



Federal Emergency Management Agency

Washington, D.C. 20472

APR 3 1986

MEMORANDUM FOR: Edward L. Jordan
Director, Division of Emergency Preparedness
and Engineering Response
Office of Inspection and Enforcement
Nuclear Regulatory Commission

FROM: *Richard W. Krimm*
Richard W. Krimm
Assistant Associate Director
Office of Natural and Technological Hazards Programs

SUBJECT: Correspondence Referral on Seabrook

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This is in response to your memorandum of March 19, 1986, referring correspondence from Mr. Herbert S. Moyer of Exeter, New Hampshire, about the Seabrook Nuclear Power Station. Mr. Moyer's questions (identified as questions 6-9) on emergency planning issues concern the Federal Emergency Management Agency's area of responsibility. We have asked our Region I office to respond to Mr. Moyer, since they have recently responded to questions from Mr. Moyer, the Town of Exeter and other communities in the Seabrook Emergency Planning Zone. We have asked them to send you a copy of their response.

I have also attached a copy of the March 11, 1986, FEMA Region I response to Mr. Moyer's offsite related planning questions contained in his letter of December 29, 1985.

Attachment
As Stated

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Federal Emergency Management Agency

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

March 11, 1986

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

Dear Mr. Moyer:

The Federal Emergency Management Agency (FEMA) was asked by the Nuclear Regulatory Commission (NRC) to respond to two questions that you addressed to Commissioner Asselstine of the (NRC) in your December 29, 1985 letter that are in FEMA's area of review and responsibility. We have been asked to respond to questions 3 and 5 in your letter. We will repeat each of your questions and provide the answer.

3) Would the enclosed "letter of agreement" be viewed by FEMA as evidence of the emergency response commitment required by bus companies in the event of a call to evacuate?

The copy of the "letter of agreement" that you enclosed certainly would not qualify. However, we received letters of agreement from the State of New Hampshire on February 10, 1986, which includes all bus companies that are now designated to provide emergency services for all the local communities in the Seabrook EPZ. During the February 26, 1986 exercise of the Seabrook emergency plans we reviewed the capability and willingness of the bus companies to carry out their functions as contained in the emergency plans and letters of agreement. We expect to issue a partial report on our findings in the near future; a more complete report will follow within approximately sixty days.

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

Our response on the implications of community participation in the emergency planning process is as follows:

1. FEMA will respond to NRC requests for "findings" at any stage in the emergency planning process.
2. In the absence of some indication to the contrary, FEMA will assume that any government agency which carried out an emergency planning function during an exercise will carry out the same or similar function during a real emergency. We may well make a finding based on this assumption unless we are presented with facts to refute our usual assumption.

3. Our regulations indicate at 44 CFR 350.13(a) that after we grant approval (we consider a positive finding to be "approval") of plans, if we find or it is brought to our attention that the state or local plan is no longer adequate to protect public health and safety, then we would on our own initiative review any previous finding of adequacy. FEMA will most definitely carry out its regulations including those portions relative to a self-initiated change in FEMA approval or findings concerning plans. Certainly local withdrawal from the emergency planning process would constitute sufficient reason for us to perform a self-initiated review.
4. Therefore, if a community participates in the planning process and scheduled exercise, the community can withdraw its participation in all or some of the emergency planning functions set forth in its local plan and FEMA will take cognizance of that changed emergency planning situation by transmitting to the NRC (and ASLB if the hearing process has not concluded) any change necessary to any previous FEMA approvals or findings.

In plain English, community participation in the emergency planning process and scheduled exercises will in no way be treated as final irrevocable "approval" or acceptance of the plan or otherwise treated as a commitment by a community to perform emergency functions that it will not carry out.

If you have any further questions or if we can be of further assistance please let us know.

Sincerely,

Kevin M. Merli

for Edward A. Thomas, Division Chief
Natural & Technological Hazards

cc: R.H. Strome/NHCDA