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2025-0373-S

FOIA Number:
2025-0373-S

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THE WHITE HOUSE
WASHINGTON

DATE: 7/26/89

TO: Richard Breeden

FROM: ANDY CARD *Andy*

re. FEMA

It may be late, but
here is a name worth
considering. Chips is
a great guy.

THE WHITE HOUSE

7/26/89

Chips -

Thanks for your note. I'll
plug you into the system.

Keep in touch.

Andy

THE WHITE HOUSE
WASHINGTON

The Honorable James K. Stewart
6427 Lakeview Drive
Falls Church, Virginia 22041

HON. JAMES K. STEWART

Dear Andy _____ July 12, 1989

The President needs A new Director
of FEMA.

I have the leadership, Experience And A
TRACK record for integrating the Bureaucracy's
objectives with the President's needs! I
Changed NIS to a Source of Support.

IF you would "internally market" my
Candidacy I would be delighted. With best regards
Chips.

J K S
6427 Lakeview Drive, Falls Church, Virginia 22041

AC has seen

THE WHITE HOUSE
WASHINGTON

TO: ANDY CARD

FROM: DAVID Q. BATES



- ☒ FYI
- ☐ Action
- ☐ Comment

THE WHITE HOUSE
WASHINGTON

Date: 7/14/89

TO: David Bates

FROM: **JUANITA D. DUGGAN**
Special Assistant to the President
for Cabinet Affairs
Room 230, OEOB, Ext. 2800

This letter from the Acting Director of FEMA informs Gov. Sununu of FEMA's decision to assist the State of Colorado with fire suppression assistance on a Federal/State cost sharing basis at a cost of \$1.024 million.



Federal Emergency Management Agency

Washington, D.C. 20472

JUL 12 1989

The Honorable John H. Sununu
Chief of Staff
The White House
Washington, D.C. 20500

Dear Governor Sununu:

It has been our practice to advise the White House staff of our decision on requests for fire suppression assistance under Section 420, Public Law 93-288, as amended. This letter advises you of our decision on a recent request from the State of Colorado.

On July 10, 1989, the State of Colorado submitted a request for fire suppression assistance under Section 420, PL 93-288, as amended, for the uncontrolled Sunnyside Fire, located near the City of Boulder, which started on July 9, 1989, burned over 2,500 acres of forest and grassland, and threatened communities in Boulder County. Our assessment of this situation in consultation with the U.S. Forest Service, Department of Agriculture, revealed that the fire threatened such destruction as would constitute a major disaster. Consequently, assistance was authorized under Section 420, PL 93-288, as amended.

Our Regional Director in Denver, Colorado, assisted by the U.S. Forest Service, verified the need for immediate Federal funding for this potentially critical fire situation. Based on this recommendation, the Federal Emergency Management Agency has authorized Federal funding under Federal/State cost sharing. The Federal share is 70 percent of eligible State fire suppression costs in excess of the State floor cost for 1989 which is \$36,960. On this basis, our preliminary estimate of Federal costs to suppress the fire is \$1,024,000.

The Regional Director is actively monitoring the situation and has notified the Governor that Section 420 assistance is available.

Sincerely,

Robert H. Morris
Acting Director

Andy -

JHS says it's
going to be
& trom?? (SP)

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AC has seen

THE WHITE HOUSE
WASHINGTON

Date: June 12, 1989

FOR: Governor Sununu

FROM: ANDY CARD

- ☐ Action
- ☐ Your Comment
- ☐ Let's Talk
- ☒ FYI

31 Lincoln Circle
Andover, MA 01810
26 May, 1989

Mr. Andrew H. Card
Deputy Chief of Staff
The White House
Washington, D.C. 20500

Dear Andy:

As you are aware, I am seeking appointment as Region I Administrator of the Federal Emergency Management Agency here in Boston. I have submitted all the paperwork to the White House personnel office directly and also through friends such as yourself and other local party leaders. Ray Shamie has sent in a recommendation on my behalf because he and a significant number of state committee members believe I have both the technical and political qualifications for this position.

In recent conversations with Ron Kaufman and others, I have learned that Governor Sununu is recommending Richard Strome, the current head of New Hampshire's Civil Defense office. He appears to be technically qualified for this job -- more so than anyone who has held that post in recent memory. However, there are unusual political considerations surrounding this position that lead me to believe that I would be a much more appropriate nominee. In this letter, I'd like to provide some background on this and give you my view of what challenges will face the next Regional Administrator:

With the sale of Shoreham to New York State now virtually assured, Seabrook becomes the only reactor that needs to win a full-power operating license under the new rules promulgated by the NRC for situations where state and local governments refuse to cooperate in planning. The legal challenges to using utility-drafted plans have not yet been fully litigated, so now that action will shift here to Massachusetts. Attorney General Jim Shannon has been using the full resources of the state government to oppose Seabrook and he has been extremely effective in that role. He has not faced any direct political challenge at either the state or federal level to his actions, and has virtually monopolized the nuclear debate to his personal political advantage and to the Democratic Party in general.

The FEMA Regional Office will soon have to defend the adequacy of these alternate plans developed by Seabrook in federal courts, in administrative tribunals -- and most importantly -- before the general public through the media. The FEMA regional Administrator must be able to articulate the policy of the Bush-Quayle Administration and convince the public that their safety is being

amply ensured by the federal regulatory process. He must also highlight the purely political motives behind Shannon's activities. Shannon and his colleagues cannot be permitted any longer to use this "public safety" issue without challenge, especially during next year's election cycle. Our Party's candidates for Governor and Attorney General - whoever they might be - will be greatly helped if this issue were either de-fused or turned against the Democratic incumbents.

As we have seen in the recent past, the anti-nuclear crowd currently ruling Beacon Hill have strongly criticized both FEMA and the NRC as lacking impartiality and independence. Imagine the volatile issue Democrats would have in a scenario in which the FEMA Regional Office issued, as it must, an evaluation of emergency plans for communities around Seabrook that were developed under the direction of the same person heading the federal reviewing office! There is no way the reputation and credibility of FEMA (or the public acceptability of the Seabrook plans) could survive the furor that would be certain to result.

I know that the Commonwealth of Massachusetts is giving serious consideration to deliberately failing the next annual federally-graded emergency exercise at the Pilgrim plant, which is to be evaluated by FEMA. This action will be part of their overall strategy to close all nuclear plants in the state, especially the Pilgrim reactor. Under this scenario, either Boston Edison (or FEMA, according to President Reagan's Executive Order of November 1988) would then become responsible for drafting off-site plans under the NRC's revised rules, thus creating yet another Seabrook situation. That problem could surface just in time to also be used in next year's state elections unless it was handled with extreme political finesse and sensitivity by the FEMA regional office.

As you know from reading my published columns and letters the last few years, I am the only Republican activist in Massachusetts who has openly been involved in the political debate surrounding emergency planning. I have taken the heat willingly when most others in our Party have refused to study the issue and get involved in this highly-emotional and politically-unpopular topic. My training and professional experience have allowed me to combine technical competence with good political instincts to effectively take this fight to the public with a degree of credibility.

So as you can see, Andy, we in the Massachusetts Republican Party have more at stake in how this position is filled this year than just the usual post-election patronage considerations. The national energy policies of the Bush-Quayle Administration, the economic vitality of our electricity-dependent region, the anxiety of local citizens over their safety from nuclear accidents, and our chances of installing a Republican administration in the Commonwealth all will be greatly impacted by what happens in this federal post.

Yes, we need someone technically qualified by professional experience to administer this office, but the political requirements are of over-riding importance for the reasons outlined above. That is why I urge you to discuss this appointment at greater length with John Sununu and Ron Kaufman so they will come to recognize that I have just the right balance of technical experience and political savvy to effectively exercise this federal responsibility to our overall advantage. I urge you to present my case as strongly as possible and ensure that I am given an opportunity to demonstrate in an interview the wisdom of selecting me.

I'd appreciate hearing your thoughts on this proposal. Thanks again, Andy, for listening.

Cordially,

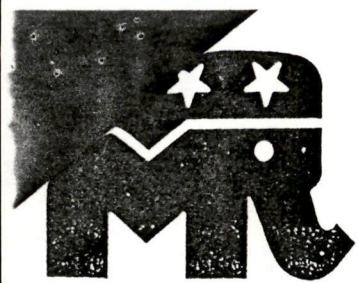


John P. Harris

Phones:

(617) 589-7003 office
(508) 470-3743 residence

cc: Sen. A. Paul Cellucci



Massachusetts Republican Party

Hon. Ray Shamie
State Chairman

Massachusetts Republican State Committee
9 Galen Street, Watertown, Massachusetts 02172. Telephone (617) 924-8683

April 7, 1989

COPY

Senator Paul Cellucci
Room 520
State House
Boston, MA 02133

Dear Paul:

I am very pleased to recommend John P. Harris for a position at the Federal Emergency Management Agency. With his education and experience, he would be a valuable addition to any staff.

I have enclosed John's resume and his detailed experience record which I believe you will find most impressive.

He is a veteran of the U. S. Air Force, where he held the position of Military Communications Intelligence Specialist. John is proficient in both Russian and Japanese. I know him as a dedicated Republican and a very supportive member of the Massachusetts Republican State Committee.

I hope you will give him every consideration.

Sincerely,

Ray Shamie

cc: Ronald Kaufman

/emb

Nuclear paranoia grips Bay State

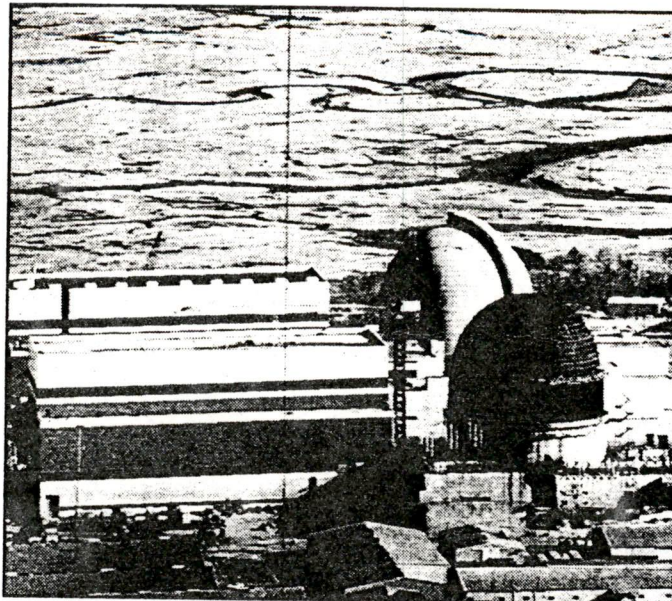
Public needs better education on safety

By John P. Harris
Guest Columnist

THERE HAVE BEEN a number of thoughtful articles appearing lately in the press suggesting America reconsider its position on nuclear power.

In particular, a recent column, "Nuclear Industry Needs Intelligent Spectators," by MIT President Paul E. Gray, provided a sound case for building a second generation of small, inherently safe nuclear plants to replace the ones now operating. He correctly stressed that we need to better educate the public on nuclear power issues.

Dr. Gray felt this education would help the public recognize that, as he put it, "the greater use of fully tested, standardized, safe nuclear power plants as an alternative to fossil fuel is the only viable, long-term approach to ame-



Seabrook nuclear power plant

File photo

liorate the atmospheric pollution that causes the greenhouse effect."

However, he skipped one critical factor in his appraisal.

Before the American people will ever allow their utility companies to invest in second-generation nuclear reactors, or permit their government to license them, they must first be convinced of the safety of existing nuclear plants. No one is effectively doing that job today.

With the 110 operating nuclear power plants in the United States today, we have accumulated over 1,200 reactor-years of experience. During that time, not one member of the general public has ever been harmed by radiation releases from those plants. The extensive internal damage to the reactor at Three Mile Island was "contained," as it was engineered to do, and posed no risk to the public. The lessons learned from that accident and implemented at every U.S. plant have significantly reduced the likelihood of a serious accident occurring to only a statistical possibility.

Extensive research after the terrible accident at Chernobyl (where a complete loss of emergency core cooling, no containment structure, and a raging fire forced radioactive materials into a globe-girdling plume) has

put an upper limit on the actual consequences of even the most severe nuclear accident. Despite all the initial hysteria in the media, the fact still remains that, beyond the 31 plant operators and firefighters who died putting out the blaze, there were no serious radiation-related injuries to the general public from that accident. Scientists have agreed that the only useful conclusion for the United States to draw from Chernobyl is that it has proven the soundness of American-style reactors.

The operating efficiency of existing nuclear power plants in America continues to improve every year. Thanks to better training of operators and improved procedures, there are fewer and fewer automatic shutdowns occurring. As our knowledge of what burning fossil fuel does to our fragile environment increases, our appreciation of nuclear power should also be increasing.

But that is not the case, especially here in Massachusetts. The public is constantly being bombarded with irresponsible half-truths and outright deception about the "risks" of nuclear power. Critics always fail to compare this risk to that of the alternative sources of energy, such as oil, coal and gas, as well as the risk from the pervasive use of volatile and toxic chemicals in every aspect of modern life. If they would do so, they would have to admit that the

current generation of U.S. nuclear plants, including Seabrook, poses much less risk to our health and safety than do any of those other sources.

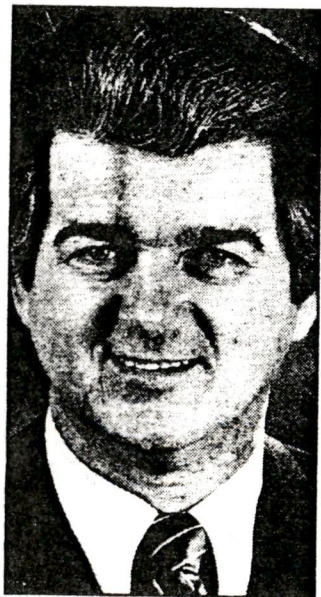
Indeed, if the controls and restraints that are routinely required of the nuclear industry were imposed across the board to every industry that has any element of risk associated with it, our society would come to a screeching halt.

Twenty or 30 years ago, such concerns as we now hear from Massachusetts state officials would have had some merit. But with all the actual experience gained since then, and the impressive record of safety that has been established, these fears have been proven groundless from a scientific point of view. Every major industrialized nation in the world is rapidly expanding their use of current-generation nuclear reactors as the most environmentally benign source of electric power, and they are using our technology to do it!

So what we need today from our university scientists and academic leaders is not more articles about how much better future reactors might be, but some straight talk about the safety of reactors that currently exist. What the great universities of our state can do is provide factual information from informed, neutral sources to educate the public officials who are needlessly alarming people for what appears to be their own political gain.

The stakes are too high for our national and state energy policies to be based on emotional or irrational reactions to public officials who have no technical competence in this area. The very real hazards of global pollution and the "greenhouse effect" are far more ominous than those posed by existing nuclear power plants. But so far, the anti-nuclear paranoia seems to have our Bay State leaders under its spell, and they have lost all sense of perspective.

So how about it, Dr. Gray? Can you and your scholars provide our leaders with MIT's scientific conclusions on the safety of the 110 plants operating right now, some of which we've lived with for a whole generation?



About the author

John P. Harris, 46, was a recent candidate for Governor's Council in Massachusetts. He is a former president of the Essex Club.

He has worked at several nuclear power plants for a major Massachusetts-based engineering firm.

He and his wife and three children live on Lincoln Circle in Andover.

ENERGY ISSUES NEED YOUR ATTENTION

The Democratic leadership of the Dukakis Administration is pursuing a reckless and expensive course on energy issues in the Commonwealth and elsewhere. Most of their activities are based on an anti-nuclear political bias, but all of them are having a direct negative impact on the cost of electricity to consumers and has begun to affect supplies of electricity to meet residential and business demands

The following items are just a sample of the actions which all Republican activists should be watching:

- * Attorney-General Shannon is spending over \$1 million per year in his efforts to block a license for Seabrook, even though the State Budget is seriously out-of-balance and the Commonwealth is experiencing power shortages.
- * Boston Edison has spent over \$15 million to support the Massachusetts Civil Defense Agency in developing emergency plans for local communities around Pilgrim Station but that state agency has failed to complete them adequately enough to meet the federal standards enforced at 108 other plants nationwide.
- * Nine municipal electric companies in the state have filed suit against Governor Dukakis and Attorney General Shannon for their illegal actions in blocking Seabrook, which has cost thousands of local taxpayers millions of dollars they invested in that plant. If these towns win their suit, the court will order the taxpayers of the Commonwealth to re-imburse those municipal investors for their losses. No matter which way the suit goes, the taxpayers will have to pay the cost of defending Shannon and Dukakis.
- * The Massachusetts Department of Public Health has repeatedly provided brief reports to the news media which indicate that the MDPH is investigating "new evidence of cancer deaths near the Pilgrim Station." MDPH has for two years failed to issue a final report which would disprove those claims. Even though its own monitoring system has shown radiation levels around Pilgrim are at or below levels measured elsewhere in the state, this state agency is creating unnecessary anxiety to resident near the plant, apparently to support the Governor and the Attorney General's anti-nuclear campaign.
- * The Mass Civil Defense Agency has hired - at taxpayers' expense - a full-time nuclear inspector to monitor the Pilgrim and Yankee Rowe plants, even though the federal Nuclear Regulatory Commission has Resident Inspectors assigned to both plants.
- * Sen. Nick Costello of Amesbury has filed a bill that would prohibit Massachusetts electric companies from buying power from out-of-state nuclear power plants, even though over one-third of all New England's electric power is nuclear generated!
- * Sen. Costello, Rep. Hildt and others have filed a bill requiring voters to approve of emergency response plans for nuclear power plants at biennial elections, even though those highly technical plans are reviewed and tested by federal authorities regularly.
- * Rep. Larry Alexander and others have filed a bill to double the size of emergency planning zones around nuclear plants, even though the state can't handle the current 10-mile federal requirement. The cost for the extra Civil Defense Agency staff and outside consultants would be billed to the electric companies and, in turn, to the rate-payers.

All of these activities are contrary to good energy planning and will cost both taxpayers and rate-payers of the Commonwealth enormously. If they are success in further weakening the ability of local electric utilities to provide adequate power supplies, our state's economy will be irreparably damaged and the health and welfare of our citizens will suffer.

You are encouraged to write "Letters to the Editor" and contact your state representative and senator to bring some common sense to bear on these vital issues. For more information, contact John Harris, 31 Lincoln Circle, Andover MA 01810 or Republican State Committee headquarters.

FEMA

Ac

FEMA shall provide for initial federal response activities, including command and control of the off-site response, as may be needed.

Done
2/21/89
AKK



DATE:

TO:

FROM: ANDY CARD

Turn ASLB
Cong Support
Both sides of the isle.

FEMA

FEMA shall provide

FEMA shall provide for
initial Federal response activi

Version 4

352.27 Federal Role in the Emergency Response

In addition to the Federal component of the licensee offsite emergency response plan described in Subpart B (352.26), and after complying with E.O. 12657, Section 2(b)(2), which states that FEMA:

"(2) shall take care not to supplant State and local resources. FEMA shall substitute its own resources for those of State and local governments only to the extent necessary to compensate for the nonparticipation or inadequate participation of those governments, and only as a last resort after appropriate consultation with the Governors and responsible local officials in the affected area regarding State and local participation;"

Until such time as there is the orderly activation of State and local government response activities, FEMA shall provide for initial Federal response activities, including command and control. Any Federal response role undertaken pursuant to this Section shall be transferred to State and local governments as soon as feasible after the onset of an actual emergency.

of the State, if it may be needed
352.28 Reimbursement

In accordance with Executive Order 12657, Section 6(d), FEMA is directed to coordinate full reimbursement to the agencies furnishing capabilities, either jointly or severally, from any affected licensee and from any affected nonparticipating or inadequately participating State or local government, for services performed by FEMA or other Federal agencies, pursuant to the terms of Executive Order 12657.

Dated

Billing Code 6718-20

Julius W. Becton, Jr.
Director, FEMA

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FEMA shall provide for initial Federal response activities, including command and control to assist the orderly activation of State and local government response activities, including command and control. Any new Federal response role, undertaken pursuant to this Section, shall be transferred to State and local governments as soon as feasible after the onset of an actual emergency.

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Dated

Billing Code 6718-20

Julius W. Becton, Jr.
Director, FEMA

8 February, 1989

TO: Andrew H. Card

RE: NEEDED CHANGE TO FEB. 8 OMB-APPROVED LANGUAGE ON E.O.

Today, a meeting of OMB, DOE, NRC, FEMA and DOJ agreed on the following implementation language for the part of the Executive Order dealing with FEMA command and control at the onset of an actual emergency. The problem is in bold face.

"FEMA shall provide for initial Federal response activities, including command and control, **to** assist the orderly activation of State and local government response, including command and control."

Needed Change: strike "to" and insert "**and shall**"

Explanation: The unintended consequence of today's compromise is to imply that FEMA can operate only in an assistance role to anti-licensing State and local officials who claim that their best efforts response to an actual emergency will be undertaken alone, and without requests for, or acceptance of, any assistance.

The burden would be on the license applicant to prove, for the record, that the relevant officials don't really mean it.

This destroys the intent of the Executive Order, which is to show that people with legal authority will be there to exercise command and control - regardless of the **stated** position taken by State and local officials prior to licensing.

Using "**and shall**" makes clear that two things are happening. One, Federal command and control will take place as a stand-alone activity while, two, FEMA will assist in getting the State and locals up on their feet so they can do it themselves.

7 February, 1989

TO: Andrew H. Card

RE: EXECUTIVE ORDER IMPLEMENTATION REGULATIONS

The lawyers have come up with several ways to handle the part of the regulations dealing with FEMA command and control at the onset of an actual emergency. Two possible approaches are listed below.

The trick in any case is to assure the NRC licensing boards that FEMA can fill the public safety gap by providing command and control from the onset of an emergency until State and local officials are up to speed on what to do. Again, these officials seek to block licensing with sworn testimony to the board that their best efforts response to an actual emergency will be ad hoc, without resorting to any plan or calling for help from anybody.

Also, Justice's federalism concerns are addressed by making sure that FEMA helps get the State and locals up to speed, and then leaves the scene as soon as they are.

and shall
"If necessary, FEMA shall provide for initial Federal response activities, including command and control. Federal command and control activities shall continue no longer than is necessary for FEMA to assist in the orderly activation of adequate State and local government response, including command and control."

. . . or,

"If necessary, FEMA shall provide for initial Federal response activities, including command and control to protect public health and safety, and shall assist in the orderly activation of adequate State and local government response, including command and control."

7 February, 1989

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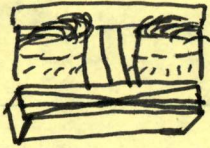
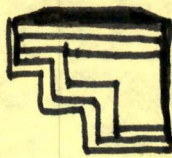
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Also, Justice's federalism concerns are addressed by making sure that FEMA helps get the State and locals up to speed, and then leaves the scene as soon as they are.

"If necessary, FEMA shall provide for initial Federal response activities, including command and control. Federal command and control activities shall continue no longer than is necessary for FEMA to assist in the orderly activation of adequate State and local government response, including command and control."

. . . or,

"If necessary, FEMA shall provide for initial Federal response activities, including command and control to protect public health and safety, and shall assist in the orderly activation of adequate State and local government response, including command and control."



16 pages of reg.
Fed Res 6

"FEAIA shall provide for initial
Fed Resp activities including counsel
and control at the request
of Gov. or other comp authority."

Any new Fed Resp. role
understand pursuant to other
sections shall be transferred
to S & L Govts as soon as
possible after the onset of
an actual em.



United States
General Accounting Office
Washington, D.C. 20548

Resources, Community, and
Economic Development Division

February 28, 1989

RECEIVED

FEB 28 1989

The Honorable John Conyers, Jr.
Chairman, Committee on
Government Operations
House of Representatives

Legislation and National
Security Subcommittee

Dear Mr. Chairman:

On June 1, 1988, the former Chairman, Legislation and National Security Subcommittee, House Committee on Government Operations, asked us to determine the basis for the Federal Emergency Management Agency's (FEMA) changing its position concerning the adequacy of New Hampshire's emergency response plan for the beach population near the Seabrook nuclear power plant. The former Chairman was also concerned about allegations that the Nuclear Regulatory Commission (NRC), Governor of New Hampshire, or White House pressured FEMA to change its position. This letter provides you information on these issues and concludes our work related to this request.

In summary, in June 1987 FEMA concluded that the New Hampshire plan did not provide a range of measures to shelter the beach population if an accident occurred at the Seabrook plant. On the basis of various programmatic, technical, and legal factors received during the subsequent year, FEMA concluded that immediate evacuation, rather than sheltering, would be the primary protective measure for the beach population because evacuation would result in greater radiation dose savings from an accident. Therefore, in June 1988, FEMA determined that the New Hampshire plan adequately addressed the beach population issue. In addition, the record shows that FEMA reached this determination on the basis of its own deliberations and information provided by an outside consultant and others, such as NRC.

FEMA'S ROLE IN THE
LICENSING PROCESS

FEMA, which serves as an advisor to NRC in the licensing process for nuclear power plants, reviews and makes findings and determinations on the adequacy of off-site state and local radiological emergency plans and preparedness. This process begins when a governor or designee submits state and

local plans to FEMA for its review. The review process includes (1) an evaluation of the plans by the regional assistance committee (RAC)¹ for compliance with joint NRC and FEMA emergency planning criteria (NUREG-0654), (2) at least one RAC-observed exercise that tests state and local governments' ability to implement major portions of the plans, and (3) a meeting with state and local government officials and the public to discuss, and receive comments on, the plan and the exercise.

At the completion of the review process, or earlier if requested by NRC, FEMA determines whether the off-site plans meet its regulatory criteria. The criteria, found in 44 CFR 350.5(a) and (b), states in part that FEMA must determine that the plans provide reasonable assurance that appropriate protective measures can be taken to protect the public in the event of a radiological emergency. FEMA provides its determination to NRC.

However, the final decision on the adequacy of overall emergency response planning, as well as other radiological health and safety issues, rests with NRC. NRC regulations require that--except for loading fuel and operating a plant at low power for testing purposes--no operating license for a nuclear power reactor will be issued unless NRC can be reasonably assured that adequate protective measures can and will be taken in the event of a radiological accident (10 CFR 50.47). The Atomic Safety and Licensing Board (ASLB)² makes this determination for NRC. ASLB decisions may be appealed to an Atomic Safety and Licensing Appeal Board and, where NRC does not choose to review its decision, the appeal board decision becomes the final agency position, subject only to review in a federal court of appeals.

On December 9, 1985, New Hampshire submitted a radiological emergency response plan for the communities near the Seabrook plant. FEMA conducted a full field exercise of the plan in February 1986 and issued its report in June 1986. Subsequently, the state submitted a revised plan, and FEMA and the RAC completed their review of the revision in June

¹The RAC consists of 10 federal agencies (FEMA, the Environmental Protection Agency, NRC, and the Departments of Agriculture, Commerce, Defense, Energy, Health and Human Services, the Interior, and Transportation). The cognizant FEMA regional representative chairs the RAC.

²The ASLB, established by the Atomic Energy Act, has three members including attorneys and others with expertise in various technical fields.

1986. The state submitted a second revision on September 8, 1986, and the results of the FEMA/RAC review were provided to the state on December 12, 1986. FEMA conducted a second exercise of the plan in June 1988 and issued its report on September 2, 1988.

FEMA'S INITIAL POSITION

In December 1985, after reviewing New Hampshire's plan, the RAC Chairman raised concerns about the state's ability to protect the large population that visits the beaches around Seabrook each summer. As a result of this concern, the RAC Chairman asked the members to provide their views on the state's treatment of the beach population in the emergency plan. By February 1987, a majority of the RAC had responded and concluded that the state adequately addressed options to protect the beach population. In its response supporting this position, NRC pointed out that Seabrook's double containment system would allow more than the 30 minute planning time described in NUREG-0654 and concluded that the plan generally met the joint NRC/FEMA emergency planning criteria. At its April 1987 meeting, the RAC--including FEMA--adopted NRC's position.

Following the meeting, NRC informed FEMA that NRC was withdrawing its response and expected to provide another that would omit the discussion of Seabrook's containment features. NRC reached this decision after its Office of General Counsel concluded that FEMA was not required to consider plant-specific features when considering an emergency plan. NRC submitted its revised position to the RAC Chairman on June 4, 1987, the day FEMA submitted a statement of position to the ASLB on the adequacy of the New Hampshire plan. FEMA concluded that, until the issue of protecting the beach population was resolved, it could not find the plan adequate. FEMA reiterated this position in testimony filed with the ASLB in September 1987.

FACTORS LEADING TO THE CHANGE IN FEMA'S POSITION

FEMA's final position with regard to the beach population was presented in testimony before the ASLB on June 10, 1988. In that testimony, FEMA stated that the requirement for a range of protective measures for the beach population had been met through recent information provided by the state. According to FEMA officials, a number of programmatic, technical, and legal factors influenced them to change their position on the adequacy of the New Hampshire emergency plan. Each of these are discussed below.

Programmatic Factors

At four RAC meetings in 1987 and 1988, a majority of the members believed that the New Hampshire plan provided a range of options to protect the beach population. The FEMA RAC Chairman disagreed with the other members. As a result, FEMA headquarters officials, who had supported the position that the plan did not adequately address a range of protective measures, began to reexamine this position and requested additional information from the state on the possible use of sheltering as a protective action.

In September 1987, the state provided FEMA with a survey of shelters near the New Hampshire beaches and asked FEMA for assistance to evaluate the results. The state, however, had not had time to incorporate the information into its plan before FEMA filed testimony with the ASLB in September 1987. As a result, FEMA did not incorporate this information in its testimony. FEMA subsequently pointed out this omission in supplemental testimony filed with the ASLB on January 25, 1988. Shortly thereafter, the state provided FEMA information showing that the buildings at the beach would provide little protection to the public in the event of an accident. As a result, the state concluded that immediate evacuation, rather than sheltering, would be the primary protective measure because it would provide greater radiation dose savings.

Technical Factors

Shortly after receiving the results of the survey of beach shelters from the state, FEMA requested the Department of Energy's Idaho National Engineering Laboratory (INEL) to perform a technical analysis of FEMA's position on the adequacy of the plan to protect the beach population. INEL provided FEMA information showing that under most accident scenarios a greater dose savings resulted from immediate evacuation rather than sheltering the population.

The INEL consultant explained that the dose savings would occur because the plume resulting from a radiological release consists of two parts: the cloud shine and ground shine. The cloud shine has a short half-life and consists of small, light, airborne radioactive particles. The cloud shine moves away from the accident and is dispersed with the wind. Conversely, the ground shine consists of heavier radioactive particles with a longer half-life that tend to settle to the ground near the point of release. The consultant found that the ground shine would be the greatest contributor to the radioactive dose that would result from exposure to the plume. He reasoned that, if the population is sheltered at the beach, they will be in buildings that

the shelter survey showed would provide little protection. In addition, the sheltered population would eventually have to be evacuated and would be exposed to the ground shine that had accumulated. The consultant concluded that the advantage of evacuation is that the beach population would be moving away from the plume's path and would generally receive a lesser radiation dose than if they took shelter near the beach.

Legal Factors

Between June 1987 and June 1988, several legal questions that affected FEMA's review of, and position on, the New Hampshire plan were resolved. These questions pertained to FEMA's emergency planning regulations, an interpretation of NRC's emergency planning regulations, and the roles of the two agencies in emergency planning for nuclear power plants. Each of these are discussed below.

FEMA's Emergency Planning Regulations

FEMA's RAC Chairman asked FEMA headquarters officials to clarify the agency's position on the meaning of the term "reasonable assurance" as used in FEMA's emergency planning regulations (44 CFR 350.5(b)). The RAC Chairman believed that FEMA had some discretion to find a plan inadequate even if it meets all emergency planning standards and criteria contained in NUREG-0654 and 44 CFR 350.5(a). After some internal debate, FEMA determined that if a plan meets the standards and criteria, FEMA must make a positive finding; that is, reasonable assurance exists that appropriate protective measures can be taken to protect the public in the event of a radiological emergency.

Another closely related issue that the RAC Chairman asked FEMA headquarters to clarify was whether a plan must achieve some preset dose savings or evacuation time in order to be found adequate. The Chairman believed that this question was particularly relevant because the estimated evacuation times in the New Hampshire plan were high. FEMA ultimately concluded that no minimum dose savings, and consequently no minimum evacuation time estimates, must be achieved by an emergency plan for the plan to be found adequate.

A series of events led FEMA to reach this conclusion. According to FEMA officials, the events included (1) a July 1986 NRC ruling for the Shoreham nuclear power plant, which stated that an emergency plan need not achieve a minimum dose savings, (2) the ASLB's rejection of testimony proposed by the Massachusetts Attorney General that focused on evacuation time estimates, and (3) new rules published by NRC on November 3, 1987, which state that a plan need not

achieve a predetermined dose savings or evacuation time estimate.

Clarification of NRC Regulations

In addition, FEMA sought clarification from NRC on the proper interpretation of its emergency planning regulations. Specifically, FEMA wanted to know if NRC's emergency planning regulations required that a plan contain provisions for sheltering the population in the event of an accident. This issue became increasingly important to FEMA headquarters officials as the limited usefulness of sheltering as a protective measure for the beach population became apparent. In a February 1988 letter, NRC's Office of General Counsel informed FEMA that the lack of provisions for sheltering all parts of the population within the emergency planning zone did not conflict with NRC's emergency planning regulations.

Role of the Two Agencies

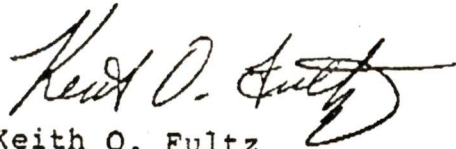
The final legal factor concerned the responsibilities of FEMA and NRC to determine an acceptable risk to the public from the operation of a nuclear power plant. Specifically, the FEMA RAC Chairman, after the other issues associated with the FEMA review of the New Hampshire plan had been resolved, personally believed that the risk to the beach population was too great. The general consensus among FEMA headquarters officials was that the risk was not too great, the determination of risk is NRC's responsibility, and FEMA's findings on the adequacy of a plan is but one factor considered by NRC to determine risk.

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In summary, the record in this matter demonstrates that various programmatic, technical, and legal factors caused FEMA to determine that the New Hampshire plan met FEMA's emergency planning regulations for the beach population. Initially, FEMA determined that the plan did not provide a range of measures to shelter the beach population in the event of an accident. Subsequently, FEMA concluded that immediate evacuation, rather than sheltering, would be the primary protective measure for the beach population because evacuation would result in greater radiation dose savings from an accident. The record also shows that FEMA reached this determination on the basis of its own deliberations and information provided by an outside consultant, the state, and NRC.

If you have any questions or would like to discuss this matter further, please contact me on 275-1441, or Ms. Mary Ann Kruslicky, Assistant Director, on 353-5711.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Keith O. Fultz". The signature is stylized with a large, sweeping "K" and a long, horizontal flourish extending to the right.

Keith O. Fultz
Director, Energy Issues