimmons, a student at Harvard University's Kennedy School of Government, in conjunction with the governor's office.

The report recommends that Dukakis delay submitting evacuation plans for six Massachusetts communities that are within 10 miles of the plant and that such a move could force the federal government to take over the process, the Herald said.

The federal government requires acceptable evacuation plans from all communities within 10 miles of a nuclear power plant before issuing a full operating license to the plant.

The Herald said utility officials claim the report is a guide for Dukakis to avoid making a politically tough decision.

"If he's following a strategy like that for political gain, that's the height of irresponsibility. I would hope he'd turn his back on that sort of advice," George Edwards, president of United Illuminating Co., a Connecticut utility with a 17.5 share of Seabrook, told the Herald.

"Dukakis's strategy to date has almost paralleled the advice contained in the study," the Herald

said.

"It was not an official report done for state government," James Dorsey, press secretary to Dukakis, told The Associated Press early today. "It was an academic requirement which was done as part of the requirements which he (Fitzsimmons) needed to complete his term at Harvard."

"And it is ludicrous to say that officers of state government, including the governor, are being guided in their decision by the recommendations made by a student in what essentially is a homework assignment."

Dorsey said Fitzsimmons "shared" the study with Thomas Hubbard, Dukakis's chief adviser on Seabrook.

Hubbard told the Herald the study was not an official state report but was given to Dukakis and state Public Safety Secretary Charles Barry and state Energy Secretary Sharon Pollard.

Hubbard also denied the governor was relying on it for strategy. "The governor is acting on his own instincts and on advice I'm giving him and others," Hubbard told the newspaper.

But, the Herald said the report states it was a project "performed in conjunction with ... (Dukakis's) Economic Development Office" and written with Hubbard's assistance.

"We're aware of what Mr. Fitzsimmons concluded, but I would note that whatever those recommendations were, they came to the governor some time after he stated publicly his concerns about Sea-

brook and the effect any potential accident at Seabrook would have on the public health and safety of the people of Massachusetts," Dorsey said.

The report advises Dukakis to delay indefinitely submission of an emergency evacuation plan for federal review and outlines how that can be done without raising accusations of being opportunistic, the Herald said.

"Failure to submit a plan would readily be perceived as an illegitimate use of the flaw in the federal process which puts the otherwise well-intentioned utility at the mercy of opportunistic state and local governments," the Herald quotes the report as saying.

"The key to avoiding this characterization lies in focusing on safety concerns ... The ambiguity of safety issues provides a broad shield from accusations of opportunism," the report is further quoted as saying.

Dukakis has pointed to safety considerations in delaying submission of evacuation plans, the Herald said.

The report concludes that Dukakis could hold up the opening of the plant and said "the governor has an incentive to delay submission" and that such a stall could put pressure on the federal government to step in and take over the process, the Herald said.

John Kyte, spokesman for New Hampshire Yankee, which is building Seabrook, told the Herald the report's conclusions were shocking.



ROBERT HARRISON
...unhappy with Dukakis



MICHAEL DUKAKIS
...unhappy with Seabrook

PSNH President Is Disappointed In Gov. Dukakis

By **JOHN HART**
Union Leader Correspondent
And **JOHN DISTASO**
Union Leader Staff

Public Service Co. of New Hampshire President Robert J. Harrison yesterday said he is "incredulous" and "very disappointed" in Massachusetts Gov. Michael Dukakis.

Harrison reacted to the disclosure of an April report to Dukakis outlining a strategy keying on safety concerns to delay licensing of the Seabrook nuclear power plant.

Dukakis admitted he read the study but denied he used it as a strategy guide.

In Portsmouth, Harrison said:

"Based on reports I've read, I'm very discouraged that the governor of Massachusetts, if as alleged in the articles, will use the political maneuvering to try to avoid the responsibilities that he has.

"When he's looking at a \$4.5 billion to \$5 billion investment," Harrison said, "it leaves me incredulous and very disappointed in the governor."

But a leading anti-Seabrook lawyer and at least one Democratic candidate for governor of New Hampshire viewed the report differently.

Robert Backus, lawyer for the Seacoast Anti-Pollution League, wondered if there isn't "a conspiracy somewhere" concerning the release of the

Backus said he does not believe disclosure of the report will harm the credibility of anti-nuclear activists in New Hampshire. "Obviously," said Backus, "we think the way to ensure safety is to not operate the plant at all, not just delay it, now that we know it is unnecessary and grotesquely expensive."

The report, "doesn't trouble us," he said, asking, "What possible motive could Dukakis have? What are they suggesting — that it's part of a Communist conspiracy?"

"People have concerns about safety and he has concern about people's concerned," Backus said.

Two Democratic candidate for governor differed in their reaction.

Paul Gagnon of Manchester called the report "bad because it at least gives the appearance of playing games with the evacuation plans.

"And this is a matter of very serious and genuine concern to the people of New Hampshire and Massachusetts," Gagnon said.

"But regardless of that, these revelations do not negate the very genuine fear that many of us have that the Seacoast area may not be able to be safely evacuated in the event of a nuclear emergency."

Paul McEachern of Portsmouth reacted more to Public Service's reaction to the report.

news that the company recognizes the governor of a state can stop the plant. That's what I've been saying all along."

Regarding the report, McEachern said, "Most politicians like to keep their options open."

Gov. Sununu, said McEachern, "does the same thing. You expect your governors to get advice and then to plan accordingly. How Gov. Dukakis handles that is up to him."

Seabrook slams Dukakis strategy

By JEFF McMENEMY
Exeter Bureau Chief

Foster's Daily Democrat, Dover, N.H.
Thursday Evening, July 24, 1986

SEABROOK — A Seabrook Station spokesman has accused Massachusetts Gov. Michael Dukakis of using advice in a Harvard graduate student's confidential report to deliberately delay the start-up of the nuclear facility.

John Kyte said Dukakis is definitely following the report's advice for delaying the start-up. Kyte is the public information director for New Hampshire Yankee, the construction division of Public Service Company of New Hampshire, which is the principal owner of Seabrook Station.

The report, marked confidential, was made public Wednesday and suggests that Dukakis can take advantage of a "flaw" in a federal law that allows a state to indefinitely delay the granting of a license to a nuclear power plant. The report by Robert Fitzsimmons also outlines a way to do this without being labeled an opportunist.

Karen Schwartzman, a spokesman for Dukakis, this morning said although the Bay State governor read the report and found the information helpful, "as all information is helpful," she denied that he is intentionally trying to delay the start up of Seabrook Station.

"As far as developing strategy goes, it's something he does on his own, often with the help of his advisers," she said.

The report reached the hands of Dukakis in April through Tom Hubbard, his chief Seabrook adviser.

Gov. John Sununu this morning said Dukakis's actions concerning Seabrook follow with the graduate student's report to closely to have been a mere coincidence.

Sununu said he was "very disappointed" with what has happened concerning the report and Dukakis.

"It's very clear that Tom Hubbard was very much a part of the generation of that report."

Ms. Schwartzmann said Dukakis "has no intention to delay the operation of Seabrook, except if the delay is the only way to get enough information to make a decision on the submission on the evacuation plans."

Dukakis plans to decide whether to submit evacuation plans for the six Massachusetts communities within the Seabrook Station 10-mile evacuation zone by the end of the summer. In the past he has cited safety issues as the reason for delaying submission of the plans to the Federal Emergency Management Agency.

Kyte said, "We've been trying for several months to work with the governor and meet with him over his areas of concern and we've been

working with him in good faith, but each time we near an agreement, he changes his tune."

He said that prior to the nuclear accident at Chernobyl, PSNH and Dukakis were very close to an agreement to shut the plant down in the summer, provided Dukakis submit the plans, but then Dukakis changed his tune and announced a different list of concerns.

Soon after that, according to Kyte, Dukakis and PSNH were about to reach an agreement on the new concerns and again the Massachusetts governor backed away and "changed his tune."

"Right about then I started to wonder what was going on," Kyte said.

His said his concerns intensified when Dukakis sent a letter asking for the delay of the low-power testing and fuel loading at the nuclear facility, and then refused to meet with New Hampshire Yankee to discuss his concerns, which Edward Brown, president of New Hampshire Yankee felt were based on misinformation.

"If anyone says he didn't refuse to meet with us, they're not telling the truth," Kyte said.

Ms. Schwartzmann said Dukakis decided to send Hubbard and Albert Carnesale, who has been assigned to determine the affects of the Soviet accident, to meet with New Hampshire Yankee July 15 to broadly discuss his concerns.

Dukakis spokesman James Dorsey Wednesday said it was "ludicrous" to believe that officers of the Massachusetts state government, including the governor, would make a decision based on a report that is "essentially a homework assignment."

Stating that he has never seen a "college term paper" termed confidential, Kyte said this morning that an examination of the events shows that Dukakis has been following the recommendations of the report since April.

"I find it interesting that the governor can find time to read college term papers, but he can't find time to meet with us and address serious concerns and issues," Kyte said.

Either Way, You Pay

The fact that Massachusetts Governor Michael Dukakis has been caught in flagrante delicto using strategy set forth in a Boston law student's 95-page study to delay construction of the Seabrook Nuclear Power Plant (but avoiding, in the study's words, "the appearance" of bowdying to the anti-nukes) comes as small comfort to ratepayers.

Whether Dukakis followed the report's recommendations on how to take advantage of a "flaw" in federal law that allows a state to postpone indefinitely the licensing of a nuclear reactor via the stratagem of delaying submission of an emergency evacuation plan is largely a question of interest to students of political intrigue. For ratepayers, the principal concern is that Dukakis' harmfully mischievous tactics, which are detailed in the report by the joint degree candidate at the John F. Kennedy School of Govern-

ment and Harvard Law School, are costing them Big Bucks — \$50,000,000 added to the cost of Seabrook Station for each month of delay, \$350,000,000 for the six-month, post-Chernobyl delay alone.

As to Dukakis' reaction to news media revelations concerning the April report — i.e., that although he read the study, marked "confidential" and "not intended for circulation," and although his tactics mirror the report's recommendations, he did not base his decisions on it — his stance would be more credible were it not for the report's explanation that the project "was performed in conjunction with the Massachusetts Governor's Economic Development Office and written with the assistance of Tom Hubbard," the latter being Dukakis' chief adviser on Seabrook.

—Jim Finnegan

Dukakis Got Report On Politics Of Seabrook

By MARK TRAVIS
Monitor Staff Writer

At about the time he began fretting publicly about safety and the Seabrook nuclear power plant, Massachusetts Gov. Michael Dukakis received a report that apparently contains bald advice on playing the politics of the issue.

Word of the report surfaced today, and the question immediately became whether the report is a sinister outline calling into question all Dukakis has done or an innocent term paper that has had no impact on his actions.

According to the *Boston Herald*, which broke the story, the report advises Dukakis to delay submission of emergency plans Seabrook needs

to start operating in the hope that the federal government will eventually step in and, perhaps, take the heat for its decision.

The report was prepared by Robert Fitzsimmons, a student at Harvard University's Kennedy School of Government. The report says it was prepared in conjunction with the governor's office.

"I am shocked and surprised by it," said John Kyte, a spokesman for New Hampshire Yankee, the company building the plant. Kyte had not read the report this morning, but he did not hesitate to discuss it.

"I think it calls into question everything that the governor and his advisers have said about Seabrook," Kyte said. "I'm amazed that they

would play political roulette with the region's energy future."

Kyte also said Fitzsimmons is more than a student of government. "He is an aide to Tom Hubbard," Kyte said. Hubbard is Dukakis's top aide on Seabrook. "And Hubbard himself supervised the production of that document."

James Dorsey, Dukakis's press secretary, said Kyte didn't have his facts straight. He said Fitzsimmons is not and has never been an aide to Hubbard or anyone else on the governor's staff. Fitzsimmons interviewed Hubbard, Dorsey said, but Hubbard wasn't involved in preparing the report.

Dorsey said Fitzsimmons prepared the report for a class at Harvard. Since writing it, Dorsey

said, Fitzsimmons has graduated from the Kennedy School. "He's gone home or moved or done something," he said.

The *Herald* said the governor and others in his office were given the report. Dorsey said that's because it contained original research into the emergency planning process for nuclear power plants. It was not used as a political strategy tool, he said.

"That's silly, and it didn't happen," Dorsey said.

Construction at the Seabrook plant is nearly completed. But its expected operating date has already been delayed because of Dukakis and

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DUKAKIS

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the emergency planning process.

Nuclear Regulatory Commission rules require Massachusetts to submit an emergency plan for approval before the commission will allow Seabrook to operate. Dukakis, saying he has concerns about the safety of people near the plant, has refused to submit a plan. He has said he needs more information before deciding how to proceed.

Seabrook opponents, still eager to stop the plant altogether, have been pressuring Dukakis to refuse to submit any plans. That might throw the plant's future into jeopardy.

Seabrook's builders, meanwhile, have tried publicly and privately to press Dukakis to submit plans. Word of the Fitzsimmons report gave them an opportunity to question the governor's motivation, and they pounced on it.

"This report makes it apparent that he has just been playing games with us," Kyte said.

The report is 92 pages long, and Dorsey said it includes legal research and case studies as well as some political discussion. But the *Herald* story and Kyte's comments focused on passages dealing with politics.

According to the *Herald*, the report says Dukakis could avoid the fallout of making a firm decision by holding up the emergency plans, and ultimately forcing the federal government to settle the issue. The danger, it says, is that he will be viewed as an opportunist.

"The key to avoiding this characterization lies in focusing on safety concerns," the report says. "The ambiguity of safety issues provides a broad shield from accusations of opportunism."

The stakes in the fight over Seabrook are high, and the *Herald*'s story immediately caused a stir. Dorsey said he was woken at 1 this morning by an Associated Press reporter who had seen the *Herald* story and wanted comment.

"I was deep asleep," Dorsey said.

Duke gets Seabrook evac report

Duke's nuke stall tied to report

EXCLUSIVE

By FRANK PHILLIPS

GOV. Michael Dukakis, just days before the Chernobyl disaster, approved a secret study on how to delay approval of evacuation plans for the Seabrook nuclear power plant. The Herald has learned.

The study, written in April by a Kennedy School student in conjunction with the governor's office, advises a hands-off strategy that would force the federal government to step in.

Dukakis's strategy to date has almost paralleled the advice contained in the study.

The 92-page study has
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created a stir among the utility's executives, who claim the report is a guide for Dukakis — caught between an anxious business community and a strong anti-nuclear movement — to avoid making a politically tough decision.

The federal government requires evacuation plans for all communities within a 10-mile radius of the plant. Approval of evacuation plans for the Seabrook nuclear power plant is a major hurdle for opening of Seabrook.

"If he's following a strategy like that for political gain, that's the height of irresponsibility," said George Edwards, president of

United Illuminating Co., a Connecticut utility with a 17.5 percent stake in the Seabrook plant.

"I would hope he'd turn his back on that sort of advice."

Dukakis aide Tom Hubbard said the study — written by Kennedy School student Robert Fitzsimmons — was not an official state report and denied the governor was relying on it for strategy.

"The governor is acting on his own instincts and on advice I'm giving him and others," he said.

However, Hubbard — who is Dukakis' chief adviser on Seabrook — acknowledged the report, completed in early April, was given to Dukakis and two cabinet

officials, Public Safety Secretary Charles Barry and Energy Secretary Sharon Pollard.

What's more, the report states it was a project "performed in conjunction with... (Dukakis') Economic Development Office" and written with Hubbard's assistance.

The report advises Dukakis to take advantage of a "flaw" in the licensing process that gives him power to indefinitely delay submission of an emergency evacuation plan for federal review.

It also outlines how the administration can follow that strategy and not be accused of being "opportunistic."

"Failure to submit a plan would readily be perceived as an illegitimate use of the flaw in the federal process which puts the otherwise well-intentioned utility at the mercy of opportunistic state and local government," it states.

"The key to avoiding this characterization," according to the report, "lies in focusing on safety concerns.... The ambiguity of safety issues provides a broad shield from accusations of opportunism."

In delaying submission to the federal government of evacuation plans for the six Bay State communities within 10 miles of the Seabrook plant, Dukakis has pointed to safety considerations.

For example, Dukakis has publicly called on New Hampshire Yankee — the plant's builder — to shore up safety issues, such as guarantees of beach shelters and summer shutdowns for beach crowds.

The reports concludes that Dukakis has enough leverage within the emergency planning procedures established by Congress to hold up the Seabrook opening.

"...the Governor has an incentive to delay submission," the report states, claiming such a stall could bring pressure on the federal government to step in and take over the process.

New Hampshire Yankee spokesman John Kyte said the report's conclusions were "shocking."

What Now, Seabrook?

CONTINUED

From a construction standpoint, two years ago Shorcham was where Seabrook is now — 99 percent completed and awaiting a fuel load and low-power testing permit. According to LILCO spokesman William Sherrard, it became clear to utility officials even earlier — in 1983 — that Cuomo would not approve a plan. "In 1983, we made the decision to go without" local approval.

LILCO proceeded under a stipulation of NRC rules allowing a utility to show that in the event of deficiencies in the plan, "adequate interim compensating actions have been or will be taken promptly" to ensure the plan will be carried out in the event of an emergency.

LILCO set up its own Local Emergency Response Organization, staffed by utility em-

ployees, to replace local officials at emergency posts.

Three years later, although LILCO scored a major victory last week, the process is still months from a resolution.

The LILCO case is precedent-setting. As a result, Seabrook will probably not take as long if the same approach is followed here, said PSNH spokesman Ashooh. But, he said, "the quickest and the preferred way," is to reach agreement with him.

Kyte said Seabrook has "not fully developed a plan for Massachusetts" on its own, because "things just haven't gotten to that point yet. We still hope we are able to work with Massachusetts."

Seabrook is also interested, Kyte said, in the request made to the NRC by the Baltimore Gas and Electric Co. (BGE) last November, to cut the emergency zone to two miles.

Although some anti-nuclear activists say the BGE filing was a "stalking horse" for Seabrook, BGE spokesman Glen Heffner said it was "site specific" to the Calvert Cliffs nuclear plant, "and we're letting the industry know we're not out there crusading for them."

Heffner said the request was based on studies completed in the wake of the Three Mile Island accident in 1979. The studies, he said, "indicated that although there was a 10-mile emergency zone, an area no more than two miles would not be affected if there were a worst case accident, and that previous studies over-estimated that risk of a major accident on the public and environment."

At the NRC, engineer Jaffe said a report "is 90 to 95 percent completed, and the results will show the source term (the total amount of radioactive material released into the atmosphere) will be substantially less significant than had been believed to be the case."

But, said Jaffe: "There is no doubt the results of the Chernobyl accident will delay the final word on this. I don't see much hope for it next year, probably in late 1988. And what you're stuck with is a question with the preponderance of scientific information one way and whether you should ignore the public."

"Ultimately," said Jaffe, "I'd call it a policy question."

What Now, Seabrook?

By JOHN DISTASO
Union Leader Staff

Seabrook nuclear power plant officials continue to resist waging war with Massachusetts Gov. Michael S. Dukakis over emergency planning for the reactor — preferring a negotiated agreement — and at least part of the reason is money.

Alternatives are available for Seabrook, but they would take months or even years to conclude. Even though Seabrook may win, the plant — or at least one or more of its owners — may lose in the process.

Seabrook may choose to:

- Take the "Shoreham approach" and try to have a Bay State emergency plan approved without Dukakis' approval. A Nuclear Regulatory Commission ruling last Thursday strengthened the chances such a move would eventually succeed.

- Move, as a Maryland utility did last year, to have the NRC reduce from 10 to two miles the "emergency preparedness zone," the area surrounding the plant for which a plan would have to be written.



MICHAEL DUKAKIS

SEABROOK

(Continued from Page 1A)

The NRC has the request, and its own studies on the matter, under review.

The problem with both options, from Seabrook's standpoint, appears to be the amount of time each would take. Long Island Lighting Co., the owner of Shoreham, has been in a war with New York Gov. Mario Cuomo since 1983, when it became clear to it Cuomo would not overrule objections by local officials and sign a plan. The war appears to be far from over. While a Seabrook-Dukakis faceoff may not take that long, it may take nearly as long.

And according to NRC engineer Donald Jaffe, the commission is not expected to make any decision on the proposed change in the "emergency pre-

Long before then — next spring in fact — Seabrook's chief owner, Public Service Co. of New Hampshire "may be put in a difficult financial position," said utility spokesman Nicholas Ashooh.

Earlier this year, PSNH told the U.S. Securities Exchange Commission it has enough cash on hand to meet its capital requirements until the second quarter of 1987. The utility, which nearly went bankrupt in 1984 due to its heavy Seabrook investment, is forbidden by state law from charging ratepayers for the plant until it is operating. In the interim it may have to look to additional borrowings to remain solvent.

Although PSNH has recently changed a major assumption on which that estimate was made — that it will not resume paying stockholder dividends next year — the company has not formally changed its assessment of its financial needs.

Meanwhile, a top financial adviser to the company and other Seabrook joint owners told the Sunday News he is charting financial plans for PSNH and other Seabrook owners based on a spring 1987 start-up, "whether I believe it or not."

Robert Hildreth, Jr., a vice president of Merrill Lynch Capital Markets, said: "Each week that goes by makes it highly uncertain."

Still, Hildreth said, "It is certainly not my first option to get into a war" with Dukakis.

"But it's a better option than sitting back and letting time run out on you."

John Kyte, Seabrook spokesman, insisted management has not decided how long to continue waiting for Dukakis to decide whether he will approve an emergency plan for six Massachusetts communities within a 10-mile radius of the plant.

Kyte in fact was reluctant to discuss the pros and cons of the alternatives, saying, "I'm not going to lean toward one course of action or another because it may be perceived by the public we are moving in a particular direction. But we are looking at, or evaluating, everything."

Kyte said, however, that management does believe last Thursday's NRC ruling on the

Shoreham reactor, situated on New York's Long Island, gives "much more certainty" to the argument that a state or local community cannot hold up power plant licensing by refusing to submit a plan. He said the ruling strengthens management's belief they would win a similar challenge.

The NRC agreed with Long Island Lighting Co. that the emergency planning standards, though "premised on a high level of organization between the utility and state and local governments," were intended to be "flexible." The 3-1 ruling, said it is "legally obligated" to consider "whether a utility plan, prepared without government cooperation, can pass muster."

James Dorsey, a spokesman for Dukakis, said the ruling makes a "farce" out of the emergency planning process. Dorsey said the ruling has not changed the Dukakis plan to decide by the end of the summer whether to sign the plan — after a consultant reports on the implications of the nuclear accident at Chernobyl last April.

"We feel compelled to follow through" on the study, said Dorsey. "The importance of Massachusetts making a decision has not been diminished."

The NRC ruling came on the heels of the release of a 95-page report, authored by a law student with the advice of a Dukakis aide, advising Dukakis to use safety concerns to delay the submission of the emergency plan. Although his actions in past months suggest otherwise, Dukakis said he has not used the strategy in the report as a guide.

Seabrook officials say the report, because it specifically advised Dukakis to use safety concerns as a ploy for delaying the submission of a plan, tarnished credibility of the Governor's argument that his concerns are not politically motivated.

Plant officials in May said the target start-up date had slipped from October of this year to spring or early summer of 1987. Two months have passed — and NRC hearings on New Hampshire's emergency plan have slipped from next week until the fall — but Seabrook officials have clung fast to that same projection.

Editorial

The real Dukakis

The truth is revealed: Presidential aspirant Michael Dukakis cares less about the safety of residents living within the 10-mile Seabrook Station evacuation area than he does the safety of his political hide.

That is the modest conclusion drawn from the disclosure that members of the Massachusetts governor's staff collaborated with a Harvard graduate student to produce a report brashly recommending that to protect his political fortunes Dukakis should stall the evacuation approval process (and thereby Seabrook Station's licensing) under the guise of being concerned with safety.

By doing so, the report advises, Dukakis might be able to avoid the "paralyzing level of dissent encountered by New Hampshire's Governor Sununu in his attempt to exercise plans which local governments had not fully accepted."

The report continues that Dukakis would suffer a "loss of credibility" if he flatly refused to submit evacuation plans (New Hampshire gubernatorial hopefuls please note.) "Such a move could be readily perceived as an illegitimate use of the flaw in the federal process which puts the otherwise well-intentioned utility at the mercy of opportunistic state and local government."

That last sentence is a masterpiece. It encapsulates much of what haunts the American system of regulating utilities: Well-intentioned companies are enfeebled by self-righteous political opportunists because of flawed federal regulations.

The Massachusetts governor denies the graduate student's report was used to shape his strategy for dealing with the difficult Seabrook Station evacuation issue. But Public Service Company of New Hampshire, the plant's builder, and N.H. Gov. John Sununu point out that Dukakis' official position is a virtual carbon copy of the report. Coincidence?

One wonders just how long Dukakis plans on walking his political tightrope between pro- and anti-Seabrook forces. First he balked at evacuation planning because of concern over summertime population. Now the safety-conscious leader of the commonwealth is waiting for a report on the comparisons between Chernobyl and Seabrook. What will be his next excuse?

At some point Dukakis is going to have to make a decision. If he believes he can mitigate the political fallout from that choice, he is mistaken. Seabrook Station's battle lines are clearly and tightly drawn. He is apt to cause more problems for himself by attempting to be all things to all people instead of establishing a position and sticking with it.

The point here is the evacuation approval process can and should move forward as Dukakis waits for additional information. Seabrook Station's start-up isn't projected to begin until the spring or early summer of next year; there's plenty of time for the governor to resolve his safety concerns as the evacuation plan moves forward. There is no excuse for Dukakis' politically-motivated obstruction.

The twisted history of Seabrook Station is replete with examples of Dukakis-like antics adding hundreds of millions of dollars to the plant's cost. Each month Dukakis clogs the system by micro-managing his political future the cost of Seabrook jumps \$50 million.

PSNH bashers pay attention. This latest price rise has nothing to do with utility mismanagement. It can be laid squarely on the head of a self-absorbed governor who bases crucial decisions on their perceived impact on his political ambitions.

Debate persists over controversial Seabrook report

By JEFF McMENEMY
Exeter Bureau Chief

SEABROOK — In the latest fall-out from a controversial report written by a Harvard graduate student, a Seabrook Station spokesman said today the document is "much much important" than "much much important" than Massachusetts Gov. Michael Dukakis is making it out to be.

The report outlining methods of delaying the licensing of the Seabrook nuclear plant, dated April 14, 1988, was made public Wednesday. It suggests Dukakis can take advantage of a "flaw" in a federal law that allows a state to indefinitely delay granting a license to Seabrook Station.

"Failure to submit a plan could

readily be perceived as an illegitimate use of the flaw in the federal process which puts the otherwise well-intentioned utility at the mercy of opportunistic state and local government," the report read.

"The key to avoiding this characterization lies in focusing on safety concerns or justifying current dissent on the basis of previous lack of input. The ambiguity of safety issues provides a broad shield from accusations of opportunism, but casts a shadow on contentions that adequate protection is not feasible," it stated.

John Kyte, public information director of New Hampshire Yankee, which is building the plant for Public Service Company of New Hampshire, said Thursday Du-

kakis had deliberately followed the advice of the report in attempting to delay the licensing of Seabrook Station.

Kyte continued his attack Thursday afternoon and this morning, charging the graduate student who wrote the report worked in the office of Tom Hubbard, Dukakis' main advisor on Seabrook.

At the bottom of the first page of the 94-page report an advisory reads: "This is a confidential report not intended for circulation. The project was performed in conjunction with the Massachusetts Governor's Economic Development Office and written with the assistance of Tom Hubbard (Governor's Office) and Professors Chris Edley (Law School), Mike

O'Hare (Kennedy School of Government) and Dottie Robyn (Kennedy School) at Harvard University."

Each of the pages of the report, entitled "Off-site Planning for Radiological Emergencies: Understanding the State Role During and After the Shoreham Controversy," is headed with the phrase, "Final Draft — Confidential."

In addition to the charge that Fitzsimmons worked for Hubbard, Kyte said the graduate student had attended "high level administrative meetings" between the Bay State governor's office and New Hampshire Yankee.

"He was Hubbard's legal eyes and ears at these meetings," Kyte said.

Karen Schwartzman, a spokesman in Dukakis' press office, said this morning that as far as she knows Fitzsimmons never worked in Hubbard's office and although he "may have" attended meetings between New Hampshire Yankee and the governor's office, he did not act as the "legal eyes and ears" for Hubbard.

Asked why the report is termed "confidential" if it is just an "academic exercise," as she termed it, Ms. Schwartzman said, "I don't know, you'll have to ask the Kennedy School." The governor's office did not initiate the report, she said.

Representatives from Dukakis' office have denied he has followed the delay strategies outlined in the

report, while acknowledging he had read it.

Dukakis spokesman James Dorsey described the report Wednesday as "essentially a homework assignment." Any suggestion the Massachusetts state government, including the governor, would make decisions based on the report are "ludicrous," he said.

Though Kyte said it is too early to ascertain the report's overall impact on public sentiment regarding Seabrook, at least one Democratic gubernatorial candidate has called the report "unfortunate."

Democratic gubernatorial candi-

☆ *Seabrook*

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date Paul Gagnon said this morning the issue creates a problem because the information "creates the appearance that there's games being played with the evacuation plan."

"I'm sure that Public Service Company of New Hampshire will try to take advantage of this to further rush a power plant on line before it's determined if the Seacoast can every be safely evacuated,"

he said.

Gagnon acknowledged the situation could have an affect on public sentiment but said he believes people in New Hampshire won't put much stock in the situation.

"I don't think it will negate the very real concerns many if not all New Hampshire people have about the serious shortcomings of the evacuation plan submitted by Gov. Sununu," he said.

Dukakis Aide Wanted Paper On Seabrook

By MARK TRAVIS
Monitor Staff Writer

When a controversial report on Seabrook emergency planning surfaced this week, Massachusetts Gov. Michael Dukakis's staff scurried to deny any connection with it.

But the report's author and two professors involved in its development said yesterday that a key member of the governor's staff had initiated it.

Word of the report, which contains a candid political assessment of the course Dukakis has followed, surfaced Wednesday. Dukakis spokesman James Dorsey promptly dismissed it as a "homework assignment" performed for Harvard University classes, adding that its author had "shared" it with Thomas Hubbard, Dukakis's key Seabrook adviser.

But yesterday Robert Fitzsimmons, the student who wrote the report, and two professors said that Hubbard himself requested the report.

Fitzsimmons even marked his report "confidential" and said on its first page that it was written with Hubbard's assistance.

All students in the Kennedy School of Government's master's program in public policy are required to complete a policy analysis report. Professor Mike O'Hare said, and Fitzsimmons took on Hubbard's request as his report.

O'Hare said the projects are typically done for government agencies or non-profit agencies. They are intended, he said, not as academic exercises but as decision-making tools.

The report says that federal emergency planning regulations are ambiguous and contradictory, and that they give Dukakis an incentive to stall the plant's federal license application by holding back his state's emergency plans.

That, so far, is just what Dukakis has done. But Hubbard said the report amounts to analysis, not advice. "We don't go to outside students to get political guidance," he said.

Seabrook's builders have seized on the report — starting before they had even read it — as evidence that Dukakis has been simply stringing them along in negotiations over the plans.

"Dorsey virtually denied that this guy existed," Seabrook spokesman John Kyte said of Fitzsimmons yesterday evening. "... I smell something that's not quite right."

A top Seabrook official, John Quinn, even came forward yesterday to say that Hubbard had brought Fitzsimmons to a meeting on emergency planning Jan. 10 — and had introduced him as his legal aide. Quinn is an assistant to the president of New Hampshire Yankee, the company managing Seabrook's construction.

Hubbard said yesterday that he had asked for the research project — and added that he had asked the Kennedy School for one last year, too, on a different topic.

to the report.

But Hubbard denied that Fitzsimmons was an aide, or that he introduced him that way. And he added some harsh words of his own, saying the student's ties to the governor's office weren't really the issue because the Seabrook officials were misrepresenting the study and its impact on the governor's thinking.

"I think it's a phony issue," Hubbard said, his voice rising. "I think it's transparent what's going on here."

The report is 95 pages long. A copy of the final draft — provided to the Monitor by New Hampshire Yankee officials — is dated April 14.

It is an analysis of the complex of regulations that make it possible for Dukakis to stall the plant's progress, and a discussion of the costs and benefits of taking that course.

Seabrook officials and The Boston Herald, which broke the story, described it as a political blueprint laying out a stall strategy.

"I think it's a very cynical, anti-consumer approach that says politics as usual is the key to their decision," Quinn said. "It's disappointing, but it certainly answers a lot of questions."

But Hubbard said Dukakis had already decided on his course before the report was written — and the wording of the report appears to bear him out.

The report's assessment of the emergency planning process is candid. It says stalling on the emergency plan allows a state to "remain in control of the timetable for licensing the plant in question" and to "secure a better bargaining position with the utility," as well as enabling it to "avoid rushing localities and incurring their hostility."

But there are costs, too, the report says, including potential charges of opportunism.

"The key to avoiding this characterization lies in focusing on safety concerns or justifying current dissent on the basis of previous lack of input," the report says.

Delay can also increase a plant's costs, it says, and exaggerate fears about nuclear safety.

"State officials do the commonwealth a disservice by exaggerating the catastrophic potential in public even for negotiation purposes," it says.

The report says Dukakis's cabinet and his staff "have assessed the benefits of delaying submission to outweigh its costs." Ultimately, the report says,

Impasses like the one over Seabrook should lead the federal government to clarify its regulations and make the process smoother.

Publicly, Dukakis has said he won't participate in the emergency plans if he decides Seabrook can't be operated safely. He has said he is gathering more information on that question, and expects to make a decision by the end of summer.

One of the few principals who have had little to say about the report is Fitzsimmons, who wrote it. He has graduated from the Kennedy school, and has

also received a degree from Harvard Law School.

Reached in Chicago yesterday, he said Hubbard had proposed the project — and referred all further questions to him.

But in a May letter released by Quinn, Fitzsimmons told a utility lawyer that he had already had his fill of the planning issue.

"After realizing the headaches in this line of work," Fitzsimmons wrote, "I have decided to go into something less imposing — corporate finance or commercial real estate with Mayer, Brown & Platt in Chicago."

Duke's deferral

THE public has every right to be somewhat cynical about the motives of politicians, correctly assuming that some decisions are made more in self interest than public interest. The public had its worst fears confirmed yesterday when Herald reporter Frank Phillips revealed the existence of a report written in conjunction with Gov. Michael Dukakis' office on he could avoid making a decision on evacuation plans for the Seabrook nuclear power plant before the November vote.

The report details how the governor can indefinitely postpone the plant opening — soothing the anti-nuke forces who make up a part of his organized support — without coming out against the plant altogether, which would panic his business

supporters.

"The ambiguity of safety issues," the report says, "provides a broad shield from accusations of opportunism."

And that was written before Chernobyl blew its cork. That may have been radioactive rain falling on the Ukraine, but it was manna from heaven for Michael Dukakis in his election year.

Massachusetts needs power, if it is to keep growing. The state has in the past been far too dependent on imported oil as a source of energy and nuclear power needs to be part of the mix on which our state must depend for its growth.

It is a sad commentary on the state of affairs in the corner office that our governor must be advised on how not to make a decision.

Liz Murphy

Duke: My policy's not related to secret nuke report

By FRANK PHILLIPS

GOV. MICHAEL DUKAKIS said yesterday he read a secret staff report outlining strategy to delay the opening of the Seabrook nuclear plant, but denied he relied on it to set policy.

"Policy exercises done by

master's degree candidates at the Kennedy School are not the way we make decisions around here," Dukakis told reporters.

"I don't look to people for strategy

advice. That's something I've got to make a decision about myself," he said.

But GOP New Hampshire Gov. John Sununu, who is pushing to open the plant, slammed the report and said it suggests that Dukakis was "not acting in good faith" by his delaying tactics.

"The most damning part of the whole thing is that it was written with the assistance of a Tom Hubbard who is the same (Dukakis aide) advising the governor on Seabrook," he said.

"That coincidence is extremely disturbing," said Sununu.

The Herald reported yesterday that Dukakis sponsored the confidential report written by a Kennedy School graduate student "in conjunction with" the gover-

nor's office and with Hubbard's assistance.

The study outlines a strategy for Dukakis to delay submission of the state's evacuation plans while citing safety issues.

Dukakis must approve the evacuation plans for communities within a 10-mile radius of the controversial plant before it can open.

Dukakis has been lobbied heavily by the nuclear industry to approve the evacuation plan, while a strong anti-nuclear movement has urged him to reject the plan.

Dukakis has given little indication which way he is leaning and critics say the report is a guide for Dukakis to avoid making a politically tough decision.

The report explains that the project "was performed in conjunction with the Massachusetts Governor's Economic Development Office and written with the assistance of Tom Hubbard (Governor's Office)," as well as Kennedy School and Law School professors.

Thomas Hubbard is Dukakis' chief adviser on the Seabrook issue.

Fitzsimmons begins with a lengthy explanation of the federal licensing process — and related court challenges — centering on a similar fight in New York's Long Island concerning the Shoreham nuclear plant.

"The possibility of delaying submission (to the federal government of a state-approved emergency plan) rather than renouncing the process significantly expands the range of choice and multiplies the strategic factors," Fitzsimmons writes.

"To make a principled choice, however, the Commonwealth must make an effort to balance the perceived benefits of not submitting the plans in a timely fashion against the highly uncertain costs."

The study then outlines what it describes as the "benefits" of not submitting a plan. "If the Commonwealth has the power to delay licensing by a year or more," the report says, "this obviously could give the Commonwealth substantial negotiating leverage over the utility."

The report advises that by "slowing down the process," Dukakis might be able to avoid "the paralyzing level of dissent encountered by New Hampshire's Governor Sununu in his attempt to exercise plans which the local governments had not fully accepted."

The author says it is in the "political interest" of town officials "and the governor's that the process not appear to be haphazard or forced upon" residents.

An outright refusal to submit a plan, the author says, may cost the governor a "loss of credibility" or give a "perception of opportunism." Such a move "could readily be perceived as an illegitimate use of the flaw in the federal process which puts the otherwise well-intentioned utility at the mercy of opportunistic state and local government."

"The ambiguity of safety issues," the report states, "provides a broad shield from accusations of opportunism but casts a shadow on contentions that adequate protection is not feasible. . . . Nonetheless, use of recently discovered leverage in the eleventh hour could still be viewed suspiciously by federal officials and Massachusetts residents alike if not grounded in safety concerns."

The report also notes that if the plant eventually does open "in an adversarial atmosphere, safety is jeopardized."

And it notes that a refusal to submit, as "even a disguised cave-in, could cost the governor dearly in credibility with the parties."

Fitzsimmons advises that Dukakis has "reason to avoid the appearance of giving in to" what he calls "the far more focused and visible pressure from the anti-Seabrook forces."

Anti-Seabrook Report Outlines Mass. Strategy

By JOHN DISTASO
Union Leader Staff
And Wire Reports

Massachusetts Gov. Michael S. Dukakis yesterday tried to distance himself from a confidential report written with the advice of his own aides in April that outlines a strategy keying on safety concerns to delay licensing of the Seabrook nuclear power plant.

The 95-page study, authored by a Boston law student and made public yesterday, advises Dukakis to take advantage of a "flaw" in federal law which allows a state to indefinitely delay licensing of a nuclear reactor by delaying the submission of an emergency evacuation plan.

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GOV. MICHAEL DUKAKIS

The report further advises Dukakis that "focusing on safety concerns or justifying current dissent on the basis of a previous lack of input" will avoid the appearance he is making "illegitimate use of the flaw."

The report sets out a strategy similar to the one Dukakis has followed to date and even notes, "The Governor's Cabinet and staff have assessed the benefits of delaying submission to outweigh its costs."

Seabrook officials said the existence of the report makes it clear Dukakis' tactic on the plant has been predetermined and long-planned.

Two "benefits" of delay, the study says, are to "secure a better bargaining position with the utility" and to "remain in control of the timetable for licensing the plant in question."

The study notes that in Seabrook's case, each month of delay adds \$50 million to its cost.

The report also weighs the strategy of a delay against an outright refusal to submit a plan, emphasizing that refusal would probably lead the issue into the uncharted area of a takeover of the licensing pro-

cess by the federal government. The option of working with the Seabrook's builders to obtain the best plan possible is not discussed.

At a news conference, Dukakis admitted he read the report but he denied using it as a strategy.

"I'm interested in anything and everything I read," Dukakis said, "but policy exercises done by master's degree candidates . . . are not the way we make decisions around here."

He said the report "helped me understand the legal issues. I don't look to people for strategic advice. That's something I've got to make decisions about myself."

Dukakis denied he was deliberately stalling on the Seabrook plan.

Seabrook spokesman John Kyte, however, noting attempts by plant management to meet with Dukakis to discuss his safety concerns, said, "This makes it pretty clear that he has simply been playing political games with us and that he had no intention of ever reaching agreement or living up to his public safety responsibility."

New Hampshire Gov. John Sununu noted an "amazing coincidence" of the Dukakis' administration's actions on Seabrook "mirroring what is in the report." Sununu said he had read only excerpts of the study but said he hoped Seabrook lawyers will continue efforts to legally circumvent Dukakis in getting the plant on line.

"I certainly hope there's a reasonable explanation for it," Sununu said.

The federal government requires emergency evacuation plans for all 23 New Hampshire and Massachusetts communities within a 10-mile radius of the plant.

The six Massachusetts communities have refused to submit plans and Dukakis has delayed state involvement.

In the spring, Dukakis expressed concern about the summer beach population in the event of a nuclear accident. He insisted that the plant be shut down in the summer months and shelters be constructed.

It appeared Seabrook officials were prepared to give in to the demand when the disaster at the Soviet Chernobyl nuclear reactor occurred.

Dukakis, saying all bets were off, then commissioned Kennedy School Prof. Albert Carnesale to investigate the effects of the disaster on Seabrook and the area. Dukakis said yesterday the probe is still under way and he reiterated an earlier promise to have his mind made up sometime this summer.

In the meantime, Dukakis' failure to get the regulatory ball rolling caused a six-month, \$300 million overrun in the project.

Last week, Seabrook officials and Dukakis aides exchanged charges after Dukakis refused to meet with plant management in person to discuss his concerns.

Seabrook spokesman Kyte said the Fitzsimmons report explains Dukakis' actions.

"Looking back to last April," he said, "I think it's clear they've probably been following this strategy. Every time we got close to an agreement with them to get the process moving along, they'd suddenly bring up a whole new concern."

On the cover of the 92-page report, author Fitzsimmons describes himself as a joint degree candidate at the John F. Kennedy School of Government and Harvard Law School.

"This is a confidential report," Fitzsimmons says, "not intended for circulation."

Dukakis got study on how to delay Seabrook plans

BOSTON (AP) — Massachusetts Gov. Michael S. Dukakis reportedly approved a study on how to delay approval of evacuation plans for the Seabrook, N.H., nuclear power plant, but an aide said it was not an official report done for state government.

The Boston Herald today said the 92-page study was written in April by Robert Fitzsimmons, a student at Harvard University's Kennedy School of Government, in conjunction with the governor's office.

The report recommends that Dukakis delay submitting evacuation plans for six Massachusetts communities that are within 10 miles of the plant and

that such a move could force the federal government to take over the process, the Herald said.

The federal government requires acceptable evacuation plans from all communities within 10 miles of a nuclear power plant before issuing a full operating license to the plant.

The Herald said utility officials claim the report is a guide for Dukakis to avoid making a politically tough decision.

"If he's following a strategy like that for political gain, that's the height of irresponsibility. I would hope he'd turn his back on that sort of advice."

George Edwards, president of United Illuminating Co., a Connecticut utility with a 17.5 share of Seabrook, told the Herald.

"Dukakis' strategy to date has almost paralleled the advice contained in the study," the Herald said.

"It was not an official report done for state government," James Dorsey, press secretary to Dukakis, told The Associated Press early today. "It was an academic requirement which was done as part of the requirements

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"And it is ludicrous to say that officers of state government, including the governor are being guided in their decision by the recommendations made by a student in what essentially is a homework assignment."

Dorsey said Fitzsimmons "shared" the study with Thomas Hubbard, Dukakis' chief advisor on Seabrook.

Hubbard told the Herald the study was not an official state report but was given to Dukakis and state Public Safety Secretary Charles Barry and state Energy Secretary Sharon Pollard.

Hubbard also denied the governor was relying on it for strategy. "The governor is acting on his own instincts and on advice I'm giving him and others," Hubbard told the newspaper.

But, the Herald said the report states it was a project "performed in conjunction with ... (Dukakis') Economic Development Office" and written with Hubbard's assistance.

"We're aware of what Mr. Fitzsimmons concluded, but I would note that whatever those recommendations were, they came to the governor some time after he stated publicly his concerns about Seabrook and the effect any potential accident at Seabrook would have on the public health and safety of the people of Massachusetts," Dorsey said.

The report advises Dukakis to delay indefinitely submission of an emergency evacuation plan for federal review and outlines how that can be done without raising accusations of being opportunistic, the Herald said.

"Failure to submit a plan would readily be perceived as an illegitimate use of the flaw in the federal process which puts the otherwise well-intentioned utility at the mercy of opportunistic state and local governments," the Herald quotes the report as saying.

"The key to avoiding this characterization lies in focusing on safety concerns. ... The ambiguity of safety issues provides a broad shield from accusations of opportunism," the report is further quoted as saying.

Dukakis has pointed to safety considerations in delaying submission of evacuation plans, the Herald said.

The report concludes that Dukakis could hold up the opening of the plant and said "the governor has an incentive to delay submission" and that such a stall could put pressure on the federal government to step in and take over the process, the Herald said.

John Kyle, spokesman for New Hampshire Yankee, which is building Seabrook, told the Herald the report's conclusions were shocking.

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Report: Duke stalling on n-plant

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cials claim the report is a guide for Dukakis to avoid making a politically tough decision.

"If he's following a strategy like that for political gain, that's the height of irresponsibility. I would hope he'd turn his back on that sort

of advice," George Edwards, president of United Illuminating Co., a Connecticut utility with a 17.5 share of Seabrook, told the Herald.

"Dukakis' strategy to date has almost paralleled the advice con- See SEABROOK, page 16

Seabrook

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tained in the study," the Herald said.

"It was not an official report done for state government," James Dorsey, press secretary to Dukakis, told The Associated Press early today. "It was an academic requirement which was done as part of the requirements which he (Fitzsimmons) needed to complete his term at Harvard.

"And it is ludicrous to say that officers of state government, including the governor are being guided in their decision by the recommendations made by a student in what essentially is a homework assignment."

Dorsey said Fitzsimmons "shared" the study with Thomas Hubbard, Dukakis' chief adviser on Seabrook.

HUBBARD TOLD the Herald the study was not an official state report but was given to Dukakis and state Public Safety Secretary Charles Barry and state Energy Secretary Sharon Pollard.

Hubbard also denied the governor was relying on it for strategy. "The governor is acting on his own in-

stincts and on advice I'm giving him and others," Hubbard told the newspaper.

But, the Herald said the report states it was a project "performed in conjunction with ... (Dukakis') Economic Development Office" and written with Hubbard's assistance.

"We're aware of what Mr. Fitzsimmons concluded, but I would note that whatever those recommendations were, they came to the governor some time after he stated publicly his concerns about Seabrook and the effect any potential accident at Seabrook would have on the public health and safety of the people of Massachusetts," Dorsey said.

The report advises Dukakis to delay indefinitely submission of an emergency evacuation plan for federal review and outlines how that can be done without raising accusations of being opportunistic, the Herald said.

"Failure to submit a plan would readily be perceived as an illegitimate use of the flaw in the federal process which puts the otherwise well-intentioned utility at the mercy of opportunistic state and local governments," the Herald quotes the

report as saying.

"The key to avoiding this characterization lies in focusing on safety concerns. ... The ambiguity of safety issues provides a broad shield from accusations of opportunism," the report is further quoted as saying.

Dukakis has pointed to safety considerations in delaying submission of evacuation plans, the Herald said.

Dukakis downplays collegian's report

Gov. Dukakis yesterday denied that a research paper written earlier this year by a student at Harvard's Kennedy School of Government was guiding the administration's strategy on the nuclear energy plant in Seabrook, N.H.

Dukakis said he had read the student's paper, which he termed "a policy exercise," and "found the legal analysis very helpful."

Dukakis said that he would decide whether to approve an evacuation plan for the Seabrook plant, based on standards in federal law, by summer's end.

A spokesman for the controversial Seabrook plant accused Dukakis of "playing roulette with us," and charged that the administration had no intention of living up to expressed concerns about Seabrook's safety and emergency plans.

"Every time we got close to an agreement that would have moved the planning process along they suddenly changed their tune," said New Hampshire Yankee spokesman John Kyte.

Dukakis' remarks followed a Boston Herald report disclosing an April study that recommended he take advantage of a "flaw" in federal licensing procedures allowing a delay in the submission of an emergency evacuation plan.