



UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

Bd 10/21/81

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NUCLEAR SAFETY AND LICENSING BOARD
Before Administrative Judges:
Ivan W. Smith, Chairman
Dr. Walter H. Jordan
Dr. Linda W. Little

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In the Matter of)
METROPOLITAN EDISON COMPANY)
(Three Mile Island Nuclear)
Station, Unit 1))

Docket No. 50-289

(Restart)

October 21, 1981

MEMORANDUM AND ORDER REGARDING
FEMA REPORTS ON YORK COUNTY EXERCISE

By cover letter dated September 30, 1981, Staff counsel filed "for the information of the Licensing Board and parties", two FEMA reports on the York County emergency exercise which took place on August 29, 1981. Those reports are:

1. Interim Findings and Determination Relating to the Status of State and Local Emergency Preparedness Around the Three Mile Island (TMI) Fixed Nuclear Facility for York County, dated September 18, 1981.
1. Pennsylvania REP Exercise Site-Specific to TMI Observations and Recommendations, York County, September 11, 1981.

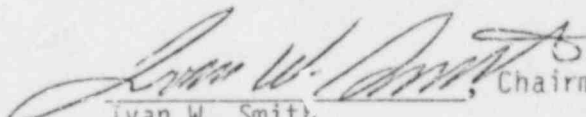
The Board is considering the use of some of the information in these FEMA reports in its decision. In order to do so, of course, the report

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must be admitted into evidence. The Staff, in simply mailing these documents, apparently did not consider this. The Staff makes no motions or otherwise disclose any attempt to discuss with the parties the possibility of stipulating the reports into evidence.

The Board will admit these reports into evidence in the absence of objections to doing so with respect to all or parts of these two FEMA reports. Any objections must be filed by November 2, 1981 and must indicate specific reasons for any objection, including what aspects of the reports would be questioned if cross-examination or other confrontation were permitted, and how the evidence which the confrontation would be expected to adduce would affect the proposed findings previously filed. We also direct the Staff, Licensee, Commonwealth and ANGRY, as lead intervenor on emergency planning, to discuss this matter prior to the November 2, 1981 due date in an effort to reach a stipulation on admitting the reports or portions of the reports into evidence. Objections must still be filed on any portion of the reports not included in the stipulation.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD

 Chairman
Ivan W. Smith,
ADMINISTRATIVE JUDGE

Bethesda, Maryland

October 21, 1981