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Citizens Within the Ten Mile Radius

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May 13, 1988

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

Dear Mr. Zech:

On or about May 8, 1988 the U.S. Nuclear Regulatory Commission (NRC) published in the Federal Register a notice of proposed rulemaking that would amend 10 CFR Part 50 to revise existing requirements for nuclear plant fuel loading and low power operation. Notice was given for a thirty (30) day public comment period.

On behalf of Citizens Within the Ten Mile Radius (C-10), an organization of more than 5,000 members from communities throughout the Seabrook nuclear plant region, I hereby request that the Commission extend the public comment period to a period of one hundred twenty (120) days.

C-10 bases this request on the following:

1. In his April 20, 1988 rulemaking recommendation, NRC Executive Director Victor Stello referred to the removal of sirens in the Massachusetts communities of the Seabrook offsite emergency planning zone as the event that prompted staff interest in focusing on requirements for low-power operation. Thirty days is insufficient time for public officials of those communities to develop a thorough response to the rulemaking proposal.

Last year, prior to the removal of the Seabrook sirens, those same officials afforded representatives of Public Service of New Hampshire (PSNH) many months in which to show cause why the utility's sirens, illegally installed in the first place, should not be removed. PSNH was also provided public hearings at which the company had an opportunity to justify its rationale for maintaining the sirens in place.

The officials of those communities, in which C-10 has extensive membership, deserve the same considerations - sufficient time to prepare comment and due process - as PSNH has received.

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2. Residents of this area, as well as residents of other areas of stated concern to Mr. Stello, will require far more than 30 days to become aware of the NRC's proposed rulemaking, to familiarize themselves with the issue, and to formulate comment.

3. Referring again to the April 20 recommendation, Director Stello states: "First, and most important, the question is essentially a generic safety question with applicability to all pending and future applications for fuel loading and low power...." He continues, "... the proposal should be subjected to a broader spectrum of public comment than simply the litigants in the Seabrook case."

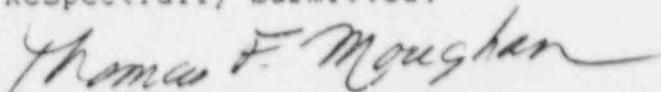
For Mr. Stello to then recommend a thirty day comment period belies his claim that the rulechange is "essentially a generic safety question" and not simply a Seabrook-specific attempt to move forward with PSNH's low-power licensing needs. If Mr. Stello truly wished to broaden public and official comment he would have recommended a comment period to accommodate the needs of the "broader spectrum" he claims to be targeting with this rulemaking recommendation.

4. C-10 is aware of no general nor specific circumstance among existing applicants, including PSNH, that requires an accelerated rulemaking timetable. By its own admission in filings before the Securities and Exchange Commission, PSNH projects that an operating license is not likely to be obtained until early 1990 (if ever). For the NRC to allow for an additional ninety days for more comprehensive comment will have no adverse effect on the low-power testing of any applicant in the country, certainly not Seabrook.

5. Once again, the NRC seems to be demonstrating an inability to be just and unbiased in matters regarding the licensing of the Seabrook nuclear plant. A simple consideration for fairness by the Commission would have resulted in an adequate comment period.

If the true desire of the NRC is to gather public comment on this rulechange then we must ask, where is the pressing need to minimize public response opportunity? Only if the Commissioners' true interest is to expedite low-power operation for Seabrook is there cause to set the public comment period at the bare minimum of thirty days.

Respectfully submitted,



THOMAS F. MOUGHAN, Coordinator