

**From:** Richard Emch  
**To:** NancyBurtonEsq@aol.com  
**Date:** 2/28/05 5:43PM  
**Subject:** Re: Millstone Draft Environmental Impact Statement

Ms. Burton,

The attached letter is being mailed to you.

Rich Emch

**CC:** Andrew Kugler; Ann Hodgdon; Brooke Poole; Francis Cameron; Pao-Tsin Kuo

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**Subject:** Re: Millstone Draft Environmental Impact Statement  
**Creation Date:** 2/28/05 5:43PM  
**From:** Richard Emch

**Created By:** RLE@nrc.gov

<b>Recipients</b>	<b>Action</b>	<b>Date &amp; Time</b>
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nrc.gov owf4_po.OWFN_DO AJK1 CC (Andrew Kugler) PTK CC (Pao-Tsin Kuo)		
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Response to CCAM request for extension TJK.wpd	51560	02/28/05 05:25PM

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February 28, 2005

Ms. Nancy Burton  
Connecticut Coalition Against Millstone  
147 Cross Highway  
Redding Ridge, CT 06876

SUBJECT: RESPONSE TO REQUEST FOR COMMENT PERIOD EXTENSION  
REGARDING MILLSTONE POWER STATION, UNITS 2 AND 3 LICENSE RENEWAL  
REVIEW

Dear Ms. Burton:

This letter responds to your emails of February 21 and 24, 2005, in which you requested a 30-day extension to the comment period on the draft supplemental environmental impact statement (DSEIS) for license renewal for Millstone Power Station, Units 2 and 3 (Millstone). We are aware that you also sent an extension request dated February 28, 2005, to the Commission. The current end date for the comment period is March 2, 2005. For the reasons discussed below, we are denying your request for an extension. However, as we stated at the public meetings on January 11, 2005, we will include and consider any comments received after March 2, 2005, to the extent that it is practicable to do so. In the past we have found it practicable to accept comments that were a few pages long up to a week or so after the due date. However, we want to encourage you to provide as many of your comments as possible by March 2nd.

Your request for an extension did not provide a sufficient basis for the extension. NRC regulations require a 45-day comment period for this type of action. However, in the interest of improving opportunities for public involvement the staff has chosen to use a 75-day comment period. In addition, the staff holds public meetings, which are not required, to give members of the public an opportunity to provide comments in person and to interact with the NRC staff and other interested members of the public. The staff believes these meetings benefit both the public and the NRC by providing a chance to discuss questions and issues in person. However, the staff does not believe that the lack of a published transcript impedes the development of public comments on the DSEIS. The DSEIS, the document that we are asking people to comment on, has been available on the NRC's public website since December 2, 2004, and a copy of the DSEIS was mailed to you and all of the other people on our mailing list on December 2, 2004. Therefore, the staff denies your request to extend the comment period.

Your emails also stated that the staff has impeded your attempts to participate in the process of developing the final SEIS. We have forwarded a copy of your email to the NRC's Inspector General because it accuses the NRC staff of wrongdoing. By email dated January 24, 2005, you submitted a request for certain documents under the Freedom of Information Act (FOIA). Your email dated February 21, 2005, stated that "the Coalition understands that the NRC itself is *withholding* the documents responsive to the request". This statement is not accurate. The response to the FOIA is being processed by the NRC's Office of the Chief Information Officer

N. Burton -2-

as quickly as practicable based on the availability of staff resources. Almost all of the information in the response is already available in the DSEIS or in the NRC's electronic Public Document Room.

Regarding your email request for additional information dated February 10, 2005, Mr. Emch responded by email on February 23, 2005. Again, almost all of the information in the response is already available in the DSEIS or in the NRC's electronic Public Document Room.

Regarding the transcripts of the public meetings conducted on January 11, 2005, the staff was not "withholding" them from the public. Our standard practice is to develop a meeting summary that includes the transcripts. We have more than one person review the transcripts to make sure that errors by the court reporter in transcribing the tapes are corrected. We only make corrections in those instances where all the reviewers agree that the transcriber just made a mistake. As Mr. Emch previously indicated, an example is the entry by the court reporter of the term "affluence" when in fact the staff said "effluents". In response to your request, the staff emailed the transcripts to you as soon as they were ready. We also sent the attachments to the transcripts to you by overnight delivery services. It is our practice not to provide un-corrected transcripts to the public to avoid the possible confusion that could be caused by having multiple versions of the transcripts available publicly.

Your email dated February 21, 2005, also expressed concerns related to proper representation of the people of Connecticut in this review. The NRC staff has had extensive communications with elected officials for the State of Connecticut and officials of the State and local governments; all of these officials represent the people of the State of Connecticut. Our Office of Congressional Affairs has kept Senators Lieberman and Dodd and Congressman Simmons informed of the process. Mr. Emch personally met with the staff of Congressman Simmons in Norwich and with then State Senator Melody Peters and then State Representative Andrea Stillman. A member of Senator Dodd's staff attended the public meeting on January 11, 2005. State Senator Andrea Stillman and newly-elected State Representative Elizabeth Ritter spoke at the public meeting. The public meeting was also attended by officials from the Connecticut Department of Environmental Protection (CTDEP) including Dr. Edward Wilds and Mr. Denny Galloway of the Division of Radiation and Mr. David Simpson of the Marine Fisheries Division. Several officials from the Town of Waterford including First Selectman Eccard also participated in the public meeting. Throughout the review process, members of the NRC staff and the NRC's contractors have conducted extensive discussions with a large number of officials of the State of Connecticut government (see Appendix D of the Millstone DSEIS, NUREG-1437, Supplement 22). We also conducted extensive discussions with First Selectman Eccard and several other officials of the Town of Waterford - the host community for Millstone. These organizations have been actively reviewing the DSEIS, and some have already provided comments to us.

In addition to the representation of the people of the State of Connecticut by those government officials, we have been inviting and continue to invite comments from public citizens who live or work near Millstone. Since some of those citizens are members of the Connecticut Coalition Against Millstone (CCAM), we invite comments from CCAM, and we have endeavored to answer requests for information from CCAM in as timely a manner as practicable. However,

almost all of the information that you requested is already available in the Millstone DSEIS or in the NRC's electronic Public Document Room.

N. Burton -3-

I want to thank you for participation in this environmental review process. If you have any questions about the basis for our decision, please contact Mr. Richard L. Emch, Jr., of my staff at (301) 415-1590 or [RLE@nrc.gov](mailto:RLE@nrc.gov).

Sincerely,

*/RA/* signed by T. J. Kenyon acting for A. J. Kugler

Andrew J. Kugler, Section Chief  
Environmental Section  
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Division of Regulatory Improvement Programs  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-336 and 50-423

cc: See next page

N. Burton -3-

I want to thank you for participation in this environmental review process. If you have any questions about the basis for our decision, please contact Mr. Richard L. Emch, Jr., of my staff at (301) 415-1590 or [RLE@nrc.gov](mailto:RLE@nrc.gov).

Sincerely,

Andrew J. Kugler, Section Chief  
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Docket Nos.: 50-336 and 50-423

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OFFICE	RLEP:DRIP:LA	RLEP:DRIP:PM	RLEP:DRIP:SC	RLEP:DRIP:PD
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DATE	2/ /05	2/ /05	2/ /05	2/ /05

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Millstone Power Station, Units 2 and 3

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