

ATTACHMENT 4

**JUNE 15, 1999 COMMISSION RESPONSE TO APRIL 29,
1999 LETTER FROM DIRECTOR OF FEMA**



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

June 15, 1999

CHAIRMAN

The Honorable James Lee Witt, Director
Federal Emergency Management Agency
500 C Street, SW.
Washington, D.C. 20472

Dear Mr. Witt:

I am responding to your letter of April 29, 1999, to the U.S. Nuclear Regulatory Commission (NRC) in which you commented on the NRC's recent action concerning the possible use of potassium iodide (KI) as supplemental protection for the public in case of a severe accident at a nuclear power plant. As indicated in a staff requirements memorandum (SRM) (a copy is enclosed for your information) to the NRC staff on April 22, 1999, and in a press release on April 23, 1999, the NRC is proposing to revise its emergency preparedness regulations to add KI to the protective actions that must be considered, along with evacuation and sheltering, in nuclear power plant emergency plans. The Commission also has decided not to fund State stockpiles of KI. We regret that we did not inform the Federal Emergency Management Agency (FEMA) sooner of our KI decision.

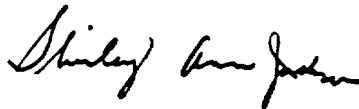
A related issue that recurs in the debate on the use of KI as a protective action for nuclear power plant accidents has been the role of the Federal government, in particular the NRC, in funding the purchase of a stockpile of KI for those States that may wish to include KI in their emergency plans. As previously discussed by the Commission in the Federal Register notice on emergency planning (45 FR 55402, August 19, 1980) under the section on funding, the Commission stated that "any direct funding of State or local governments solely for emergency preparedness by the Federal Government would come through FEMA." Notwithstanding earlier draft positions indicating that "the Federal Government (most likely the NRC)" would fund the purchase of State stockpiles of KI, this previously established NRC policy precludes NRC from funding such purchases. In addition, the NRC budget has continued to decrease and offers little margin for the Commission to divert resources to new initiatives.

According to your letter, the NRC announced that it expects the FEMA to pay for both regional and State stockpiles. This is not the case. Actually, the Commission supports the position that the Federal government should fund the purchase of KI for Federal stockpiles at appropriately located regional centers, possibly collocated with some of the three national and 27 regional stockpiles being established by FEMA to respond to possible nuclear, biological, and chemical (NBC) terrorism, discussed in the draft Federal Radiological Preparedness Coordinating Committee Policy Statement on KI. The Commission supports NRC funding of the initial purchase and resupply of KI for such regional stockpiles to the extent there are no constraints on the FEMA receiving money from the NRC for this purpose. The Commission believes that funding for State stockpiles of KI for States that elect to use it should come from the traditional sources of funding for State and local emergency response planning rather than the Federal government. Your letter also states that FEMA has always been opposed to regional stockpiles. Although our staffs meet frequently and your staff has made presentations directly to the Commission, we did not understand that FEMA opposes regional stockpiles.

The Commission has directed the NRC staff to work with the FEMA staff to establish and maintain regional KI stockpiles to be used in the event that local stockpiles prove to be insufficient, or when a State without a stockpile elects to use KI on an ad hoc basis in the case of a nuclear emergency. In your letter, you indicate that FEMA opposes the concept of Federal regional stockpiles of KI and that the complex logistics of storage and distribution of KI from regional stockpiles far outweigh the usefulness of such stockpiles. We agree that the storage and distribution of KI are among the vexing problems associated with the use of KI in an emergency, but believe that under the current draft policy that provides for only extremely limited Federal regional stockpiles, it would be difficult, if not impossible, for the Federal government to respond to requests for KI in the event of a nuclear emergency. Irrespective of whether the Federal government offered to pay for KI stockpiles, because States are not required to stockpile, we believe it is reasonable to assume that many States will not have stockpiles of their own. Therefore, regional stockpiles seem appropriate.

The NRC and FEMA have worked together as partners in protecting the health and safety of the public since President Jimmy Carter directed the FEMA to assume the lead responsibility for State and local government emergency planning and preparedness for nuclear power reactors on December 7, 1979, eight months after the accident at the Three Mile Island facility. The role of the FEMA in the NRC regulatory process is recognized in both NRC and FEMA regulations and in a memorandum of understanding between the two agencies that became effective on January 14, 1980. Presently, the NRC, with the assistance of the FEMA, representatives from other Federal agencies, and several States and local governments, is developing a substantially revised version of a study related to KI and an associated information document to assist State and local emergency planning officials in making decisions relative to the use of KI for the general public. I am confident that our two staffs, working together in a spirit of cooperation and dedication similar to the ongoing FEMA strategic review of its radiological emergency preparedness program, will be successful in resolving the KI issue.

Sincerely,



Shirley Ann Jackson

Enclosure:
Staff Requirements Memorandum