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Congress of the United States
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May 3, 1988

OFFICE OF
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BRANCH

The Honorable Lando W. Zech, Jr.
Chairman
Nuclear Regulatory Commission
1717 H Street, NW
Washington, DC 20555

Dear Chairman Zech:

I am writing concerning an NRC staff recommendation that a new rule be proposed for emergency planning and preparedness requirements for nuclear power plant fuel loading and initial low power operations. I urge you to reject the staff recommendations and let stand current NRC policy.

In 1982, the NRC examined the issue of emergency planning requirements for licensing plants at low power operations. After extensive public comment, a rule was promulgated which required review of the adequacy of two offsite aspects of an applicant's emergency plans: 1) prompt communications to the public in the event of an emergency and 2) medical care in the event of contamination. Under the new rule recommended by the staff, no consideration of any offsite aspects of emergency plans would be required before low power operations and fuel loading are approved. Moreover only 30 days are provided for public comment on the proposed change.

In 1982, the NRC explicitly assured the public that no low power operation would take place in the absence of public involvement and protection. Yet the staff proposal would have emergency planning end at the boundary of the plant site. No evidence, fact, or change of circumstance exists which would merit the NRC's reversal of position on this issue.

According to the staff recommendation, notification of the public is unnecessary because the magnitude of risk is significantly lower at low power operation or fuel loading than at full power operation. While the magnitude of risk may be lower, it is no lower than it was in 1982 when the NRC examined the issue in detail and adopted existing standards. There is still a risk which is not limited to onsite personnel but which may have significant consequences for the population within the emergency planning zone. During fuel loading and low power operation the potential for an accident still exists, including the possibility of a reactor reaching a critical level. The public has every right and need to be informed in the event of such a situation.

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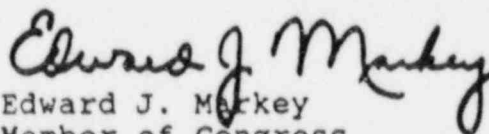
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Indeed, proposal of a new rule with such a brief period for comment would serve only to confirm that the NRC is not serious about protecting the public in the event of an accident at a nuclear plant. With the 1982 rule, the NRC acknowledged comments that the absence of offsite protection could create "chaos" if an accident occurred during fuel loading or low power operations. Nothing in human nature has changed which would diminish public concern during such operations. Nothing has changed which obviates the need for public protection.

The staff recommendation also reverses the NRC's position on another important element in protecting the public. In the event of an accident and radiological emergency the staff recommends that arrangements for medical services be limited to contaminated and injured individuals onsite only. This ignores the possibility that, in the event of an accident during low power operations or fuel loading, members of the general public might be in need of medical attention. This issue was recognized and properly addressed in 1982. There is no basis for deeming nuclear powerplant "neighbors" to be less deserving of protection in 1988 than in 1982.

It appears that what has changed is the fact that the NRC's own rule, which was issued after extensive public comment and scrutiny, now stands in the way of licensing the Seabrook plant. This seems to have resulted in the staff suggestion that the NRC change the rule and limit the time for public comment to a woefully inadequate 4 weeks. This would be a serious mistake and I urge the NRC not to accept the recommendation.

Sincerely,


Edward J. Mackey
Member of Congress

EJM/awc
cc: NRC Commissioners