

8 Oceanwood Drive
Duxbury Ma. 02332
Sept. 14, 1994

Chairman Ivan Selin
USNRC
Washington DC. 20555

Dear Chairman Selin,

On July 14, 1994, thru FOIA, I did request basic information from the NRC that is necessary to determine compliance with 10CFR 50:47 B(8), B(10) and NUREG 0654 j.12. The NRC was unable to respond to the majority of my request and suggested I FOIA the same information from FEMA. I did on Aug 3, 1994. FEMA is also unable to respond to my request. Neither agency has the information.

The information requested would determine adequacy of Reception Centers...adequate Reception Centers are essential for a finding of "reasonable assurance." The most compelling question is:

What criteria is the NRC using to determine "reasonable assurance"?

Before we enter into the same worn out arguments, let's agree on common ground.

***Reasonable assurance is determined by compliance with "the sixteen standards" established by 10CFR 50:47 and expounded upon in NUREG 0654.**

***The language in NUREG 0654 j.12. was reinforced in 1989, making this guideline enforceable.**

***The lack of adequate reception centers is sufficient to withdraw "reasonable assurance"**

*** A FEMA exercise of Emergency Planning can not determine compliance with Federal Regulation. The supporting data is essential.**

***The NRC is the "Ultimate Authority" in Emergency Planning issues.**

I am fully aware I could request the NRC to set the "120 day clock" on these thirteen plants that do not have sufficient data to determine compliance. I am also aware the Commission erroneously equates "setting the clock" to shutdown. Therefore, I am requesting a more conservative action.

The NRC and FEMA create a data base of all pertinent information necessary to determine compliance with 10CFR 50:47 and NUREG 0654.

To achieve this goal the Agencies (NRC/FEMA) must,

First develop a comprehensive set of criteria to determine compliance with each standard. I suggest that OGC become involved in that process as well as your E.P. Department. I volunteer my expertise to the process.

Second the NRC must request the cooperation of all utilities and FEMA request cooperation of all appropriate State agencies to develop the pertinent information.

Third establish a comprehensive database with all pertinent information that determines compliance.

Fourth use and update database on regular basis to determine compliance with 10CFR 50:47.

My goals in requesting this action are:

1. To bring emergency planning into compliance with the Federal Regulation,
2. To make the NRC and FEMA develop the necessary criteria to determine compliance,
3. To educate the utilities of the correct criteria that determines compliance with the Federal Guidelines.
4. To provide the NRC and FEMA with a tool that will readily determine compliance with the Federal Regulations and Guidelines.

My goal is **not** to shutdown the Nuclear Industry as you erroneously continue to believe.

I appreciate your time and consideration on this issue. I do expect a response to this issue within a reasonable time frame. I am available to discuss this concept at your convenience.

Sincerely,

Jan A. Fleming
617 334-7451

enclosure: original FOIA request

c.c.

David Williams I.G.
Congressman John Dingle
Senator Joseph Lieberman
Senator Joseph Biden
Senator Edward M. Kennedy