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DOCKET NUMBER
PROPOSED RULE

PR 50

(11)

(53FR16435)

DOCKETED
USNRC

5-26-88

'88 MAY 23 P6:30

OFFICE OF SERVICE
DOCKETING & SERVICE
BRANCH

Mr. Samuel J. Lurie
Secretary, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Docketing and Service Branch.

Dear Secretary:

I studied your Proposed Rule - 16435-1
May 4, 1988, and I am amazed that you can
accuse committed to become the Seabrook nuclear
power plant regardless of continuous well-founded
opposition, and with continuous unfounded
optimism on your part that the procedures for
managing emergencies are adequate.

Please, reconsider these proposed rules and
accept the proposal to have the plant use
alternative fuels.

Thanking you for your consideration,

I am,
Sincerely yours,

Hannah L. Katz

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PDR PR
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• LEGISLATIVE
REGULATORY

ALERT

May 17, 1988

(202) 328-0002

EMERGENCY PLANNING ALERT

THE NUCLEAR REGULATORY COMMISSION PROPOSES RULE CHANGE IN ORDER TO OVERCOME LOCAL OPPOSITION AND LICENSE SEABROOK FOR LOW POWER OPERATIONS

No it's not deja vu! The Nuclear Regulatory Commission is once again attempting to change the rules regarding the licensing of the Seabrook nuclear power plant. The completed, yet idle, plant has faced numerous setbacks due to problems with emergency planning.

On September 20, 1986, Governor Michael Dukakis refused to submit an evacuation plan for the state of Massachusetts. The Governor based this refusal upon what he viewed as the impossibility of adequately protecting the public health and safety in the event of an accident at the Seabrook facility. The NRC's response was an attempt to change the rule calling for state and local approval of emergency evacuation plans.

On June 4, 1987, the Federal Emergency Management Agency (FEMA) filed its findings that there was not adequate protection for the transient beach population adjacent to the Seabrook plant. The NRC's response was an attempt at intimidation. Victor Stello, Jr., Executive Director for Operations at the NRC, indicated that the agency would make "total war" on FEMA unless it altered its position on the beach population.

While the NRC's "hook or by crook" attempts to license Seabrook have, as yet, been unsuccessful, the agency appears undaunted. The Commission's most recent attempt to alter the rules affecting Seabrook has been brought about by the removal of accident warning sirens in nearby Massachusetts towns. Due to the absence of an emergency notification system, the NRC's Licensing Appeals Board withheld Seabrook's low-power license. On April 20, 1988, Victor Stello, Jr., presented to the Commissioners a proposed rule that would lower the emergency planning and preparedness requirements for nuclear power plant fuel loading and low-power operations. The Commission, which appears more concerned with licensing the Seabrook plant than fulfilling its statutory duty to ensure the public health and safety, voted 4-0 to take the proposed rule under consideration.

If the proposed rule were to be instituted, the impact of the Commission's decision would be two fold. First, the rule would constitute an attempt to intimidate state and local officials into providing emergency plans when previous determinations have found such plans to be untenable. Second, the rule would allow low-power operation thereby contaminating the facility and diminishing the possibility of converting the plant to an alternative fuel.

In light of the Commission opting to address emergency planning issues in a rulemaking forum rather than in the context of the Seabrook adjudication and the NRC's stated objective of broadening the scope of public comment, the proffered 30-day public comment period seems entirely inappropriate. A mere 30-day comment period appears designed to limit public participation rather than to encourage it. NIRS has filed with the Commission a request for an extension of the public comment period. However, as it now stands, the time for filing comments on the proposed rule expires on June 8, 1988. Please submit your comments now!

SUGGESTED ACTION:

Your comments on the proposed rule are needed! Suggested topics for comment include the following:

1. the NRC is using a generic rulemaking to address site specific problems posed by the Seabrook plant. The rule would thus apply to all future reactors and would bring one-step licensing one step closer.
2. the proposed rule presumes material issues of fact with regards to the likelihood of an accident at low-power and the likely scenario of such an accident.
3. in 1982, the NRC recognized that, "review of licensees' onsite response mechanism will necessarily include aspects of some offsite elements." Among the offsite elements cited by the Commission was the means to provide early notification and clear instruction to the populace, i.e. sirens. Under the proposed rule, the NRC would not require such offsite elements be taken into consideration. Low-power operations are no safer now than in 1982, yet the NRC has failed to provide any factual basis for reversing its position.