

Jane Doughty
75 Monroe Street, Apt. 1
Portsmouth, NH 03801
April 29, 1993

Thomas E. Murley, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

50-443

Dear Mr. Murley:

This is in reply to your April 8, 1993 response to my letter of March 15, 1993 regarding the failure to power down the Seabrook Nuclear Power Plant during the major winter storm that blocked evacuation routes in the area surrounding the Seabrook Nuclear Power Plant.

In my view, your letter fails to articulate any reasonable standards for determining whether a plant should be shut down. You noted that the Atomic Energy Act empowers the Commission with the authority to order plant shutdown "if the NRC determines the conditions so warrant" yet as far as I can ascertain from your discussion, there seem to be no specified standards for determining what conditions do warrant a shutdown.

I am also troubled by your portrayal of the emergency response requirements that were enacted by Congress as simply an adjunct to, or as you put it "added feature" of the engineered safeguards at the plant. It is my understanding that the Congress intended emergency planning to provide public protection independent of and regardless of the engineered design features.

Additionally, I feel that your reply does not address the point that in a severe winter storm, sheltering would be a grossly inappropriate option if the storm precipitation were washing radiation out of the plume in high doses down onto the entrapped population. You state that "sheltering rather than evacuation would be the appropriate protective action because evacuation in storm conditions would pose greater risk to the public." I believe that you know that there is no guarantee that sheltering in place would not result in a higher rate of injury and death if the accident resulted in substantial releases.

In sum, I feel that the Commission's failure to articulate specific standards by which plants should guide their decisions in determining when to shut down, and by which the Commission should order shutdowns, a serious

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dereliction of duty to the public and contrary to the federal court holding in Power Reactor Development Corp. v. Electrical Union, 367 U.S. 396 (1961) that safety is the "first, last and permanent consideration."

I believe that such standards should include consideration of a variety of factors including the condition of evacuation routes and the likelihood that conditions might cause communication capabilities to fail. I believe that the current lack of guidance by the Commission leads to modes of decision-making which can best be characterized as "arbitrary and capricious."

Sincerely,

Jane Doughty
Jane Doughty

cc: Vice President Al Gore
Jack Dolan, RAC
Charles and Joan Pratt, SAPL
Robert Pollard, UCS
Paul McEachern

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MAIL

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REQUESTED**

