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Lando Zech, Chairman
Nuclear Regulatory Commission
1717 "H" Street, N.W.
Washington, D.C. 20555

Dear Commissioner Zech:

We are writing to express our strong disapproval of the NRC staff's proposed rule change that would curtail the role of state and local governments in emergency planning for nuclear power plants.

The proposal to be considered today by the Commission would essentially allow the waiver of compliance with emergency planning standards for nuclear power plants where state and local governments refuse to participate in the emergency planning process. If the Commission approves publishing this draft rule, it will further abandon its responsibility to put public safety above all other considerations in the licensing of nuclear reactors.

As you know, following the partial meltdown at the Three Mile Island (TMI) plant in 1979, Congress directed that emergency planning requirements be drawn up to protect the public against possible future accidents. Congress made clear its intent that the NRC was to award a plant an operating licenses only when a plan was developed, tested, and in place to assure that the public's health and safety could and would be protected. A necessary component of these plans is the cooperation and participation of affected state and local government officials.

However, the staff proposal turns emergency planning on its head. It would gut the NRC's emergency planning regulations and retreat to the pre-TMI days when no emergency exercises were required for state and local officials or emergency response personnel. The NRC staff is now recommending that the Commission abandon a regulation which only seven years ago was determined to be necessary for the protection of the public.

At the very least, such a policy change can not be credibly advocated unless the NRC staff can demonstrate that there has been a marked improvement in nuclear safety since TMI. However, there is ample reason to believe that the chances of a catastrophic accident at a nuclear plant are actually greater today than seven years ago.

For the past decade, Public Citizen has monitored and reported on the number of accidents each year at U.S. nuclear power plants. Between 1979 and 1985, there were over 20,000 mishaps reported to the NRC by the nuclear utilities. Each year, the number of mishaps has

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increased with 1985 being the worst year on record for overall nuclear safety. In addition, the number of the most serious accidents, termed "abnormal occurrences" by the NRC, continues to rise each year as well. Preliminary data suggests that the trend has continued into 1986.

Each year, more and more safety defects are uncovered at the nation's operating plants. For example, during the past year, Public Citizen published NRC documents which reveal that almost half of all U.S. reactors have containments similar to the kind that failed at the Chernobyl reactor. The NRC itself subsequently acknowledged that the chances of containment failure are as high as 90% at some plants under severe accident conditions.

Similarly, the same type of O-rings which caused the Challenger space shuttle disaster are being used at nuclear plants and contributing to a growing number of accidents and other safety problems. In addition, the likelihood of accidents is increasing as existing plants age; this was made readily apparent by the pipe explosion at the Surry plant this past December which killed four workers.

At the same time, the potential for accidents stemming from worker error seems to be increasing. Less than ten months ago, the NRC told a congressional subcommittee that worker error was a contributing factor in virtually all mishaps at U.S. plants.

Nonetheless, the agency has refused to develop and implement -- as required by law -- worker training regulations for persons operating nuclear reactors. Further, NRC documents suggest that drug and alcohol abuse among nuclear plant workers has become rampant and is largely uncontrolled; there was a six-fold increase in drug use reported to the agency since 1980. These conditions strongly suggest that safe operation of nuclear reactors has become an ever more elusive goal.

The Commission itself has acknowledged that the chances of a major meltdown accident in this country may be as high as 45% over the next twenty years. The consequences of a major accident at a plant like the Indian Point reactor could be catastrophic; even with a good emergency response plan in place, thousands of lives could be lost and many other persons injured.

However, more than any other consideration, the Chernobyl accident last April should be more than sufficient to discredit any proposal to ease up on emergency planning regulations. As the Commission well knows, in response to that accident, the Soviet Union found it necessary to order an evacuation of all residents living within a radius of almost 20 miles from the plant. Some towns as much as 50 miles away were evacuated as radioactive "hotspots" were discovered.

Unfortunately, due to bureaucratic inertia and confusion following the Chernobyl explosion, it was several days before this evacuation was actually completed. In the interim, hundreds of

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thousands of persons were probably exposed to extremely high levels of radioactivity. This will likely result in long-term health problems and premature deaths for many of those exposed. This experience alone should underscore the importance of at least retaining current standards and probably implementing higher standards for the development and testing of emergency evacuation plans.

However, the NRC staff's proposal would take the Commission back to the days of ad hoc emergency response that was so chaotic at TMI. And it proved to be catastrophic at Chernobyl.

Clearly, the staff proposal lacks any sound technical basis. Rather, it is a thinly-veiled attempt to allow the full-power licensing of the Seabrook, Shoreham and possibly other reactors. These plants are presently stalled because the governors of New York and Massachusetts, as well as local officials, have made the common sense determinations that no workable emergency evacuation plans can be developed for these sites.

However, the NRC staff appears to believe that if these plants can not meet even minimal safety standards, then the Commission should make the safety standards meet the plants.

The NRC has said time and time again that no consideration of a utility's financial needs will be permitted when plants come up for operating licenses. If all Commission safety standards are not met, a license will not be issued. There can be no exceptions. The process by which such determinations are made cannot be weakened for the sake of the financial benefit of utilities.

Unfortunately, the staff seems to have forgotten that all plants were given construction permits on the explicit condition that the utilities build "at their own risk." In the case of the Shoreham and Seabrook plants, government officials and citizen intervenors have been warning the NRC and the respective utilities for over a decade that safe evacuation in the event of an accident was not possible. Yet, the utilities proceeded to continue to build the plants.

If the NRC embraces its staff's draft proposal, the Commission will have put the narrow financial interests of a few private utilities over the safety of millions of citizens. The NRC will have both set a bad precedent and failed in its responsibility to make public safety its foremost consideration when licensing nuclear reactors.

It is therefore not surprising that there is a growing demand to amend the Atomic Energy Act to remove the federal preemption in the regulation of nuclear safety. If the NRC will not take the steps necessary to protect the public's health and safety, then the task must fall to state and local governments which have traditionally exercised that authority in other areas.

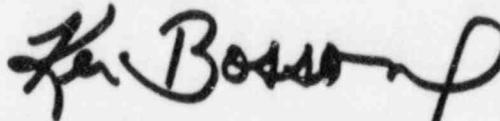
There are no valid reasons to preclude states from regulating the safety of nuclear plants -- only nuclear proponents' fears that states will be tougher than the federal government. It is becoming

increasingly clear that while federal regulators may set minimum safety standards, states should be authorized to exceed those standards to protect their citizens.

At the very minimum, there should be full state and local government participation in all aspects of emergency planning. And where those governments have determined, after careful and responsible study, that a given plan will not assure the safety of the public during a radiological accident, they should have the right to veto operation of that plant.

We therefore urge that you reject the staff's draft proposed rule change. In its place, the NRC should begin consideration of proposals that expand the role of state and local governments in not only emergency planning but all other aspects of nuclear safety regulation.

Sincerely,

A handwritten signature in black ink that reads "Ken Bossong". The signature is written in a cursive, flowing style with a large, sweeping flourish at the end of the name.

Ken Bossong, Director
Critical Mass Energy Project
of Public Citizen

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