

50-336, 50-243,
50-245



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

December 28, 1999

Barbara Grattan
Town Clerk
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901

Dear Ms. Grattan:

I am responding to your letter dated November 8, 1999, to former Chairman Shirley Ann Jackson of the U.S. Nuclear Regulatory Commission (NRC) in which you forwarded Resolution 994 adopted by the Town Board of the Town of Riverhead on November 3, 1999, concerning the Millstone Nuclear Facility. In its resolution, the Town Board made reference to the apparent lack of any Federal requirements for emergency planning that would include plans for evacuating eastern Long Island and requested that the Millstone facility be permanently closed. Pending closure, the Town Board requested an environmental monitoring program for Long Island and Long Island Sound.

As you know, the NRC has authorized Millstone Units 2 and 3 to resume power operation; Unit 1 is permanently shut down and will be decommissioned. The NRC has been concerned about the performance of the Millstone plants for some time. In 1996, we issued two orders requiring action by the Millstone owners, Northeast Nuclear Energy Company (NNECO or the licensee) to address our concerns. It was only after we considered the terms of the orders were satisfied that we lifted the orders. Members of the public, including residents of Long Island, had the opportunity to address the Commission directly during the April 14, 1999, briefing of the Commission on the readiness of Millstone Unit 2 to restart. I assure you that the decision authorizing the restart of the Millstone units was made only when the NRC was satisfied that the facilities conformed to their licensing bases, that an adequate corrective action program was established, and that the licensee had demonstrated its ability to begin power operation. Through extensive and concentrated inspections, the NRC has verified the licensee is in compliance with the conditions of its licenses and the NRC's regulations. The NRC continues to monitor the performance of Millstone to ensure that public health and safety are adequately protected, and we are committed to the level of regulatory oversight needed to carry out this mandate.

In the resolution, the Town Board cited the apparent lack of any Federal requirements for the licensee to include the east end of Long Island in its evacuation planning for Millstone, despite the fact that the reactors are located approximately 15 miles across the Long Island Sound from the shores of eastern Long Island. Federal requirements for emergency planning, including the requirements for the size of the emergency planning zones (EPZs) around a nuclear power plant site, are established in the NRC's regulations, in particular, in Title 10 of the *Code of Federal Regulations* (10 CFR), Sections 50.33(g), 50.54(s), and Appendix E to Part 50. The regulations specify an EPZ of about 10 miles in radius for planning to protect the public from airborne exposure (the plume exposure pathway) and an EPZ of about 50 miles in radius for planning for actions to prevent radioactive material from entering the food chain (the ingestion

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pathway). The technical basis and rationale for the size of the EPZs are found in NUREG-0396, "Planning Basis for the Development of State and Local Government Radiological Emergency Response Plans in Support of Light Water Nuclear Power Plants," a report issued in December 1978 by a joint NRC and U.S. Environmental Protection Agency (EPA) task force on emergency planning. The size of the EPZs for nuclear power plants represents a judgment, based on consideration of the probabilities and consequences of a spectrum of postulated accidents, and on the extent of detailed planning required to ensure an adequate response to a radiological emergency.

Proposals have been made to both increase and decrease the 10-mile EPZ distance. After careful consideration of these proposals and their supporting documentation and rationale, the Commission has consistently concluded that a plume exposure pathway EPZ of about 10 miles in radius provides an acceptable planning basis for emergency response. One of the principal supports for the 10-mile EPZ is that detailed planning within 10 miles provides a substantial base for expansion of response efforts beyond 10 miles in the event that this ever proved necessary. The 10-mile planning basis establishes an emergency response infrastructure that includes State and local government emergency management agencies, trained emergency response personnel, communication linkages, alert and warning capabilities, and response facilities and equipment that can and will be used to protect the public in the unlikely event of a radiological emergency with consequences beyond 10 miles.

The 50-mile ingestion pathway EPZ for Millstone includes all of the eastern Long Island communities in Suffolk County, New York; while the communities in western Long Island in Nassau County, New York, are within the 50-mile EPZ for the Indian Point nuclear power plant. The State of New York is responsible for the planning effort for the 50-mile EPZs on Long Island, including the radiological monitoring and assessment of the ingestion pathways and the implementation of protective actions. The State will provide the monitoring, assessment, and decision making criteria for the 50-mile EPZ, with the assistance of other resources such as the Radiological Assistance Program teams from the Brookhaven National Laboratory; and the State will coordinate with the counties and other affected local jurisdictions in the implementation of any protective actions for these jurisdictions.

Regarding your request to have the licensee perform environmental monitoring for radiation, radioactive isotopes, and toxins, including hydrazine, which are released into Long Island Sound, the licensee is already required to monitor and report effluent releases to the appropriate regulatory agencies.

For radioactive materials, the NRC requires each licensee of a commercial nuclear power plant to monitor radioactive effluents and to conduct an environmental monitoring program in the general environs of its facility. The release of any licensed radioactive material to the environment is governed by the requirements of 10 CFR Parts 20 and 40, and additional conditions contained in the license of each reactor facility. In addition to the NRC requirements, the EPA has also imposed radiation standards for each reactor facility. In total, these requirements are structured to maintain the dose to members of the public from radioactive effluent releases to levels that are as low as reasonably achievable.

In accordance with the NRC's requirements, nuclear power plant licensees must report, on an annual basis, radioactive effluent discharges and the results of radiological environmental monitoring performed in the environs of the plant site. Licensees are required to maintain

detailed records on the type and quantity of licensed radioactive effluent discharged into the environment and to calculate the estimated dose that an individual could receive from the released material. Radioactive effluent releases and the associated doses are reported by licensees in the Radiological Effluent Release Report (RERR); radioactivity levels in various environmental media (air, water, sediment, and food products) are reported in the Annual Environmental Operating Report (AEOR). The RERR includes the amount of gaseous and liquid radioactive effluents discharged and the calculated doses. The AEOR provides the results of the environmental sampling and analysis program conducted in the environs of the plant. The results of the AEOR are used to supplement the effluent monitoring program to ensure that potential impacts do not go undetected. These reports are public documents available from the NRC Public Document Room, 2120 L Street, NW, Washington, DC, or the NRC's external web site, <www.nrc.gov>, for reports received after November 1, 1999.

With respect to the resolution requesting permanent closure of the entire Millstone nuclear facility, it is not clear if you are requesting enforcement pursuant to Title 10 of the *Code of Federal Regulations*, Section 2.206 (10 CFR 2.206). I am enclosing a copy of NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions," for your deliberation. I would especially like to draw your attention to Part II of the MD, regarding the criteria for reviewing petitions, page 8, and the criteria for rejecting petitions, page 9. If the Town Board intends to petition the Commission pursuant to 10 CFR 2.206, please provide sufficient and credible facts, including any new information that has not been previously considered, that would support a petition under the cited regulation.

We appreciate the interest of the Town of Riverhead in ensuring public health and safety and hope that you find these comments helpful in your continuing dialogue with NNECO and the State of New York.

Sincerely,
 Original signed by:
 Ronald B. Eaton, Sr. Project Manager, Section 2
 Project Directorate I
 Division of Licensing Project Management
 Office of Nuclear Reactor Regulation

Enclosure: MD 8.11

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B. Grattan

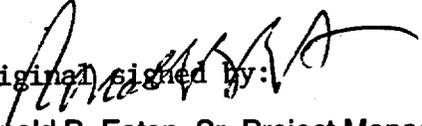
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Ronald B. Eaton, Sr. Project Manager, Section 2
Project Directorate I
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Office of Nuclear Reactor Regulation

Enclosure: MD 8.11

U.S. NUCLEAR REGULATORY COMMISSION

DIRECTIVE TRANSMITTAL

TN: DT-99-18

To: NRC Management Directives Custodians

Subject: Transmittal of Directive 8.11, "Review Process for 10 CFR 2.206 Petitions"

Purpose: Directive and Handbook 8.11 are being revised to address stakeholder feedback, to make the 2.206 review process more timely and effective, and to facilitate increased petitioner-staff communication and interaction.

Office and Division of Origin: Office of Nuclear Reactor Regulation

Contact: Herbert N. Berkow, 415-1485 or
Gordon Edison, 415-1448

Date Approved: September 23, 1994 (Revised: July 1, 1999)

Volume: 8 Licensee Oversight Programs

Directive: 8.11 Review Process for 10 CFR 2.206 Petitions

Availability: Rules and Directives Branch
Office of Administration
David L. Meyer, (301) 415-7162 or
Jeannette P. Kiminas (301) 415-7086

OFFICE OF ADMINISTRATION

Enclosure

Significant Changes to Management Directive 8.11 Review Process for 10 CFR 2.206 Petitions

The entire document has been revised to improve clarity, remove redundancy and reflect current organizations and administrative practices. The significant changes to be noted are as follows:

- Replace current informal public hearing process with a staff-petitioner-licensee meeting, similar in format to staff-licensee meetings.
- Offer all petitioners an opportunity to make a 30-minute presentation to the petition review board (PRB).
- The acknowledgment letter must be issued within 5 weeks from the date of petition, rather than 4 weeks, and will include a copy of MD 8.11.
- Periodic PRB meetings will be held, in addition to the initial meeting, if appropriate.
- The goal of issuing a director's decision within 120 days from the acknowledgment letter applies only when the review schedules are within the staff's control.
- The revised process requires significantly improved communications between the petition manager and the petitioner, early on and throughout the process.
- Petitioners are added to the service lists on affected dockets.
- Acknowledgment letters and director's decision transmittal letters will have a friendlier and more positive tone, stressing the actions the staff has taken to address the petitioner's concerns, even when the petition is denied.