

From: Daniel Barss, *NRR*
To: George Hubbard, Glenn Tracy, Kathy Gibson, Will... *NRR*
Date: Fri, Jul 28, 2000 9:00 AM
Subject: Re: Fwd: Draft Final Technical Study of Spent Fuel Pool Accident Risk

I agree with George's view that this looks like an internal FEMA position. We have seen it before. It came as a For Your Information (FYI) e-mail, dated 4/7/00, from O.C. Payne at FEMA. When we first saw the comments they were clearly comments from Elaine Chan, at FEMA, addressed internally to FEMA. At that time we took no action on them because they were clearly, only internal comments. They represented only one individuals position on the issue.

Subsequent to the FYI e-mail we have had other meetings and discussions with FEMA concerning our rulemaking plan activities. In those discussion FEMA gave no indication that the views stated in the FYI e-mail were FEMA official position. My understanding from those meetings was that FEMA was generally in agreement with the approach we were taking, not opposed to it.

I am surprised to see these comments show up now in a more formal setting. We need to get clarification from FEMA to determine if this is an official agency position they are taking. I will contact Mr. Payne to get clarification.

If this is an official position it will certainly influence the direction we take with our rulemaking activities. For the SFP accident risk study it may be appropriate to get the legal consideration looked at by our legal staff to see if there is any concern. Aside from the legal question I see no information that is new, only an opinion that relaxation of offsite EP requirements should not occur before 5 years or a plant specific analysis.

Dan Barss.

>>> George Hubbard 07/27 2:53 PM >>>

Glenn, we received this email this morning on our SFP decommissioning report. We had seen a previous copy but it was never submitted as comments on our report. Please take a look and see if you think we need to address it.

My view, after reading the email, is that it is an internal FEMA position and does not represent a FEMA position. As I read, it it is an internal position stating what position FEMA should take.

If we have to address it, I would say that the most we could say is that it peratins to rulemaking and should be resubmitted when comments for rulemaking are requested.

What are your thoughts? Also, it is getting late to address anyhow. Public comments were requested by April 7, 2000.

George Hubbard
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CC: David Diéc, Diane Jackson, Falk Kantor, INET:"o...

9/2/00