

December 27, 2002  
DOCKETED  
USNRC

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

January 2, 2003 (12:12PM)

BEFORE THE COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of:

Dominion Connecticut, Inc.

(Millstone Power Station,  
Unit No. 2)

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Docket No. 50-336-OL A-2

**ANSWER OF DOMINION NUCLEAR CONNECTICUT, INC. TO AMENDED PETITION  
TO INTERVENE AND REQUEST FOR HEARING OF CONNECTICUT  
COALITION AGAINST MILLSTONE AND STAR FOUNDATION, INC.**

**I. INTRODUCTION**

In accordance with 10 C.F.R. § 2.714(c), Dominion Nuclear Connecticut, Inc. ("DNC") hereby answers the amended petition for leave to intervene and request for hearing filed on December 12, 2002, by the Connecticut Coalition Against Millstone ("CCAM") and STAR Foundation, Inc. ("STAR") (collectively, "Petitioners").<sup>1</sup> As discussed below, Petitioners have not satisfied the Nuclear Regulatory Commission ("NRC" or "Commission") requirements for standing to intervene in this matter. Therefore, the Amended Petition should be denied.

**II. DISCUSSION**

**A. The NRC's Standing Requirements**

To intervene as of right in a Commission licensing proceeding, a petitioner must first demonstrate standing. The Commission's regulations at 10 C.F.R. § 2.714(a)(2) provide

<sup>1</sup> Counsel for CCAM filed a "Petition to Intervene and Request for Hearing" on December 12, 2002 ("Petition"). Later that day, counsel filed an "Amended Petition to Intervene and Request for Hearing" ("Amended Petition") to include STAR. Accordingly, this answer addresses the Amended Petition as superseding the Petition.

that a petition to intervene, among other things, “shall set forth with particularity the interest of the petitioner in the proceeding, including the reasons why petitioner should be permitted to intervene, with particular reference to the factors set forth in [§ 2.714(d)(1)].” Pursuant to Section 2.714(d)(1), in ruling on a petition for leave to intervene the Atomic Safety and Licensing Board (“Licensing Board”) is to consider:

- (i) The nature of the petitioner’s right to be made a party to the proceeding;
- (ii) The nature and extent of the petitioner’s property, financial, or other interest in the proceeding;
- (iii) The possible effect of any order that may be entered in the proceeding on the petitioner’s interests.

In determining whether a petitioner has a sufficient “interest” to intervene, the Commission has long applied contemporary concepts of judicial standing. *See, e.g., Gulf States Utils. Co. (River Bend Station, Unit 1), CLI-94-10, 40 NRC 43, 47 (1994)*. Accordingly, to obtain standing in a Commission proceeding, the petitioner must demonstrate that (1) it would suffer a distinct and palpable harm that constitutes injury-in-fact within the zone of interests arguably protected by the governing statute; (2) the injury can fairly be traced to the challenged action; and (3) the injury is likely to be addressed by a favorable decision. *See, e.g., Private Fuel Storage, L.L.C. (Independent Spent Fuel Storage Installation), CLI-99-10, 49 NRC 318, 323 (1999); Ga. Inst. of Technology (Georgia Tech Research Reactor), CLI-95-12, 42 NRC 111, 115 (1995)*. Such a showing is required of both individuals and organizations petitioning to intervene. *Tenn. Valley Auth. (Sequoyah Nuclear Plant, Units 1 & 2; Watts Bar Nuclear Plant, Unit 1), LBP-02-14, 56 NRC \_\_ (slip op. July 2, 2002)*, at 6, citing *Private Fuel Storage, CLI-99-10, 49 NRC at 323*. When an organization intervenes on behalf of one of its members, the organization must demonstrate that the individual member has standing to intervene and has

authorized the organization to represent his or her interests. *TVA*, LBP-02-14, slip op. at 6, citing *Georgia Tech*, CLI-95-12, 42 NRC at 115.

Under the “rule of thumb” generally applied in proceedings related to a construction permit or operating license, individual petitioners residing within 50 miles of a reactor may be presumed to have standing. See *Sequoyah Fuels Corp. & Gen. Atomics* (Gore, Oklahoma Site), CLI-94-12, 40 NRC 64, 75 n.22 (1994). However, the NRC also has held that there is no 50-mile proximity presumption for standing in reactor licensing proceedings involving approvals with less potential for off-site radiological consequences. Rather, in a license amendment proceeding such as this, a petitioner cannot base his or her standing simply upon a residence or visits near the plant, unless the proposed action “quite ‘obvious[ly]’ entails an increased potential for offsite consequences.” *Commonwealth Edison Co.* (Zion Nuclear Power Station, Units 1 & 2), CLI-99-4, 49 NRC 185, 191 (1999), *pet. for review denied sub nom. Dienethal v. United States Nuclear Regulatory Comm’n*, 203 F.3d 52 (D.C. Cir. 2000). The focus of the standing inquiry, therefore, must be on whether the petitioner’s residence is within the potential zone of radiological harm, which must be determined on a case-by-case basis, examining the significance of the source in relation to the distance involved and the type of action proposed. *TVA*, LBP-02-14, slip op. at 10, citing *Georgia Tech*, CLI-95-12, 42 NRC at 116-17.

A petition for leave to intervene must also set forth “the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene.” 10 C.F.R. § 2.714(a)(2). A petitioner may satisfy this requirement by setting forth “general potential effects of the licensing action or areas of concern,” but these must be matters that are “within the scope of matters that may be considered in the proceeding.” *Vt. Yankee Nuclear Power Corp.*

(Vermont Yankee Nuclear Power Station), LBP-90-6, 31 NRC 85, 89 (1990), citing *Va. Elec. & Power Co.* (North Anna Power Station, Units 1 & 2), ALAB-146, 6 AEC 631, 633 (1973).

B. Petitioners' Standing in this Case

In the present case, the Petitioners have not demonstrated standing because they have not shown that there is potential, in the approval at hand, for increased off-site radiological consequences that would cause injury to persons off-site, or that could be redressed in this proceeding. This conclusion follows from the very nature of the license amendment at issue.

1. *The Application At Issue*

In 1999 the Commission amended its rules to allow licensees to revise design basis accident analyses by replacing the traditional accident source term previously assumed in the analyses with an alternative source term. See Final Rule, Use of Alternative Source Terms at Operating Reactors, 64 Fed. Reg. 71,990 (Dec. 23, 1999). An alternative source term would reflect the advances that have been made since original plant licensing with respect to the timing, magnitude, and chemical form of fission product releases assumed from postulated severe plant accidents. Revised accident analyses would offer the potential to reduce regulatory burden without compromising any margin of safety. *Id.* Accident analyses utilize hypothetical accident event sequences in order to enable a deterministic evaluation of a plant's engineered safety features. With alternative source terms, these analyses may demonstrate greater safety margin than previously calculated. This may be relevant in reassessing aspects of the design basis, such as credited safety features, radiation monitors, alarms, or associated set points and controls. Because equipment credited in a safety analysis may need to be reflected in Technical Specifications,<sup>2</sup> if equipment no longer needs to be credited to maintain required margins, a re-

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<sup>2</sup> See generally 10 C.F.R. § 50.36.

analysis may result in Technical Specification changes. This would not mean that the design of the equipment itself is necessarily being changed.

The Commission specifically established, in 10 C.F.R. § 50.67, the information to be submitted as part of an alternative source term license amendment application as well as the criteria for NRC approval. Although not specifically referenced in the rule, alternative source terms acceptable to the NRC for revised accident analyses were published by the NRC in NUREG-1465, "Accident Source Terms for Light-Water Nuclear Power Plants" (February 1995) ("NUREG-1465"). Further guidance is included in Regulatory Guide 1.183, "Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors" (July 2000) ("Reg. Guide 1.183"). The criteria of 10 C.F.R. § 50.67(b)(2) reflect a departure from prior acceptance criteria, in that the calculated exposure limits — at the exclusion area boundary, the low population zone boundary, and in the control room — are in terms of total effective dose equivalent ("TEDE"). In contrast, the traditional accident analyses calculated exposures in three parts: thyroid, whole body, and beta skin. Therefore, calculated doses from the original accident analyses and a re-analysis are not directly comparable.

On September 26, 2002, DNC filed the Application<sup>3</sup> that is the subject of the current Amended Petition. The Application is, as allowed by the NRC's regulations, a selective implementation of the NUREG-1465 alternative source term.<sup>4</sup> That is, for the Application DNC has applied the alternative source term in a re-analysis of only the *design basis Fuel Handling*

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<sup>3</sup> Letter, J. Alan Price to U.S. Nuclear Regulatory Commission Document Control Desk, B18763, "Millstone Unit No. 2, License Basis Document Change Request (LBDCR) 2/18/02, Selective Implementation of the Alternative Source Term in Fuel Handling Accident Analyses," dated September 26, 2002 ("Application").

<sup>4</sup> See 64 Fed. Reg. at 71,996-7 ("It is not the NRC's intent that all of the design basis radiological analyses for a facility be performed again as a prerequisite for approval of the use of an alternative source term").

**Accidents.** These accidents relate to fuel movements in the Containment Building and the Spent Fuel Pool Building. Fuel movements inside Containment are made only while the reactor is in Mode 6 (refueling mode) or a defueled condition. The accident re-analysis does not involve any physical modifications to the plant equipment, alter the flowpath or the methods of processing and disposal of radioactive waste or byproducts, or increase the type and amounts of effluents that may be released off-site. *See* Application, cover letter, at 2.<sup>5</sup> Likewise, the Application does not involve any physical modifications to the equipment used in the movement or storage of irradiated fuel. *Id.*, Attach. 2 at 16.<sup>6</sup>

With respect to a postulated Fuel Handling Accident inside the Containment Building, the Application specifically explains (Attach. 1 at 9):

There are no actual design changes associated with implementation of the [revised Fuel Handling Accident] Analyses. DNC will maintain the same controls for monitoring radioactivity within Containment. Local area radiation monitors, effluent discharge monitors, and Containment gaseous and particulate radiation monitors, provide a defense-in-depth in monitoring Containment atmosphere and identifying the need for establishing the Containment atmosphere boundary.

The Millstone Unit No. 2 stack gaseous and particulate monitoring systems continue to monitor any releases from normal or accident

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<sup>5</sup> As one example, radiation monitoring equipment, as required to meet General Design Criterion ("GDC") 64, will continue to be available. *Id.*, Attach. 1 at 9-10.

<sup>6</sup> DNC's Application related to re-analysis of the Fuel Handling Accidents based on revised source term assumptions is not unique. Among others, the NRC has approved similar applications for Omaha Public Power District, Fort Calhoun Station, on March 26, 2002 (*see* Biweekly Notice, Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations, 67 Fed. Reg. 18,641, 18,653 (Apr. 16, 2002)); Arizona Public Service Company, Palo Verde Nuclear Generating Station, on July 25, 2002 (*see* Biweekly Notice, Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations, 67 Fed. Reg. 53,983, 53,994 (Aug. 20, 2002)); and Virginia Electric and Power Company, Surry Power Station, on March 8, 2002 (*see* Biweekly Notice, Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations, 67 Fed. Reg. 15,619, 15,635 (Apr. 2, 2002)).

conditions. Health Physics practices and the Millstone Station Effluent Control Program monitor discharge paths and areas within the plant in which increases in radioactivity could occur when normal monitoring equipment is not available.

Similarly, with respect to the Spent Fuel Pool Building, there are no physical design changes proposed to the ventilation systems, exhaust paths, or area radiation monitors. The Application involves, therefore, no more than a *re-analysis* of accident consequences of standard Fuel Handling Accident sequences based on the revised assumptions inherent in the NRC-approved alternative source term and revised assumptions regarding available equipment.

The alternative source term re-analysis does support certain proposed changes to the operability and surveillance requirements of the Millstone Unit 2 Technical Specifications, with related changes to the Technical Specification bases. These changes are included with the Application. *See* Application, Attach. 2, 4, 5. Specifically, the re-analysis demonstrates that the radiological consequences of a Fuel Handling Accident — including postulated control room doses and doses at the exclusion area and low population zone boundaries — will be within the limits of 10 C.F.R. § 50.67, Reg. Guide 1.183, and 10 C.F.R. Part 100 without taking credit for Containment boundaries and certain equipment or automatic actions presently governed by the Technical Specifications. Therefore, these features are no longer required to be included in Technical Specifications (*i.e.*, because they are not credited in the revised accident analyses).

For example, in the revised analyses a Containment penetration (*e.g.*, the Containment equipment door, personnel airlock door, or other penetration) is assumed to be open for the complete duration (2 hours) of a postulated Fuel Handling Accident release, thereby for the sake of analysis releasing all available radioactivity from the accident. Application, Attach. 1 at 6. That is, the analysis assumes no containment at all. Therefore, the Containment boundary need not be credited and need not be controlled by Technical Specifications during fuel

movements in order for calculated releases to meet the NRC's criteria. Nonetheless, as defense-in-depth and consistent with Reg. Guide 1.183, DNC has proposed in the Application to implement certain administrative controls to restore containment boundaries to limit actual releases much lower than derived in the revised Fuel Handling Accident analysis dose calculations. These administrative controls are not required in order for calculated exposures to meet the dose criteria. *Id.*, at 6, 18, 20. The administrative controls nonetheless will be established in accordance with applicable guidelines. *See* Application, Attach. 2 at 8.<sup>7</sup>

Similarly, as explained in the Application, Attachment 1 at 1, upon detection of a high radiation level inside Containment by gaseous and particulate monitors, a Containment purge valve isolation signal is generated. Under current Technical Specifications, if the automatic isolation capability is not available, the Containment purge valves must be maintained closed during fuel movements inside Containment. Under the revised analyses, Containment purge is not credited to be operating, and is not assumed to automatically isolate in the event of a Fuel Handling Accident. Application, Attach. 1 at 6. Accordingly, under the proposed revisions to the Technical Specifications, the requirement for an operable automatic purge valve isolation signal, as it would apply during fuel movement at Mode 6 or defueled conditions, is deleted. *See Id.*, Attach. 2 at 8-9. Nonetheless, the manual capability remains available as a defense-in-depth measure consistent with Reg. Guide 1.183. And, the revised Technical Specifications will require administrative controls to assure that the Containment boundary can be promptly established within 30 minutes. Application, Attach. 1 at 20; Attach. 2 at 9 (item 3), 14.<sup>8</sup>

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<sup>7</sup> As an example, DNC will establish controls such that any Containment penetration that provides direct access to the atmosphere, including the equipment door and the personnel air lock door, can be manually closed within 30 minutes. *Id.*, Attach. 2 at 8.

<sup>8</sup> The administrative control requires no more than operator action to manually isolate the purge valves with an isolation signal from the control room.

The Application also explains the revised Technical Specifications related to the Fuel Handling Building. See Application, Attach. 1 at 10-15. With a number of conservatisms, DNC re-analyzed both a fuel assembly drop and a cask drop. For the bounding accident, radiological consequences are within the limits of 10 C.F.R. § 50.67, Reg. Guide 1.183, and Part 100, without any credit for Spent Fuel Pool area atmosphere integrity. *Id.* at 20. That is, the analysis requires no credit whatsoever for closure of Spent Fuel Pool area atmosphere boundary penetrations. The proposed Technical Specification changes reflect this analysis. Again, however — as a defense-in-depth measure to further limit releases below those shown in the calculations — DNC proposes to implement procedural guidance related to the Spent Fuel Pool area atmosphere integrity. Application, Attach. 2 at 11 (*see* Technical Specification 3.9.15).

## 2. *Petitioners' Standing*

The two Petitioners in the present case base their standing entirely on the affidavits of Mr. Joseph Besade and Ms. Christine Guglielmo (one a member of CCAM, one a member of STAR), which assert standing based on the proximity of their residences to Millstone Power Station. The former states that he resides two miles from Millstone, the latter that she resides on Long Island twenty-three miles from Millstone. As summarized above, however, a petitioner who would base standing on geographic proximity in a license amendment proceeding must further demonstrate that the license amendment at issue involves an obvious potential for off-site consequences at the distances involved. See, e.g., *Boston Edison Co.* (Pilgrim Nuclear Power Station), LBP-85-24, 22 NRC 97, 98-99, *aff'd on other grounds*, ALAB-816, 22 NRC 461 (1985); *Atlas Corp.* (Moab, Utah Facility), LBP-97-9, 45 NRC 414, 426, *aff'd*, CLI-97-8, 46 NRC 21 (1997). Given the nature of the Application involved in this case, the Petitioners have not demonstrated how, in any sense, the Application and, more precisely, the challenged

administrative controls involve an obvious potential for off-site consequences that could lead to a off-site radiological injury that would therefore confer standing based on their residence — at either 2 miles or 23 miles from the station.

As discussed above, the Application involves only fuel handling accidents (*i.e.*, a fuel assembly drop or a fuel cask drop). It does not involve any at-power accidents, loss-of-coolant accidents, or other severe accident involving the reactor core. In no sense, therefore, is this Application comparable to an operating license application. *Compare Cleveland Elec. Illuminating Co.* (Perry Nuclear Plant, Unit 1), CLI-93-21, 38 NRC 87, 95-96 (1993) (finding standing in a license amendment proceeding for a petitioner residing within 15 miles of a power plant where the license amendment concerned surveillance of reactor vessel integrity; the Commission found that the material condition of the reactor vessel “bears on the health and safety of those members of the public who reside in the plant’s vicinity”).<sup>9</sup>

In the Amended Petition itself, the Petitioners focus only on the proposed Technical Specification changes related to the Fuel Handling Accident re-analysis. Petitioners argue (Amended Pet. at 2) that “the proposed changes will allow containment penetrations, including the equipment door and personnel airlock door, to be maintained open under administrative control” [during fuel movements]; that the “proposed changes will eliminate the requirements for automatic closure of the containment purge valve during Mode 6 Fuel movement;” and that “the technical specifications associated with storage pool area ventilation will be deleted.” However, there is no explanation as to how these changes (which are discussed above) would lead to increased potential for off-site radiological injuries. Indeed, for the reasons

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<sup>9</sup> Doses are calculated in the analyses for the design basis fuel handling events at the boundary of the low population zone, which is about 2 miles. As discussed, these doses

discussed above, none of the actual proposed changes to Technical Specifications in this area will lead to any significant increase in probability or consequences of off-site exposures. They merely reflect the revised assumptions of the accident analyses which show that, *even without the defense-in-depth administrative controls that will be implemented as part of the amendment*, the design basis accidents will not lead to any exposures in excess of NRC criteria.

The Amended Petition, in its recitation of the proposed Technical Specification changes as quoted above, does no more than utilize language directly extracted from the *Federal Register* Notice in this case, specifically the basis for the NRC's proposed no significant hazards consideration determination. *See* 67 Fed. Reg. at 68,732, col. 1. However, the Petition omits the sentence directly following the extracted language:

These proposed changes do not involve physical modifications to plant equipment and do not change the operational methods or procedures used for the physical movement of irradiated fuel assemblies in Containment or in the Spent Fuel Pool Area.

*Id.* Similarly, the Amended Petition ignores the conclusion in the proposed no significant hazards determination. The discussion in the Notice reflects that, although dose consequences in the re-analysis are not directly comparable to the original analysis, in all cases the revised results are within NRC acceptance criteria. *Id.* Further, the Notice states that proposed changes to the Technical Specifications reflect assumptions made in the analysis, and that proposed Technical Specifications changes are consistent with the revised analyses. *Id.* at 68,732, col. 1- col. 2. The conclusion, therefore, is that the proposed changes do not involve a significant increase in the probability or consequences of any accident. *Id.* at 68,732, col. 2. In the face of this analysis,

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are very small and within regulatory limits. No doses are calculated at 23 miles, but any such doses would be many times less than at 2 miles.

the Petition is inadequate in its face to demonstrate an obvious potential for off-site consequences that would confer standing.<sup>10</sup>

Mr. Besade and Ms. Guglielmo in their affidavits do not remedy the clear deficiency in the Amended Petition. In fact, they argue without any foundation that the Application “seeks to eliminate, erode and relax existing standards of radiological protection for workers and the public,” and that the Application “proposes to permit increased radiological emissions to the environment above current levels.” These statements are simply untrue. The Application does not alter any existing radiological protection standards, nor does it propose to increase effluents or emissions.<sup>11</sup> A revised accident analysis based on an alternative source term does not alter the design of the equipment at the plant used to monitor and process off-site releases, or the procedures or equipment for handling fuel, and there is no showing of how the amendment would lead to significantly increased releases above current levels or radiological injury. Indeed, given that any releases from the design basis Fuel Handling Accident are demonstrated in the Application to be within NRC criteria, with or without the discussed administrative controls, Petitioners have not demonstrated how they would be entitled to any remedy in this proceeding. A challenge to existing regulatory siting requirements, exposure limits, release criteria, or the 10 C.F.R. § 50.67 criteria would not provide a basis for standing in

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<sup>10</sup> In contrast to the situation in *Northeast Nuclear Energy Co.* (Millstone Nuclear Power Station, Unit 3), LBP-98-20, 48 NRC 87, 89-90, 94 (1998), the current Application does not involve a “significant modification of [emergency core cooling] system operation” or “increase [the] probability of malfunction of equipment.”

<sup>11</sup> The affidavits also reference allegedly “enormous routine emissions into the environment and into the air.” There is no basis for this assertion. Any releases from Millstone are subject to NRC release criteria in 10 C.F.R. § 20.1302, 40 C.F.R. Part 190, 10 C.F.R. § 50.36a, and Appendix I to 10 C.F.R. Part 50, and will continue to be subject to those criteria.

this proceeding. Likewise, a challenge to the controls themselves could not lead to relief in this proceeding because the controls are unnecessary to meet NRC requirements.

Because the residence presumption is unavailable to the Petitioners, they must allege specific injury in fact that will result from the action taken related to fuel handling accidents. *See Fla. Power & Light Co.* (St. Lucie Nuclear Power Plant, Units 1 & 2), CLI-89-21, 30 NRC 325, 329-30 (1989); *Northeast Nuclear Energy Co.* (Millstone Nuclear Power Station, Unit 3), LBP-98-22, 48 NRC 149, 155 (1998). Petitioners have not made such a demonstration; they have not shown any “plausible chain of causation,” some scenario suggesting how these particular license amendments would result in a distinct new harm or threat” to them. *Zion*, CLI-99-4, 49 NRC at 192. Given the nature of the Application and the minimal showing in the Amended Petition, Petitioners have not established any credible likelihood of off-site injury that could be traced to the accident re-analysis or the proposed Technical Specification changes, or that could be redressed in this proceeding. Accordingly, the Petitioners have failed to meet their burden to demonstrate standing.

### C. Petitioners’ Specific Aspects of Interest

As discussed above a petitioner must set forth “the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene.” 10 C.F.R. § 2.714(a)(2). Petitioners here set forth three proposed aspects: (1) issues “concerning reduction of protection to workers and the public from unnecessary environmental releases of fission products;” (2) the “incompleteness of the application” for its failure to identify “administrative measures to be implemented to protect the public health and safety in the event the amendment is granted;” and (3) the alleged “failure” of DNC to address the consequences “relative to the potential of a terrorism [sic] attack” upon Millstone during Unit 2 fuel movements and the

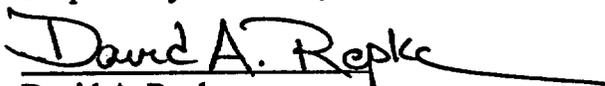
“likelihood of increased peril” for such an attack should the amendment be granted. Amended Pet. at 3.

While the “specific aspects” requirement is usually easily satisfied, the itemized aspects offered in this case deserve a response. With respect to the first proposed aspect, Petitioners may not properly challenge the effect of the license amendment on plant workers. *See, e.g., St. Lucie*, CLI-89-21, 30 NRC at 329 (individual could not represent plant workers without their express authorization). Moreover, as discussed above, it is not plausible that the proposed license amendment will expose the public to any new or different “environmental releases of fission products.” Second, Petitioners’ challenge to the adequacy or completeness of the license application is overly generalized and vague, as well as irrelevant. As discussed above, the Application includes detailed changes to plant Technical Specifications and Technical Specification bases. The Application and proposed changes reference administrative controls only as a defense-in-depth measure. No administrative controls are necessary to meet NRC requirements for control room and off-site exposures. Any challenge to the completeness of the Application in this regard would therefore be a challenge to regulations and beyond the scope of this proceeding. Finally, Petitioners’ aspect related to terrorism is outside the scope of this proceeding. The proposed amendment makes no changes related to plant physical security. Moreover, the Petitioners’ concern appears to be an impermissible attack on Commission regulations governing security and safeguards, in that it would require analysis of events that are not required to be considered. *Cf. Private Fuel Storage, L.L.C.* (Independent Spent Fuel Storage Installation), CLI-02-25, 56 NRC \_\_\_ (slip op. Dec. 18, 2002). Therefore, this aspect does not constitute a valid area for contentions in this proceeding.

### III. CONCLUSION

For the reasons set forth above, Petitioners CCAM and STAR have not demonstrated standing to intervene in this proceeding, and the Amended Petition should be denied. In the event the Licensing Board determines that one or both of the Petitioners has established standing, they nevertheless cannot be admitted as parties to the proceeding until they have proffered at least one admissible contention. DNC will respond to proposed contentions at the appropriate time.

Respectfully submitted,



David A. Repka  
Brooke D. Poole  
WINSTON & STRAWN  
1400 L Street, NW  
Washington, D.C. 20005-3502

Lillian M. Cuoco  
Dominion Resources Services, Inc.  
Millstone Power Station  
Rope Ferry Road  
Waterford, CT 06385

Counsel for DOMINION NUCLEAR  
CONNECTICUT, INC.

Dated in Washington, D.C.  
this 27th day of December 2002

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of: )  
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Dominion Nuclear Connecticut, Inc. ) Docket No. 50-336  
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(Millstone Power Station, )  
Unit No. 2) )

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name: David A. Repka  
Address: Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005  
E-Mail: drepka@winston.com  
Telephone Number: (202) 371-5726  
Facsimile Number: (202) 371-5950  
Admissions: District of Columbia Court of Appeals  
Name of Party: Dominion Nuclear Connecticut, Inc.

  
David A. Repka

Dated at Washington, District of Columbia  
this 26th day of December 2002

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of: )  
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Dominion Nuclear Connecticut, Inc. ) Docket No. 50-336  
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(Millstone Power Station, )  
Unit No. 2) )

NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name: Brooke D. Poole  
Address: Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005  
E-Mail: bpoole@winston.com  
Telephone Number: (202) 371-5824  
Facsimile Number: (202) 371-5950  
Admissions: District of Columbia Court of Appeals  
Court of Appeals of Maryland  
Name of Party: Dominion Nuclear Connecticut, Inc.



Brooke D. Poole

Dated at Washington, District of Columbia  
this 26th day of December 2002

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

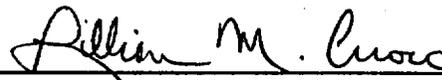
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NOTICE OF APPEARANCE

Notice is hereby given that the undersigned attorney herewith enters an appearance in the captioned matter. In accordance with 10 C.F.R. § 2.713(b), the following information is provided:

Name: Lillian M. Cuoco  
Address: Millstone Power Station  
Rope Ferry Road  
Waterford, CT 06385  
Telephone Number: (860) 444-5316  
Facsimile Number: (860) 444-4278  
E-Mail: Lillian\_Cuoco@dom.com  
Admissions: Court of Appeals for the State of New York  
District of Columbia Court of Appeals  
Superior Court of Connecticut  
Name of Party: Dominion Nuclear Connecticut, Inc.

  
\_\_\_\_\_  
Lillian M. Cuoco

Dated at Waterford, Connecticut  
this 19th day of December 2002

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:

Dominion Nuclear Connecticut, Inc.

(Millstone Power Station,  
Unit No. 2)

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Docket No. 50-336

CERTIFICATE OF SERVICE

I hereby certify that copies of "ANSWER OF DOMINION NUCLEAR CONNECTICUT, INC. TO AMENDED PETITION TO INTERVENE AND REQUEST FOR HEARING OF CONNECTICUT COALITION AGAINST MILLSTONE AND STAR FOUNDATION, INC," and NOTICES OF APPEARANCE for DAVID A. REPKA, BROOKE D. POOLE AND LILLIAN M. CUOCO in the captioned proceeding have been served on the following by deposit in the United States mail, first class, this 27<sup>th</sup> day of December 2002. Additional e-mail service has been made this same day as shown below.

Richard A. Meserve, Chairman  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Edward McGaffigan, Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Nils J. Diaz, Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Jeffrey S. Merrifield, Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Greta J. Dicus, Commissioner  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

Office of Commission Appellate  
Adjudication  
Mail Stop O-16C1  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

G. Paul Bollwerk, III  
Chief Administrative Judge  
Atomic Safety and Licensing Board Panel  
Mail Stop T-3F27  
Washington, DC 20555-0001  
e-mail: gpb@nrc.gov

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
Attn: Rulemakings and Adjudications Staff  
(original + two copies)  
e-mail: HEARINGDOCKET@nrc.gov

Nancy Burton, Esq.  
147 Cross Highway  
Redding Ridge, CT 06876  
e-mail: nancyburtonsq@aol.com

Karen D. Cyr, Esq.  
Office of the General Counsel  
Mail Stop O-15D21  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001  
e-mail: OGCMailCenter@nrc.gov

  
David A. Repka  
Counsel for DNC, Inc.