

March 10, 2005

The Honorable Timothy Bishop  
United States House of Representatives  
Washington, DC 20515

Dear Congressman Bishop:

This letter is in response to an e-mail dated February 8, 2005, from your Deputy Press Secretary Brian D. Farber to Nader Mamish of my staff concerning the emergency planning zones (EPZs) associated with the Millstone nuclear facility and the re-licensing process. He requested answers to certain questions and indicated that the Supervisor for the Town of Southold had stated he wants the 10-mile "evacuation zone" to be expanded to 50 miles. Specifically he asked whether: (1) there have ever been "expansion exemptions;" (2) the [evacuation] zone can be expanded to an area outside the 10-mile radius; and (3) the NRC still believes that this is an adequate zone for evacuation.

There have been cases where the 10-mile EPZ has been expanded to include an area outside the 10-mile radius. A community at or near the 10-mile mark can be included or excluded with respect to the emergency planning for the 10-mile EPZ. This is determined on a case-by-case basis. For example, where the 10-mile zone divides a town, the 10 mile EPZ would be modified to avoid a situation where people on one side of a street would be considered in planning protection actions such as evacuations, but those on the opposite side of the street would not be considered.

NRC regulations in Title 10 of the Code of Federal Regulations (CFR) Sections 50.33(g), 50.47(c), 50.54(s), and Appendix E to Part 50, 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 pathway). 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.

One of the principal bases 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 unlikely event that such response efforts prove 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 will be used to protect the public in the EPZ and beyond in the event of a radiological emergency.

Instances where the EPZ is expanded or contracted are rare and are carefully evaluated by emergency preparedness experts at the NRC and the Federal Emergency Management Agency (FEMA) in the Department of Homeland Security (DHS) before they are approved. In general, however, it is not prudent or necessary to expand the 10-mile EPZ. Such an expansion could add significant burden to affected parties with limited additional benefit. Further, response resources could be spread over a larger area and may put people nearer to the site in at greater risk by diverting those resources. In the absence of a technical rationale to the contrary, the NRC considers that the planning bases for the 10 and 50 mile EPZs are adequate.

Formal submission for regulatory review of the Radiological Emergency Response Plans (RERPs) for the Millstone nuclear facility occurred in 1982. Formal approval of the RERPs was granted by FEMA in October 1984, pursuant to 44 CFR Part 350. The mainland Town of Southold, NY, which is about 11 miles from Millstone, is not included in the 10-mile EPZ for Millstone. However, Fishers Island, which is a Hamlet of the Town of Southold, NY and located about 7½ miles east/southeast of the Millstone nuclear facility, is included in the 10-mile EPZ and is discussed in the State of Connecticut's RERPs. Because of the logistics associated with the island's location there is an operational agreement between officials of Fishers Island, the Town of Southold, Suffolk County, the State of New York, and the State of Connecticut to include Fishers Island in the Connecticut RERP, as opposed to the New York RERP. Accordingly, the State of Connecticut RERP has incorporated the planning effort for Fishers Island. The 50-mile ingestion pathway EPZ for the Millstone nuclear facility includes the Town of Southold, and all of the eastern Long Island communities in Suffolk County, New York. The State of New York is responsible for the planning effort for the 50-mile EPZ on Long Island.

In the 1999 time frame, the emergency plans for Fishers Island were specifically reviewed and found to be adequate. FEMA determined there was reasonable assurance that the plans could be implemented. Additionally, based on the results of an exercise, which included both the plume and ingestion EPZs, conducted in September 2004, FEMA determined that the offsite radiological emergency response plans for the State of Connecticut and affected jurisdictions, specific to the Millstone nuclear facility, can be implemented and are adequate to provide reasonable assurance that appropriate measures can be taken offsite to protect the health and safety of the public in the event of a radiological emergency at Millstone.

Based on this information, the NRC continues to find that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency associated with the Millstone nuclear facility. The license renewal process for nuclear power plants does not include findings on emergency preparedness. Therefore, should the Town of Southold choose to formally pursue expansion of the 10-mile EPZ, it would be addressed

independent of the license renewal process. For a minor change to the 10-mile EPZ the State would need to submit a request through FEMA for review. However, if the State seeks to have the 10-mile plume EPZ expanded to 50 miles, the State must also seek an exemption from 10 CFR 50.33(g), 50.47(c), 50.54(s), and Appendix E to Part 50, by filing a petition for an exemption in accordance with 10 CFR 2.206.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

*/RA/*

Luis A. Reyes  
Executive Director  
for Operations

independent of the license renewal process. For a minor change to the 10-mile EPZ the State would need to submit a request through FEMA for review. However, if the State seeks to have the 10-mile plume EPZ expanded to 50 miles, the State must also seek an exemption from 10 CFR 50.33(g), 50.47(c), 50.54(s), and Appendix E to Part 50, by filing a petition for an exemption in accordance with 10 CFR 2.206.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

Luis A. Reyes  
Executive Director  
for Operations

**DISTRIBUTION**

EDO Control (G20050111)  
NSIR Mailroom (NSIR-05-0120)  
EPD Reading File  
LReyes  
MVirgilio  
WLanning, RI  
DRathbun, OCA

EMerschhoff  
JSilber  
WKane  
WDean  
Burns/Cry  
SCollins, RI

RZimmerman  
CHolden, NRR  
STreby, OGC  
CHolden, NRR  
JDyer, NRR

V. Quinn, FEMA  
ELeeds  
NMamish  
AMcMurtray  
EWeiss  
DBarss

**ADAMS ACCESSION NUMBER:**

**ML050410421 (Package)**

**ML050410161 (Letter)**

**ML050540388 (Incoming)**

OFFICE	NSIR/EPD	NSIR/EPD	NSIR/EPD	NSIR/DPR	NRR	OGC
NAME	DBarss	EWeiss	NMamish	ELeeds	JDyer	STreby
DATE	2/25/05	2/23/05	2/14/05	2/15/05	2/17/05	2/25/05

OFFICE	OPA	NSIR	OCA	EDO
NAME	EBrenner	RZimmerman	DRathbun	LReyes
DATE	2/16/05	3/1/05	3/10/05	3/10/05