

May 12, 2000

Elinor McDade  
P.O. Box 1144  
Sag Harbor, N.Y. 11963

Dear Ms. McDade:

I am responding to your letter dated December 7, 1999, to former Chairman Dicus expressing your concerns about the expansion of the spent fuel pool (SFP) capacity at the Millstone Nuclear Power Station (MNPS), Unit 3 and your concern about the lack of an emergency management plan for the towns in the east end of Long Island.

As you may be aware, local citizens' concerns with regard to the installation of additional racks in the MNPS, Unit 3 SFP are under consideration by the Atomic Safety and Licensing Board (ASLB) in response to a petition to intervene from the Connecticut Coalition Against Millstone, and the Long Island Coalition Against Millstone. The ASLB is hearing arguments associated with the following contentions: (1) that the licensee's proposal represents an undue and unnecessary risk to worker and public health and safety; (2) that the licensee's proposal significantly increases the probability of criticality accidents and; (3) that the proposed criticality control measures would violate Nuclear Regulatory Commission (NRC) regulations.

Separate from the hearing process, the NRC staff is actively evaluating the technical merits of the licensee's proposed license amendment for expansion of the MNPS Unit 3 SFP. As discussed in the Notice of Consideration of Issuance of Amendment published in the Federal Register (64 FR 48672) on September 7, 1999, the Commission will make a final No Significant Hazards Consideration Determination in deciding when the hearing will be held in relation to issuance of the proposed amendment. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. However, I want to assure you that the NRC staff will not approve the proposed amendment until safety matters associated with the amendment request are satisfactorily addressed.

As noted in my previous letters to you, proposals have been made to both increase and decrease the 10-mile emergency planning zone (EPZ) distance since this policy was established following the accident at Three Mile Island in 1979. After consideration of these proposals and their supporting documentation and rationale, the Commission has consistently concluded that an EPZ of about 10 miles in radius provides an acceptable planning basis for emergency response.

The bases for the Commission's policy in response to requests to expand the 10-mile EPZ are found in the February 16, 1990, Federal Register notice (55 FR 5603) denying a petition for rulemaking, and in a decision regarding emergency planning in support of issuance of the operating license for Shoreham Nuclear Power Station (26 NRC 383 (1987), CLI-87-12). These references are available through the NRC Public Document Room, e-mail "PDR@nrc.gov," or 1-800-397-4209. There is a minimal charge of \$0.08 per page of printed material. The Federal Register notice is 12 pages, and the CLI-87-12 is 17 pages.

Northeast Nuclear Energy Company (NNECO) is assisting each of the five east end towns of Long Island and Suffolk Counties with creating a coordinated emergency plan and establishing an open line of communication to ensure that Eastern Long Island is considered when decisions are made regarding the Millstone plants. I encourage the communities involved to continue the ongoing dialogue with NNECO, as well as appropriate State and county officials, to develop the plans they believe are needed.

Again, I assure you that the NRC continues to monitor the performance of the Millstone plants to ensure that public health and safety are adequately protected. I appreciate you bringing your concerns to the attention of the NRC.

Sincerely,

**/RA/**

Elinor G. Adensam, Director  
Project Directorate I  
Division of Licensing Project Management  
Office of Nuclear Reactor Regulation

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**/RA/**

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