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5/26/88
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Federal Emergency Management Agency

Washington, D.C. 20472

DOCKETED
USNRC

MAY 13 1988 '88 JUL 19 P5:46

The Honorable John Glenn, Chairman
Committee on Governmental Affairs
United States Senate
Washington, D. C. 20510-6250

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Dear Senator Glenn:

This is in response to your letter of May 2, concerning the role of the Federal Emergency Management Agency (FEMA) in the offsite emergency planning for the Seabrook Nuclear Power Plant in New Hampshire. You were concerned specifically with our recent decision on the sheltering of the beach population.

In your letter, you request the answers to several questions and copies of a number of documents. We shall try to respond to some of your questions in this letter and will indicate when we can respond to your other questions and send you the documents that you requested.

Specifically, you inquired about the role of Mr. Edward Thomas, Chief of the Natural and Technological Hazards Division (NTH), FEMA Region I, as a witness before the Atomic Safety and Licensing Board (ASLB) Hearing on the beach population issue. Mr. Thomas, who has been intimately involved in the numerous and extensive deliberations related to the Seabrook beach population issue, is also Chairman of the FEMA Region I Regional Assistance Committee (RAC). The RAC is composed of specialists from eight other Federal Agencies who provide technical advice to FEMA on State and local radiological emergency planning and preparedness activities. As to the beach population issue, the majority of the RAC consistently disagreed with Mr. Thomas' position as filed in the June and September 1987 FEMA statements. After much deliberation and extensive discussion by technical, policy and legal experts in a meeting which Mr. Thomas attended and participated in, a final decision was made concerning the position that FEMA would take in the March 14 testimony. All of the participants in that meeting were asked if they would support it as an Agency position and if they could support it from a personal and professional viewpoint. Mr. Thomas said that he could support it as an Agency position, but that he differed with it from a personal and professional viewpoint. In view of those reservations, the FEMA Office of General Counsel then recommended that it would not be appropriate for Mr. Thomas to be a witness for the Agency on that issue and that it would be unfair to ask him to shoulder this burden. The decision was made March 4, 1988, to use Headquarters witnesses and a technical expert from Idaho National Engineering Laboratory which is under contract to FEMA.

You mentioned that the decision not to present Mr. Thomas as a FEMA witness followed a series of contacts between the Nuclear Regulatory Commission and FEMA concerning the sheltering of the beach population, including a high-level meeting on January 19, 1988, from which Mr. Thomas stated that he was excluded. Actually, the beach sheltering issue had been discussed extensively at meetings of the FEMA-chaired Region I RAC, of which the NRC is a member, over a long period of time. Likewise, it was discussed by the FEMA/NRC Steering Committee at its regular meetings over a period of a year or more.

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NUCLEAR REGULATORY COMMISSION

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Product No. 50-443/44-V-0 Official Ext. No. 38

In the matter of Seabrook

Class	IDENTIFIED	✓
As to	RECEIVED	✓
Excluded	RECEIVED	

DATE 6/26/88
BY Peterson et al

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The FEMA/NRC Steering Committee is established by an addendum to the Memorandum of Understanding (MOU), a copy of which is enclosed, between FEMA and the NRC to discuss and resolve matters on offsite preparedness. At the meeting on January 19, 1988, there were several topics discussed, including the question of the sheltering of the beach population. It was at that meeting that the NRC reiterated its position that sheltering is not a requirement under the NRC regulations. This was a meeting of Headquarters representatives from two agencies, and the discussion topics also dealt with a variety of issues unrelated to Seabrook. Therefore, we did not consider it necessary or the best use of his time to include Mr. Thomas in the meeting, although he was in Washington at that time working with the FEMA Office of General Counsel.

On the issue of pressure from the White House on offsite emergency planning, there has been no pressure from the White House in this area, to the best of our knowledge. You mention that Mr. Thomas stated that when he urged FEMA to assert its lead in emergency planning, that he was warned by FEMA Headquarters staff that "every time we take that kind of a stand there were calls from the White House." We are not aware of anyone in the Headquarters staff making such a statement. There has been no causal relationship between FEMA's position and any White House communication.

Indeed we know of only two contacts with the White House on Seabrook. The first occurred in 1986, when the exercise for the State of New Hampshire was planned. The Assistant Associate Director for the Office of Natural and Technological Hazards Programs did mention to Mr. Thomas that Dr. Speck, the then Associate Director for State and Local Programs and Support, who is no longer a FEMA employee, had received an inquiry from the White House on FEMA's willingness to evaluate the exercise. A copy of Dr. Speck's affidavit is enclosed. The second instance is incorporated into our response to the second question in your letter.

You also state that FEMA reversed its position on the sheltering of the beach population after the February 16th New Hampshire Presidential Primary. The change in our position on the beach sheltering issue actually evolved from September 1987, and was so reflected in our testimony filed on January 25, 1988, a copy of which is enclosed. This was prior to the New Hampshire Presidential Primary.

In your letter, you have requested copies of several documents. We shall search our files for these documents and send you what is available. In the interim, I am sending you a copy of the deposition of William R. Cumming before the Nuclear Regulatory Commission's Atomic Safety and Licensing Board Hearings on the matter of the Public Service Company of New Hampshire, et al, Seabrook Station Units 1 and 2. In Mr. Cumming's deposition, there is a description of the process that FEMA used in arriving at our decision on the beach population issue.

In your letter you have listed five questions which I wish to address, where possible, or indicate to you when you will receive an answer.

Your first question relates to documents and information about communications between FEMA and the White House on the subject of emergency response planning for the Seabrook Nuclear Power Plant from 1981 through the present. Other than the instances mentioned above, there have been no communications or written exchanges of information on guidance between FEMA and the White House specifically regarding the Seabrook Nuclear Power Plant. Thus, there are no documents relevant to your request.

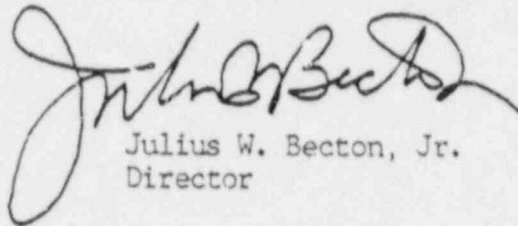
Your second question requests information on the mechanism and process for communications between FEMA and the White House on matters relating to emergency planning offsite for commercial nuclear power plants. There are no established contact mechanisms or process for this purpose. FEMA does not consult with the White House on offsite emergency planning for nuclear power plants. However, the White House has on occasion contacted FEMA to inquire for general information purposes about nuclear power plant matters. An example of this was when the Suffolk County Legislature ran a full-page advertisement in the Washington Post opposing the Shoreham Nuclear Power Plant exercise. The White House Office of Intergovernmental Affairs and Press Office called FEMA seeking information and clarification about the issue. In addition, the Administration has, on occasion, sought information from FEMA relative to nuclear power energy issues. In 1987, the Office of Management and Budget (OMB) held a meeting with representatives both from Department of Energy (DOE) and FEMA to discuss Agency comments on a proposed rule change by the NRC. Furthermore, in January 1988, DOE expressed an interest for another meeting with OMB and FEMA about streamlining nuclear power licensing procedures. No such meeting materialized; however, a copy of FEMA's 1988 testimony for the Seabrook ASLB Hearing was sent to OMB and the White House Intergovernmental Affairs Office for the purpose of explaining FEMA's role in offsite emergency planning. The testimony provided to them discussed FEMA's process for reaching conclusions on reasonable assurance. This delivery was done after the document became available to the public. No other contact or communication has taken place since that time. I would add that it is not unusual for FEMA to receive information phone calls from the White House in connection with its programs, for example, our Federal Disaster Assistance Programs. As a result, we do not view such a contact as pressure. Again, we have not received any pressure from the White House relative to our decision-making process on Seabrook.

The available information requested in your third, fourth and fifth questions, will be forwarded to you at a later date. We shall try to respond fully to all your questions and to send you all available documents requested by June 2nd.

In conclusion, I do want to assure you that the position taken in the March 14 testimony resulted from a very thorough review of the technical and regulatory bases for evacuating and sheltering the beach population in the vicinity of the Seabrook Nuclear Power Plant. This position also relies heavily on the advice of the FEMA-chaired Regional Assistance Committee. They devoted considerable time to the problems related to the evacuation and sheltering of the beach population at Seabrook. Our position is consistent with the majority view of the RAC.

Grant Peterson, the Associate Director for State and Local Programs and Support, where the Radiological Emergency Preparedness Program is administered, and members of his staff are looking forward to a meeting with your committee staff in order to explain the FEMA process as advisors to the NRC in the evaluation of offsite emergency planning and exercises around nuclear power plants. Please let me know if you have any comments or questions. I can be reached at 646-3923 and Mr. Peterson can be reached at 646-3692. In addition, my Office of Congressional Affairs at 646-4500 is available to assist you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Julius W. Becton, Jr.", with a large, stylized initial "J" and a long, sweeping underline.

Julius W. Becton, Jr.
Director

Enclosure

EXHIBITS: UNITED STATES NUCLEAR REGULATORY COMMISSION

APPLICANT

In the Matter of:

PUBLIC SERVICE COMPANY OF

NEW HAMPSHIRE, et al

(Seabrook Station, Units 1 and 2)

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Docket No.

50-443-OL

50-444-OL

Offsite Emergency
Planning

LOCATION: Concord, New Hampshire

DATE: June 14 through 16, 1988

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