

United States Nuclear Regulatory Commission
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NRC COMPLETES REVIEW OF MILLSTONE PUBLIC PETITION

The Nuclear Regulatory Commission staff has issued a final response to a petition from George Galatis and We the People, Inc., concerning the Millstone facility operated by Northeast Nuclear Energy Company (NNECO) near Waterford, Ct.

The last part of the review was completed following the conclusion of an extensive NRC investigation of issues raised by the petitioners and issuance of a Notice of Violation and exercise of enforcement discretion to NNECO on May 25.

In 1995, the petitioners requested that the NRC:

- Suspend the license for Millstone Unit 1 for a period of 60 days after the plant is brought into compliance with its license and design basis;
- Revoke the operating license until Unit 1 is in full compliance with the terms and conditions of its license;
- Perform a detailed independent analysis of the offsite dose consequences of a possible total loss of spent fuel pool water;
- Take enforcement action against NNECO for "knowingly, willingly and flagrantly," operating Millstone Unit 1 in violation of the terms of its license; and for submitting material false statements to the NRC in support of a request for an amendment to its operating license; and deny the license amendment submitted by NNECO; and hold a public hearing near Millstone 1 on these and other issues.

On August 28, 1995, Mr. Galatis and We the People, Inc., submitted a supplemental petition that identified additional concerns related to Millstone Units 2 and 3, and Seabrook Unit 1.

The NRC provided a Partial Director's Decision (DD-96-23) to the petitioners on December 26, 1996, that addressed issues concerning full core offloads. Further, the NRC indicated that it was still considering the petitioners' assertions that Unit 1 was operated in

violation of its license and that NNECO had given material false statements to the NRC in a license amendment submittal.

The final reply, issued July 27 addressed these remaining concerns. Specifically, in the July 27 response the NRC noted that:

- NNECO had permanently shutdown Unit 1, and to that extent the NRC staff concluded that action on the petitioners' requests to suspend and revoke the Unit 1 operating license was no longer necessary.
- The NRC had issued a Confirmatory Order on August 14, 1996, to NNECO for all three Millstone units (all three were shut down at the time to address NRC concerns) requiring conformance with the terms of their licenses before the NRC would allow the units to return to operation.
- The NRC had documented its technical review of full-core offload issues at Millstone Units 1, 2, and 3, and Seabrook Unit 1 in its December 26, 1996, initial reply to the petitioners. This review showed that Millstone Units 1 and 3, and Seabrook could safely offload all the fuel in each of the reactors, and that Millstone Unit 2 was not routinely performing full-core offloads.
- On May 25, 1999, the NRC issued NNECO a violation, after completing its investigation of the petitioners' assertion that NNECO had knowingly, willingly, and flagrantly operated Millstone Unit 1 in violation of its license, and that NNECO had provided the NRC with a material false statement. The NRC staff determined that a fine was not necessary because NNECO had previously addressed the basic cause of this issue in response to the NRC's enforcement action in December 1997 when NNECO was assessed a \$2.1 million fine. With the May 25, 1999, violation, the NRC staff concluded that, in effect, the petitioners' request for enforcement action was granted.
- NRC held a public hearing on April 8, 1996, on issues raised in the petition and has held numerous public meetings in the vicinity of the Millstone plants during the past four years.

The full text of the NRC's letter to Mr. Galatis and We the People, Inc., informing them of NRC's response to their petition and the accompanying Director's Decision signed by Sam Collins, Director of the NRC's Office of Nuclear Reactor Regulation, are available on request and will be posted on NRC's Internet home page at the following address: <http://www.nrc.gov/OPA/reports>.

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