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OFFICE OF THE COMMISSIONER

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

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OFFICE OF SECRETARY DOCKETING & SERVICE BRANCH

MEMORANDUM FOR: Victor Stello, Jr. Acting Executive Director for Operations FROM: James K. Asselstine SUBJECT: LETTERS CONCERNING EMERGENCY PLANNING AT SEABROOK

On January 9, 1986, Spiros Droggitis of my staff provided Tom Rehm of your staff with a copy of a December 29, 1985 letter from Mr. Herbert S. Moyer regarding emergency planning issues at Seabrook. Because of ex parte concerns, I asked that the staff respond to Mr. Moyer's concerns. I have received additional correspondence from Mr. Moyer dated February 19, 1986. In addition to the original questions, I would appreciate it if the staff would also respond to these questions raised by Mr. Moyer.

Enclosures: As stated

- cc: Chairman Palladino Commissioner Roberts Commissioner Bernthal Commissioner Zech OGC Seabrook Service List

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51 Westside Drive  
Exeter, New Hampshire 03833  
February 19, 1986

NRC Commissioner, James Asselstine  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Commissioner Asselstine,

As you may be reminded by the enclosed letter I wrote you last December, and by your response and Mr. Ed Thomas' response... I was to receive answers to my inquiries by the NRC staff. To date none has been received. Had you included a particular staff member and department to which I could have directed any follow-up correspondence, I would not be writing you again. I understand the restrictions you are under regarding future proceedings in this matter.

If you will indulge in some of my reiterated concerns for just a moment, I will explain why I feel responses to my inquiries are of such a timely and important nature.

The FEMA, apparently under pressure from Governor Sununu, has scheduled the graded exercise for the determination of adequacy of the New Hampshire community plans for February 26, 1986. The ASLB Administrative Law Judge, Ms Helen Hoyt, has scheduled the last date for intervenor and interested municipality contentions as February 24, 1986. These questions and the considerations they raise will be rendered moot if the affected local units of government are not provided answers to such significant questions **BEFORE** either of those deadlines pass. And even then, the timing raises some important questions about due process for affected communities in this matter. It seems very clear that under the existing schedule there will be no provision which allows the graded exercise to be used by communities as a basis to raise significant contentions about their plan's ability to provide for the health and safety of affected residents.

You are hopefully aware of the positions of some of the New Hampshire communities and their local school officials. It seems as though a rush to judgment is being made which could seriously compromise the communities' ability to provide for their public's health and safety.

If you could kindly motivate your staff to answer my original inquiries and the additional ones that I offer here, it would do a lot to bolster the confidence of the communities in the NRC and its decision-making process.

6. Does the NRC view it appropriate for the New Hampshire State Plan, which is referenced in the local plans as incorporating so many of the NUREG Criteria Elements or Standards, to be essentially unavailable to local communities (until certain important deadlines have passed) for their efforts to determine the adequacy of local plans and their efforts to file contentions based on their evaluations?

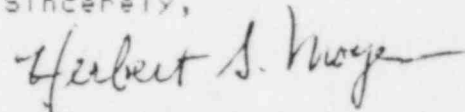
7. Did the NRC intend, in their joint rulemaking efforts with FEMA, that Letters of Agreement verifying the commitment of state and local organizations, agencies and individuals to provide emergency response services... be also unavailable to local communities in the efforts mentioned above ?

8. Is it the purpose of these joint NRC/FEMA rules to provide no opportunity for local communities to determine the ability of the local response entities to make the plan work such that it provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency ?

9. Does the NRC feel that it is appropriate for the affected local units of government to use the same Criteria Elements listed in NUREG 0654 that the NRC and FEMA use to determine the workability and adequacy of the local plans ?

As before, I truly appreciate your expeditious handling of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Herbert S. Moyer". The signature is written in dark ink and is positioned to the right of the typed name.

Herbert S. Moyer



# Federal Emergency Management Agency

Region I J.W. McCormack Post Office and Court House  
Boston, Massachusetts 02109

January 27, 1986

Mr. Herbert S. Moyer  
51 Westside Drive  
Exeter, NH 03833

Dear Mr. Moyer:

We have received a copy of your letter of December 25, 1985 to the NRC Commissioner, James Asselstine. In that letter you noted that you had sent a letter to us which had not been answered. On investigation, we discovered that a response to your letter was drafted but never sent. We do our best to respond to all inquiries from the public, unfortunately due to human error, we did not give you the service you have a right to expect. Please accept our sincere apologies. We'll repeat each of your questions and provide the answer:

1. Which New Hampshire emergency plans have to date been submitted to FEMA for review?

As of today, the plans for each of the 10 mile EPZ communities and each of the host communities, plus Volumes 1, 2, and 4 of the State Plan have been submitted for review. (see list enclosed). An earlier complete draft of these plans was previously sent to FEMA for a technical review.

2. Are partial plans sometimes sent for review, or must plans be complete before they are assessed by your agency?

Local plans are usually complete, but state plans are sometimes not complete. In this instance, Volumes 5, 6, and 7 of the New Hampshire State Plan pertaining to Seabrook will be submitted separately at a later date.

3. Can you please explain your agency's review process regarding town plans?

Town and state plans are reviewed by FEMA staff and the Regional Assistance Committee (RAC). This process is explained in the enclosed copy of 44 CFR 350.

4. Does your review process only occur after lower level review (i.e. at the town and state level); or, are your evaluations used by the towns and the State Civil Defense Agency to help them determine a plans's adequacy?

The review process occurs after the state submits the plans to FEMA for review. Lower level review depends upon the policy of the state government involved. FEMA's evaluations are used to not only determine a plan's adequacy; but, as the review is very detailed and specific for each criteria; to improve the emergency plans.

5. Are the plans measured against objective criteria? If not, why? If so, what are the criteria?

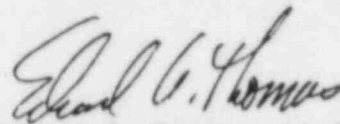
In reviewing the plans FEMA and the Regional Assistance Committee are primarily guided by the criteria in NUREG-0654/FEMA-REP-1, Rev. 1 (copy enclosed).

6. What is FEMA's understanding of the purpose of the development of emergency plans?

Radiological emergency plans are developed to protect public health and safety by providing reasonable assurance that appropriate protective measures can be taken in the event of a radiological emergency.

If you have any further questions, please call us at (617) 223-1197/8. Once again, our sincere apologies for not answering your letter promptly.

Sincerely,



Edward A. Thomas, Division Chief  
Natural & Technological Hazards

Enclosures:

1. Mr. Moyers letter dated January 29, 1984
2. List of Seabrook Emergency Planning Zone community plans submitted to FEMA for review
3. 44 CFR 350
4. NUREG-0654/FEMA REP-1, Rev. 1

CC: Richard H. Strome, NHCDA



OFFICE OF THE  
COMMISSIONER

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

January 9, 1986

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GENERAL  
DOCKVILLE BRANCH

SERVED JAN - 9 1986

Mr. Herbert S. Moyer  
51 Westside Drive  
Exeter, NH 03833

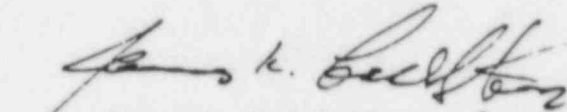
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Dear Mr. Moyer:

Thank you for your December 29, 1985 letter concerning emergency planning issues at Seabrook. As a Commissioner, I will have to eventually pass judgment on whether Seabrook should be licensed to operate. Included in that ultimate judgment will be decisions on many of the emergency planning issues you raise in your letter. It would be improper for me to comment on your questions at this time. However, I have asked the NRC staff to respond to your questions. I have also had your letter served on all the parties to the Seabrook proceeding.

Thank you for your interest in this important matter.

Sincerely,

  
James K. Asselstine

cc: Seabrook Service  
List



51 Westside Drive  
Exeter, New Hampshire 03833  
December 29, 1985

NRC Commissioner, James Asselstine  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

Dear Commissioner Asselstine,

I have decided to write you only after considerable thought and many other avenues of inquiry that have resulted in dead ends.

I am a high school instructor of science, not a local public official or a person of any official status in local or state government. The reason I am writing you is to see if some level of government will be responsive to the questions I have raised, as an affected citizen, concerning Emergency Response Planning.

As you are no doubt well aware, The New Hampshire State Civil Defense Agency and consultants, in cooperation with affected local units of government, are currently developing Emergency Response Plans (ERP's) designed to provide reasonable assurance of protection of the public's health and safety in the event of a radiological accident at Seabrook Station. I have been following the development of such plans since the introduction of the 10 mile EPZ in 1980. I have raised what I thought were seriously considered questions of the consultants, State Civil Defense and F.E.M.A.. F.E.M.A., in the person of Mr. Ed Thomas, has never responded to my inquiries... and the answers given by the consultants and State Civil Defense are so evasive and lacking in substance as to be meaningless. More recent developments have increased my sense of uneasiness with this entire process.

Consultants hired by State Civil Defense have been meeting with local officials of the town (Selectmen) and with School Boards in an effort to solicit their support for the adequacy of existing town plans, which are in their fourth or fifth draft form. Statements made by consultants and comments from Civil Defense officials themselves seem to be calculated attempts to discolor the realities associated with various aspects of the planning process and accident scenarios. Following are several examples which are verifiable because the public meetings at which these comments were made were taped.

Before the Hampton School Board, consultants said... in referring to the most serious Emergency Action Level described in NUREG 0654...(and I'm paraphrasing) 'A General Emergency is a condition where a release of radiation is possible but would not go beyond the boundaries of the plant'. At the same meeting they said that the emergency response actions taken at Three-Mile-Island (including evacuation) went very smoothly and that there was no panic, as everyone who was supposed to did their job well.

Speaking before the Exeter School Board a week or so later (earlier this December), consultants said that at T.M.I. no radiation was released beyond that plant's boundaries. They also have repeatedly told public officials that, should an accident occur, the public would have between 12-36 hours advance notice before any radiation was released offsite. State Civil Defense has based these conclusions on the Probabilistic Risk Assessment done for Public Service Co. of New Hampshire by Pickard, Garrick and Lowe... and on the verification of accuracy made by a New Hampshire legislative committee appointed by Governor Sununu. Civil Defense has also stated at public meetings and in their correspondence that Letters of Agreement exist between their agency and bus companies who would provide emergency transportation.

↓ Acc ?

Having spoken to the owner of one of those bus companies listed in Hampton's town plan, I know that no such Letter of Agreement was either expressly given or implied to Civil Defense by that company. That particular owner has also stated that in his opinion (because many of his drivers are part-time women who have small children of their own) should an order to evacuate be given... he would not expect a large percentage of his drivers to provide the emergency transportation that Civil Defense is counting on.

It is clear to me (and this is my opinion after having carefully followed this process for the past 5 years) that Civil Defense has no intention of addressing the hard questions raised by this planning process. Rather, they are trying to get a community's participation in the planning process accepted as evidence for a determination of the adequacy of the town's plans.

It seems there is a great gap between the intent of Congress by establishing the process of Emergency Response Planning and the realities associated with the execution of that function. I realize that you are in a difficult position on this issue, but it would be helpful to me and other affected citizens if you could answer the following questions:

1. Has the NRC accepted as final and accurate Public Service Co.'s Probabilistic Risk Assessment ?

2. Is it reasonable to assume that the public would have that degree of advance warning time listed in the study rather than the 1/2 to several hour advance notification referred to in NUREG 0654 ?

3. Would the enclosed "Letter of Agreement" be viewed by the NRC as evidence of the emergency response commitment required by bus companies in the event of a call to evacuate ?

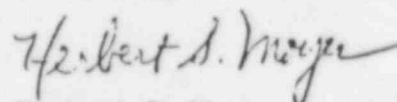
4. Is it appropriate to place significant credibility in the stamp of approval which a New Hampshire legislative committee gave to Public Service Co.'s Probabilistic Risk Assessment ?

5. Is it possible that a community's participation in the planning process may be interpreted by F.E.M.A. or by the NRC as evidence of acceptance of the plan's adequacy by the town ?

If you cannot answer these inquiries as presented by me, would you answer them if presented by a town or a school official ? If the answer to that question is no, will you please direct me to the branch of your agency which will respond to these inquiries. You are seen as a voice of reason on the NRC Commission.

I appreciate the time you have taken from your very busy schedule to read the concerns I have raised.

Sincerely,

  
Herbert S. Moyer



From NY State  
C.D.

SURVEY TO PROVIDE EMERGENCY  
TRANSPORTATION ASSISTANCE TO THE  
STATE OF NEW HAMPSHIRE

Are you willing to provide transportation assistance in the event of an  
emergency? YES \_\_\_\_\_ NO \_\_\_\_\_

1. Name and address of transportation Company
2. Contact person/alternate with telephone number, business/24 hour.
3. Number of buses/vans operated.
4. Number of buses/vans available for emergency response.
5. Passenger capacities.
6. Locations at which buses/vans are garaged.
7. Number of drivers available for buses/vans.
8. Time required before buses/vans with drivers can be dispatched.
9. Two-way communications capability of buses/vans. If yes, what frequency?
10. Comments or constraints on/to use of buses/vans. (Use reverse side if  
needed)
11. What is your daily rate when leasing buses?

Signed \_\_\_\_\_  
Date \_\_\_\_\_