

THE WHITE HOUSE OFFICE

REFERRAL

OCTOBER 19, 1979

ID: 057247

TO: NUCLEAR REGULATORY COMMISSION

REPLY: DIRECT REPLY, FURNISH INFO COPY

IF A DELAY OF MORE THAN 9 DAYS IS ENCOUNTERED PLEASE TELEPHONE 456-2717. BASIC CORRESPONDENCE AND CONTROL SHEET AND COPY OF RESPONSE (OR DRAFT) MUST BE RETURNED TO:
AGENCY LIAISON (ROOM 94), WHITE HOUSE.

*I talked to Mary
Seals office 10/31/79
@ 1:45
Told her of 2 10 day del.*

MEDIA: LETTER, DATED OCTOBER 11, 1979.

TO: PRESIDENT CARTER

FROM: THE HONORABLE STEPHEN C. DUNFEY
NEW HAMPSHIRE HOUSE OF
REPRESENTATIVES
CONCORD, NH 03301

SUBJECT: OPPOSES THE SEABROOK NUCLEAR POWER PLANT AND
APPEALS TO PRESIDENT, THE NUCLEAR REGULATORY
COMMISSION AND THEIR CONGRESSIONAL DELEGATION
TO RECOGNIZE THAT THE SEACOAST AREA CANNOT
BE ADEQUATELY EVACUATED IN THE EVENT OF A
SERIOUS ACCIDENT.

BY DIRECTION OF THE PRESIDENT
MARY MARTHA SEAL
DIRECTOR
CORRESPONDENCE AGENCY LIAISON

AT

8007020096 H



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

037247

October 11, 1979

President Jimmy Carter
The White House
Washington, DC 20500

Dear Mr. President:

As members of the New Hampshire General Court who represent the towns most immediately affected by the Seabrook Nuclear Power Plant, we wish to register our bi-partisan concern over a possible evacuation caused by a nuclear accident. We appeal to you, the Nuclear Regulatory Commission and our Congressional Delegation to recognize that the seacoast area cannot be adequately evacuated in the event of a serious accident.

Just over 1.5 miles from the reactor lies Hampton Beach: as a popular vacation area, its population can exceed 80,000 people. Road access is limited and would be ineffective in an emergency situation. We also feel that NRC regulations concerning evacuation are not adequate and that specific plans for evacuation be made before the plant is built, not after construction as is presently the rule. Since Hampton Beach was not considered as a "population center" during the plant's siting and construction permit process, we believe that the plant does not allow for people, in the words of the NRC, to "be evacuated from a specific area, or instructed to take shelter on a timely basis."

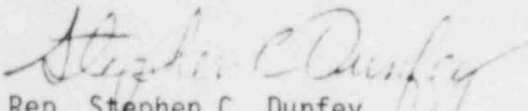
Furthermore, we feel it is unreasonable to ask that the individual surrounding towns be solely responsible for the evacuation plan. The plant's existence is made possible through licensing by the federal and state government. We feel that they, along with the Public Service Company of New Hampshire, should share more responsibility for the "dirty" work the project creates.

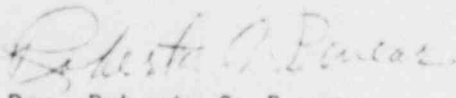
Our concerns have been further legitimized by a recent report on nuclear emergencies by the House Government Operations Committee. The report charters the NRC with a "lack of strong, constructive leadership" in evacuation plans and that "the current guidelines it now uses are seriously deficient in a number of critical areas." The report goes on to say that there is "little likelihood that either evacuation or sheltering could take place around most nuclear plants with the speed and efficiency necessary."

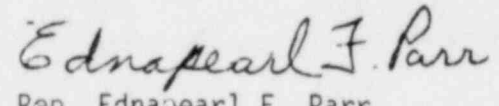
President Jimmy Carter
September 11, 1979
Page 2.

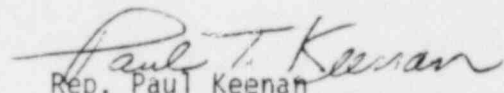
We feel that the location of the Seabrook Power Plant fits that description. We ask that construction of the plant be halted until a safe and timely evacuation plan can be achieved.

Very truly yours,


Rep. Stephen C. Dunfey
D-Hampton, Hampton Falls


Rep. Roberta C. Pevear
R-Hampton, Hampton Falls


Rep. Ednapearl F. Parr
R-Hampton, Hampton Falls


Rep. Paul Keenan
D-Seabrook, South Hampton

SCD:KC

cc: U.S. Senator John Durkin
U.S. Senator Gordon Humphrey
Congressmen Norman D'Amours
Congressman James Cleveland
Governor Hugh J. Gallen
John G. Kemeny, Chairman
President's Commission on Three Mile Island
Eileen Foley, NH Director of Civil Defense
Nuclear Regulatory Commissioners

In paragraph (j) of this section shall constitute the final determination of the HCFA.

(2) *Determination without hearing.* In those cases in which a hearing is not requested by the supplier or other party within the period allowed, the determination of revocation by HCFA shall be the final determination.

(3) *Application of final determination.*

(i) If the final determination is that the right to receive payment will not be revoked, that decision shall be binding for those alleged actions and failures to act by the supplier or other party that constituted the basis for the determination of revocation.

(ii) If the final determination is that the right to receive payment will be revoked, the revocation shall remain in effect until HCFA finds that the reason for the revocation has been removed and that there is reasonable assurance that it will not recur.

(Secs. 1102, 1814, 1815, 1835, 1842, 1870, and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395i, 1395g, 1395n, 1395u, 1395gg, and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare-Hospital Insurance; No. 13.774, Medicare-Supplementary Medicare Insurance.)

Dated: July 27, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: August 16, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-23696 Filed 8-22-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 10, 13, and 14]

PROPOSED REVISION TO REGULATIONS GOVERNING IMPORTATION, EXPORTATION, AND TRANSPORTATION OF WILDLIFE

Public Hearings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Public Hearings.

SUMMARY: This notice announces that public hearings will be held on the proposed regulations governing importation, exportation, and transportation of wildlife that were published in the FEDERAL REGISTER on March 27, 1978 (43 FR 12830). Comments received on the proposed regulations have indicated that public hearings are necessary to allow interested parties to adequately express their views.

DATES AND ADDRESSES: The public hearings have been scheduled as follows:

Dates, Times and Places

Monday, October 2, 1978, 9 a.m. to 4 p.m., Auditorium, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C.

Friday, October 5, 1978, 9 a.m. to 4 p.m., Denver Auditorium, Building 56, Denver Federal Center, Denver, Colo.

FOR FURTHER INFORMATION CONTACT:

Marshall L. Stinnett, Special Agent in Charge, Division of Law Enforcement, U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036, telephone 202-343-9237.

SUPPLEMENTARY INFORMATION: On March 27, 1978, the Fish and Wildlife Service published in the FEDERAL REGISTER proposed regulations governing the importation, exportation, and transportation of wildlife (43 FR 12830). These included several changes affecting the status of ports designated for the importation and exportation of wildlife. The proposed regulations would also implement a number of other provisions of the Endangered Species Act, including those pertaining to the inspection of wildlife items, the filing of importation and exportation declarations, and the licensing of those engaged in business as wildlife importers and exporters. Section 9(f)(1) of the Endangered Species Act provides that regulations changing designated ports are to be made "after notice and opportunity for public hearing" has been provided. (16 U.S.C. 1538(f)(1)). Section 4(f)(2)(A)(ii) of the act provides that persons who believe they "may be adversely affected" by a proposed regulation may "request . . . a public hearing thereon." (16 U.S.C. 1533(f)(2)(A)(ii)). An opportunity to request such public hearings was consequently extended to interested parties in the proposed rulemaking published on March 27, 1978. In response, the Service has received many requests that hearings be conducted on a number of the provisions contained in the proposed regulations. Accordingly, notice is hereby given that public hearings will be held for the purpose of receiving oral and written statements on all aspects of the proposed regulations.

Copies of the proposed regulations may be obtained by contacting Marshall L. Stinnett, Special Agent in Charge, Division of Law Enforcement, P.O. Box 19183, Washington, D.C. 20036, telephone 202-343-9237. The following is a summary of their contents:

These proposed rules would amend certain regulations governing the importation, exportation, and transportation of wildlife. They would thereby implement provisions

of the Endangered Species Act of 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Lacey Act, the Black Bass Act, and other statutes administered by the Fish and Wildlife Service. Revisions contemplated within this proposal would impose controls on the exportation of wildlife similar to those already existing for importation of wildlife; establish a licensing system for importation and exportation of wildlife; revise the definition of "fish and wildlife" to conform to the Endangered Species Act; amend the marking requirements contained in the Lacey and Black Bass Acts; alter the designation of certain border ports through which certain wildlife may enter the United States in order to conform with changes in traffic patterns in these areas; and delete certain items from the list of shellfish and fishery products importable at any Customs port of entry to bring the list into conformity with the definition of shellfish and fishery products provided by the Tariff Schedules of the United States (T.S.U.S.).

Presiding at each public hearing will be an administrative law judge from the Department's Office of Hearings and Appeals. Oral statements will be restricted in length to ten (10) minutes unless the presiding officer decides otherwise. Those wishing to present oral statements must notify Special Agent in Charge Stinnett at the address and telephone number provided above, specifying the hearing at which they intend to appear. These should be received by the Service no later than September 25, 1978 in order that a list establishing the participants' order of appearance may be prepared. In addition to oral presentations, written statements may be filed at the hearings. These may also be submitted directly to Special Agent in Charge Stinnett at the address provided above any time prior to October 31, 1978.

HARVEY K. NELSON,
Acting Director,
U.S. Fish and Wildlife Service.

AUGUST 18, 1978.

[FR Doc. 78-23636 Filed 8-22-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 50]

APPENDIX E—EMERGENCY PLANS FOR PRODUCTION AND UTILIZATION FACILITIES

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: A major objective of the Nuclear Regulatory Commission is to assure that emergency plans exist which provide reasonable assurance that appropriate measures can and will be taken in the event of an accidental release of radioactive material from a nuclear power plant. The Com-

plant is a basic Commission requirement in its licensing process.

The NRC staff has found that there may be circumstances for which the available strategies for taking protective actions outside the facility site boundaries are limited. As an example, this occurs when large numbers of persons may be engaged in outdoor recreational activities in the vicinity of a plant, and it is clear that existing structures are insufficient to provide needed temporary shelter. In such an instance, the Commission has considered it appropriate to emphasize evacuation. When taken in conjunction with appropriate protective action criteria, such as EPA protective action guides,¹ these considerations may lead to planning for protective actions beyond the LPZ.

3. Emergency plans.—Protection of the public from the effects of severe natural phenomena, such as hurricanes or tornadoes, and severe man-made events, such as dam failures or toxic gas releases, are typically considered in general emergency plans. Such general emergency plans are developed and maintained by agencies of the State and local governments. Emergency plans for protecting the public health and safety from accidental releases of radioactive material involve many of the same types of actions and thus are designed to be compatible with these broader general emergency plans. Emergency plans for nuclear power plants are designed to permit protection to the public by reducing individual and population exposures resulting from postulated nuclear accidents. The benefits from the emergency plan must be commensurate with the risks to the health and safety of the public associated with the implementation of the protective action.

4. Procedures.—The general authorities and capabilities of Federal, State, and local officials for carrying out emergency plans are recognized. A goal of the Commission's review is to determine whether the applicant has developed adequate arrangements with Federal, State, and local officials to assure that effective initiation of protection actions within and beyond the LPZ will be implemented, should

the need arise. An important factor in emergency planning is the availability to the decision-making official (Federal, State, and local) of all information necessary to determine the magnitude of the emergency and to decide whether protective actions should or should not be taken in light of the total risk (nuclear and nonnuclear) to the public health and safety from the action. Each licensee must establish procedures to assure that such officials are provided with adequate information throughout the course of any emergency.

A general examination of emergency planning in the licensing of nuclear power plants is underway. In the interim, the Commission is firmly of the opinion that continued implementation of its practice to review the possible need for emergency plans beyond the LPZ as necessitated by circumstances in the vicinity of the site is required. However, in the *New England Power Company, et al.*, and *Public Service Company of New Hampshire* decisions, ALAB-390, 5 NRC 733 (1977), the Commission's regulations were construed as not permitting licensing consideration of evacuation plans for the protection of persons outside the low population zone. In light of the above, the Commission believes that its regulations in 10 CFR Part 50, appendix E, should be amended to reflect the emergency planning considerations here discussed. The proposed change to the rule on the licensing requirements for emergency plans clarifies the intent that consideration of emergency planning beyond the LPZ is a factor in the licensing review and is not a factor in the site suitability review under 10 CFR Part 100.

Pending the receipt of comments and the promulgation of a final rule, the proposed amendment will be used as interim guidance in reviewing an applicant's emergency plan for a construction permit. In cases where a construction permit has already been issued, the emergency plans will be reviewed at the operating license stage in accordance with the interim guidance of the proposed amendment or depending on timing, the amendment as promulgated in final form. The Commission regards dealing with this matter at the operating license stage, as opposed to reopening construction

permit reviews, to be a more reasonable approach. Because this proposed rule involves a limited element in addition to the siting and engineering safety considerations to assure protection of the public health and safety, this procedure for review of existing permits and licenses is acceptable. Should the rule become final as proposed, the NRC staff will review the emergency plans of operating facilities as a part of its present practice of monitoring and updating the emergency plans of an operating facility as needed. The Commission will be requesting current and operating licensees to examine their emergency plans to determine whether they are in compliance with this proposed rule change.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of an amendment to 10 CFR Part 50, appendix E is contemplated.

Section I of appendix E of 10 CFR Part 50 is amended by adding at the end thereof a new paragraph to read as follows:

APPENDIX E—EMERGENCY PLANS FOR PRODUCTION AND UTILIZATION FACILITIES

I. INTRODUCTION

For nuclear power reactors, provisions for emergency protective measures to reduce exposures from an accidental release of radioactive material shall be considered, at a minimum, within the low population zone (LPZ) as specified in 10 CFR Part 100. The extent to which emergency planning, which may include planning for evacuation measures, should extend to areas beyond the LPZ shall be based on the design features of the facility and the physical characteristics of the environs in the vicinity of the site, taking into account the emergency protective action criteria developed by appropriate Federal authorities, and by appropriate State and local governmental authorities in cooperation with the Commission.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); Sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C. this 16th day of August 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-23870 Filed 8-22-78; 10:42 am]

¹ "Manual of Protective Action Guides and Protective Actions for Nuclear Incidents", (chapter 2), U.S. Environmental Protection Agency—EPA-520/1-75-001, September 1975.