



Federal Emergency Management Agency

Washington, D.C. 20472

SEP 5 1984

Honorable Lawrence Brenner
Chairman
Atomic Safety and Licensing Board
Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Judge Brenner:

As General Counsel of the Federal Emergency Management Agency (FEMA), I have always had as my policy the proposition that, in its role as expert consultant to the staff of the Nuclear Regulatory Commission for off-site emergency preparedness at power generating facilities licensed by the NRC, FEMA should be as responsive as possible to the Commission and its Atomic Safety and Licensing Boards. The only limitations on FEMA's responsiveness I have ever felt to be legitimate are those imposed by operational realities or by the necessity for preserving the integrity and coherence of FEMA's evaluation process.

In the Limerick case, it is my understanding that the ASLB has requested that the FEMA Region III draft report on the July 1984 exercise (originally to be completed by Region III about September 1, 1984) be released to the board and the parties prior to its review and release at FEMA headquarters.

FEMA would be most reluctant to do this (indeed no unreviewed report of this kind has ever been released) for several reasons. First, the report will only have official status after it has been reviewed for consistency with national FEMA radiological emergency preparedness policy and has been forwarded by the responsible senior FEMA official to the NRC in accordance with the Memorandum of Understanding between the two agencies. It is the report furnished to the Commission under the terms of the MOU which takes on legal significance and becomes the basis for licensing litigation. The presence of uncleared "reports" will only confuse the record.

FEMA is also concerned about the implications release of a report in draft would have for its review process. The release of a report, which is still in development, would tend to compromise the integrity of the review. There would inevitably be a chilling effect on regional staff and on the Regional Assistance Committee, which assists in the production of the regional draft report. The premature release of the report could also adversely affect the candor of FEMA's national office evaluation. I should note that FEMA has taken extensive measures to protect the integrity of its plan and exercise review process, most recently in the Shoreham licensing case.

In any event, operational realities have greatly shortened the amount of time that will elapse between the forwarding of the draft regional report on the Limerick exercise to the national office and the date on which the fully cleared report is scheduled to be forwarded to the NRC.

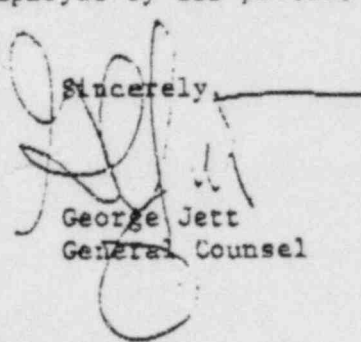
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While FEMA Region III had originally projected a date of September 1, 1984 for completion of its draft, the region had to request additional time. This was reported to the staff and the parties at meeting in Philadelphia on August 30, 1984. The Region III RAC will not meet to consider the region's preliminary draft until September 14, 1984 (enclosure) and a final regional draft will be forwarded to headquarters shortly thereafter. We do not now anticipate any necessity for a change in the projected date of October 1, 1984 for sending the fully cleared FEMA report to the NRC. Should it be necessary to make any change in this date we will, of course, inform the board immediately.

I also note that a great deal of information on matters relating to the July exercise is already available to the board and the parties. This material includes the interim FEMA finding on the plan review, the post exercise FEMA debriefing and information undoubtedly gained by the extensive network of observers that were employed by all parties during the course of the exercise itself.

Sincerely,


George Jett
General Counsel

Enclosure

August 21, 1984

MEMORANDUM FOR: R.A.C. Members

FROM: James R. Asher,
R.A.C. Chairman

SUBJECT: Meeting

There will be a working meeting on Friday, September 14, 1984 of the Radiological Assistance Committee at 10:00A.M. in the FEMA Office, at 6th and Walnut Streets, Philadelphia, Pennsylvania, Room 700 of the Curtis Building.

The report of the Limerick Exercise will be the topic of discussion.

See you at the meeting.

cc:

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	ORIGINATOR	CONCURRENCE	CONCURRENCE	CONCURRENCE	CONCURRENCE
Name	J. Asher				
Date	8/21/84				

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