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DOCKETED
USNRC

May 23, 2005 (4:05pm)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

May 23, 2005

Administrative Judge
Michael C. Farrar, Chairman
Atomic Safety and Licensing Board
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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Alan S. Rosenthal
Atomic Safety and Licensing Board
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Administrative Judge
Dr. Peter S. Lam
Atomic Safety and Licensing Board
Mail Stop: T-3F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

In the Matter of
Dominion Nuclear Connecticut, Inc.
(Millstone Power Station, Units 2 and 3)
Docket Nos. 50-336-LR, 50-423-LR; ASLBP No. 50-837-01-LR

Gentlemen:

In accordance with the Atomic Safety and Licensing Board's Memorandum of May 11, 2005, the NRC Staff reported that Dominion Nuclear Connecticut, Inc. (Dominion), the NRC Staff, and Suffolk County met on May 18, 2005 to discuss Suffolk County's concerns: NRC Staff's Second Status Report (May 20, 2005). Representatives of FEMA and the New York State Emergency Management Organization also attended. As the NRC Staff reported, the participants in this meeting had a good discussion, but did not reach any agreement that would resolve the County's intervention petition. Accordingly, the NRC Staff's Status Report requested that the Board rule on the County's petition.

Dominion agrees that the Board should rule on the intervention petition. Based on the May 18 discussions,¹ Dominion believes that the County's fundamental quarrel is not with Dominion's

¹ The discussions at the May 18 meeting were not confidential. At the beginning of the meeting, Dominion suggested to the participants that any statements made during the meeting could be disclosed, and none of the participants disagreed.

Template = SECY-037

SECY-02

efforts to maintain good communications, but instead is with the sufficiency of the NRC's regulations establishing a 10-mile plume exposure pathway emergency planning zone (EPZ). See 10 C.F.R. § 50.47(c)(2). Therefore, the County's concerns are not only outside the scope of the proceeding but also inconsistent with and a challenge to the NRC's emergency planning regulations.

Prompted by the Board's suggestion that an agreement or protocol for discussions and coordination with the County might be helpful, Dominion provided at the May 18 meeting a presentation reflecting its considerable past and ongoing efforts to communicate and coordinate emergency planning activities with Suffolk County and the town of Southold, including meetings with officials, periodic training, and participation in scheduled drills, exercises and quarterly emergency management director meetings. This discussion also included the past offers that Dominion had made to provide funding for certain infrastructure improvements. In addition, Dominion discussed the existing emergency notification and response system and communication net-work that include Suffolk County and the town of Southold. A copy of the slides used in this presentation is attached. During this discussion, the County did not identify any particular concerns with Dominion's activities to maintain good communications.

Instead, the County identified its fundamental concern as a desire to see a plan or study demonstrating with some degree of specificity that there could be an evacuation of Suffolk County (an area that extends more than 50 miles from the plant) or that sheltering would be effective in this area in the event of a nuclear incident at Millstone. The County also asserted that the Millstone licenses should not be renewed without this study or plan. Because the fundamental position of the County is that an evacuation plan is required (or a study must be prepared showing that such a plan is unnecessary) for the entire county, Dominion does not believe that further discussions in this proceeding would be constructive in resolving the hearing request. As previously argued, the emergency planning contentions of the County are beyond the scope of the license renewal proceeding. Moreover, as also previously argued, a contention advocating an expansion of the 10-mile plume exposure pathway EPZ is a challenge to the NRC regulations.² See Dominion Nuclear Connecticut's Answer to the Petition for Late Intervention of the County of Suffolk (Feb. 28, 2005) at 17. See also Long Island Lighting Co. (Shoreham Nuclear Power Station, Units 1), CLI-87-12, 26 N.R.C. 383, 395 (1987); General Public Utilities Corp. (Three Mile Island Nuclear Station, Unit 1), DD-94-3, 39 N.R.C. 163, 180-81 (1994); Citizens Task Force of Chapel Hill, DPRM-90-1, 32 N.R.C. 281, 291-92 (1990).

² Likewise, an assertion that a study must be performed to determine whether evacuation planning beyond the 10-mile EPZ is necessary is also a challenge to the regulations.

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Accordingly, Dominion reiterates its request for a ruling on Suffolk County's intervention petition. Suffolk's concerns are outside the scope of the proceeding, and it would be inappropriate to allow the County to use this proceeding to attempt to obtain concessions that are contrary to NRC's rules. Dominion remains willing to discuss emergency planning requirements with Suffolk County and to provide appropriate support and coordination consistent with the NRC regulations, but submits that such interactions are not part of this proceeding.

Sincerely,

A handwritten signature in black ink that reads "David R. Lewis" followed by a stylized flourish or set of initials.

David R. Lewis

Counsel for Dominion Nuclear Connecticut, Inc.

Enclosure

cc (with enclosure): Service List

Service List

***Secretary**

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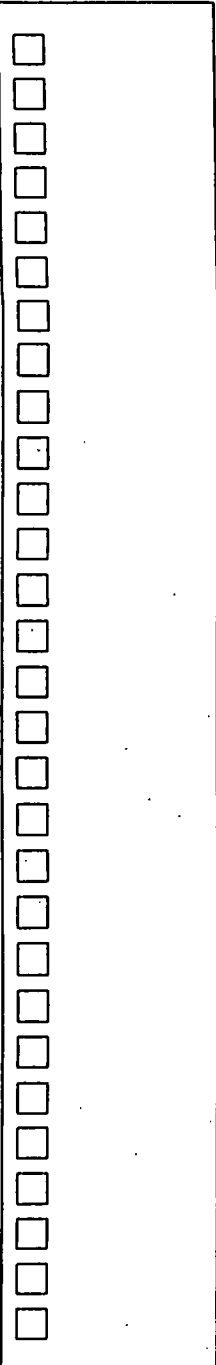
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Dominion

Meeting Between Dominion, NRC and Suffolk County on Emergency Preparedness

May 18, 2005





Purpose

- Provide Background on Previously Completed Coordination between Millstone Power Station (MPS) and Suffolk County

- Discuss Provisions in Place to Coordinate a Response to a Millstone Power Station Emergency

- Discuss Topics of Concern Raised by Suffolk County

- General Discussion



Dominion

Previously Completed Coordination Activities with Suffolk County

- Past contacts have been made with former Suffolk County Fire, Rescue and Emergency Services (FRES) Deputy Commissioner Daniels
- Multiple contacts with Suffolk County FRES Commissioner Williams
- Offers to conduct routine, scheduled face to face EP meetings have been made
- Radiological emergency plan training has been provided
- Emergency Action Level (EAL) reviews and training has been provided periodically

May 18, 2005



Dominion

Previously Completed Coordination Activities (cont.)

- Routine phone contacts have been made with both Southold and Fishers Island Emergency Management Coordinators (EMC)

- Southold and Fishers Island have attended quarterly Emergency Planning Zone (EPZ) Emergency Management Director (EMD) meetings

- Two MPS Tours were conducted for the Southold Town Supervisor and Long Island Emergency Management personnel

May 18, 2005



Dominion

Previously Completed Coordination Activities (cont.)

- An offer to contribute to the Southold Police Department EOC/Dispatch proposed communications upgrade was made

- An offer to contribute to the Fishers Island school proposed emergency diesel generator purchase and installation was made

May 18, 2005

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Dominion

Previously Completed Coordination Activities (cont.)

- Periodic practice of the ferry evacuation route from Fishers Island to Stonington has been conducted (the most recent was conducted on March 22, 2005)

- An offer to observe the Windham Host Community exercise for Fishers Island evacuees was made

May 18, 2005



Dominion

Previously Completed Coordination Activities (cont.)

Participation by Fishers Island, Southold and
Suffolk County Previously Completed:

- Annual training drills and Biennial FEMA evaluated exercises
- Annual 10CFR50.54(t) Audit feedback and periodic interviews
- Scheduled monthly and quarterly unannounced, after-hours emergency notification systems communications tests

May 18, 2005



Dominion

Provisions in Place for a Coordinated Emergency Response

- Emergency Notification and Response System (ENRS): Pager messages and faxes, and backup MPS Control Room telephone calls if needed. This has been in place for a number of years.
- MPS-NY telephone conference net: Suffolk EOC, Southold EOC, Plum Island EOC with MPS Emergency Operations Facility (EOF). This has been in place since 2001.
- Back-up MPS-NY radio net: Southold EOC, Plum Island EOC with MPS EOF. This has been in place since 2004.
- CT-NY-MPS decision-makers telephone conference net: Fishers Island, Southold and Suffolk EOCs included with all other EPZ EOCs. This has been in place since 2001.

May 18, 2005



Dominion

Coordinated Response was Implemented with Suffolk County

April 17, 2005 MPS Unit 3 Alert

- ENRS pager messages and Incident Response Form (IRF) faxes: The initial Alert pager message and IRF fax was verified as received. The two update IRF faxes, termination pager message and IRF fax were also verified as received.

- NY-MPS telephone net contacts: MPS initiated the first contact within approximately 30 minutes of MPS EOF activation. Approximately six additional live communications were made between the Suffolk County FRES EOC and the MPS EOF during the event.

May 18, 2005



Dominion

Coordinated Response was Implemented with Suffolk County (cont.)

April 17, 2005 MPS Unit 3 Alert

- Backup MPS-NY radio net: The radio net was not used because the telephone net was operable. (The Radio net was used during the 2004 FEMA evaluated exercise)
- CT-NY-MPS decision-makers telephone conference net: Suffolk County, Southold and Fishers Island EOCs were all on-line with CT State and all other MPS EPZ local community EOCs/decision-makers for two conference nets at 11:00 am and 1:30 pm.

May 18, 2005



Dominion

Concerns Raised by Suffolk County with ASLB

- 'Outdated Evacuation Time Estimate (ETE)': The Witt report referred to an outdated ('97) ETE. The most recent ETE is December 2002.
- 'Shadow Evacuation': This is addressed by the ETE – It does not impact New York because no populations are prevented from evacuating to Long Island



Dominion

Concerns Raised by Suffolk County with ASLB (cont.)

- 'Lack of Protective Action Recommendations (PARs) Basis': The MPS Emergency Plan references NRC regulatory basis/guidance and industry-standard procedural direction for PARs

- 'Use of Haddam Neck for Backup Decontamination': This location is available as a backup and is staffed by MPS personnel if it is needed



Dominion

Concerns Raised by Suffolk County with ASLB (cont.)

- ‘MPS Emergency Plan Does Not Discuss installed environmental radiation monitors’: The MPS Emergency Plan Appendix C does identify the applicable Radiological Environmental Monitoring program

- ‘No Evacuation Plan for Southold’:
Implementation of the Fishers Island (the portion of Southold within the MPS EPZ) Emergency Plan has been demonstrated in numerous drills and evaluated exercises



Dominion

Concerns Raised by Suffolk County with ASLB (cont.)

- 'Dominion must coordinate with Suffolk County':
Coordination activities are taking place
- 'Need to establish primary response roles, notification procedures, adequate facilities/equipment': Provisions for a coordinated response are in place

