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December 16, 2002 (3:23PM)

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In re: MILLSTONE NUCLEAR :  
POWER STATION, Unit No. 2 :

Dominion Nuclear Connecticut, Inc. : December 12, 2002

**AMENDED PETITION TO INTERVENE AND REQUEST FOR HEARING**

The Connecticut Coalition Against Millstone (CCAM) and STAR Foundation, Inc. petition herewith to intervene and request a hearing in proceedings concerning the application of Dominion Nuclear Connecticut, Inc. ("DNC") dated September 26, 2002 to amend its Operating License to change Technical Specification (TS) 3.3.3.1 ("Monitoring Instrumentation, Radiation Monitoring"); TS 3.3.4 ("Instrumentation, Containment Purge Valve Isolation Signal"); TS 3.7.6.1 ("Plant Systems, Control Room Emergency Ventilation System"; TS 3.9.4 ("Refueling Operations, Containment Penetrations"); TS 3.9.8.1 ("Refueling Operations, Shutdown Cooling and Coolant Circulation – High Water Level"); TS 3.9.8.2 ("Refueling Operations, Shutdown Cooling and Coolant Circulation – Low Water Level"); TS 3.9.15 ("Refueling Operations, Storage Pool Area Ventilation System"); and to revise the Technical Specifications bases to address the proposed changes.<sup>1</sup>

The proposed changes to the Technical Specifications modify requirements regarding containment closure and spent fuel pool area ventilation during

movement of irradiated fuel assemblies in containment and in the spent fuel pool area. The proposed changes will allow containment penetrations, including the equipment door and personnel airlock door, to be maintained open under administrative control. The proposed changes will eliminate the requirements for automatic closure of containment purge during Mode 6 fuel movement. The technical specifications associated with storage pool area ventilation will be deleted.<sup>2</sup>

The petitioner, Connecticut Coalition Against Millstone ("CCAM"), of P.O. Box 415, Niantic, Connecticut, is an organization of environmental advocacy and safe-energy groups, former employees of the Millstone Nuclear Power Station and families and individuals who reside within and beyond the five-mile emergency evacuation zone of Millstone.

The petitioner, STAR Foundation, Inc., of 66 Newtown Lane, East Hampton, New York, is a grass-roots environmental organization concerned with the effects of power plants on local communities. STAR Foundation, Inc. has been involved during the past four years in educating the public and elected officials about the risks that the Millstone Nuclear Power Station poses and STAR Foundation, Inc. has participated as a party intervenor in U.S. Nuclear Regulatory Proceedings concerning the Unit 3 spent fuel pool.

CCAM was admitted and participated as an intervenor in proceedings concerning the application of the licensee to increase the storage capacity of Unit 3. Docket No. 50-423-LA-3.

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<sup>1</sup> Notice of the License Amendment Application was published in the November 12, 2002 Federal Register (Volume 67, Number 218).

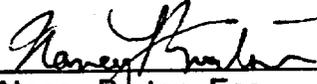
CCAM and STAR Foundation, Inc. petition to intervene in these proceedings and request a hearing because of their concerns of adverse health and safety risks to their membership, as well as the health and safety of Millstone workers and the surrounding community, should the amendment be granted.

CCAM and STAR Foundation, Inc. petition to participate in these proceedings to raise issues *inter alia* concerning reduction of protection to workers and the public from unnecessary environmental releases of fission products; the incompleteness of the application by virtue of its failure *inter alia* to identify and define administrative measures to be implemented to protect the public health and safety in the event the amendment is granted; and the complete failure of the licensee to address the public health and safety consequences relative to the potential of a terrorism attack upon the Millstone Nuclear Power Station during Unit 2 fuel movements and the likelihood of increasing peril to the community should the amendment be granted.

Pursuant to 10 CFR §2.714, CCAM and STAR Foundation, Inc. will elaborate upon the basis for this petition in its formal submission of contentions.

This petition is supported by the accompanying Declarations of Joseph H. Besade and Christine Guglielmo.

**THE PETITIONERS**

By:   
Nancy Burton, Esq.  
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<sup>2</sup> Licensee's analysis of the issue of no significant hazards consideration.

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

**In re: MILLSTONE NUCLEAR                   :**  
**POWER STATION, Unit No. 2               :**

**Dominion Nuclear Connecticut, Inc.    :**       **December 11, 2002**

**DECLARATION OF JOSEPH H. BESADE**

I, Joseph H. Besade, having been duly sworn, do hereby declare as follows:

1. I am above the age of eighteen (18) years and I believe in the obligation of an oath.

2. I submit this declaration in support of the petition to intervene and for hearing submitted by Connecticut Coalition Against Millstone ("CCAM") contemporaneously herewith.

3. I am a member and the secretary of CCAM, an organization of environmental advocacy and safe-energy groups, former employees of the Millstone Nuclear Power Station and families and individuals who reside within and beyond the five-mile emergency evacuation zone of Millstone.

4. I reside with my family at 21 Fifth Avenue in Waterford, Connecticut.

5. My home is located within two miles of Millstone.

6. I was formerly employed at Millstone as a union pipefitter from 1973 until 1995; I raised issues of personnel performing work at the plant without the proper occupational licenses required by the State of Connecticut and I suffered

retaliation in my employment by the utility because of my whistleblowing activities which called attention to nuclear safety and other issues on the part of the owners and operators of Millstone.

7. I have attended virtually all public meetings in the Waterford, Connecticut, area concerning Millstone since the Spring of 1996 when the scandalous mismanagement and wilful violation of licensing requirements on the part of Millstone owners and operators surfaced publicly.

8. I have attended numerous proceedings of the United States Nuclear Regulatory Commission in Rockville, Maryland; the Atomic Safety and Licensing Board in New London and Mystic, Connecticut; the Connecticut Department of Public Utility Control in New Britain, Connecticut, and proceedings of the Connecticut Superior Court and Connecticut Supreme Court in Hartford, Norwich and New London, Connecticut, all as pertaining to the operations of Millstone.

9. In many of the proceedings referenced in paragraph 8 hereinabove, I have presented testimony based on my personal knowledge and familiarity with Millstone operations.

10. During the past six (6) years, I have been devoted on a substantially full-time basis to informing myself about Millstone operations and disseminating information about Millstone to the public, both in the immediate area of Millstone and beyond.

11. During the past six years, I have videotaped hundreds of meetings, proceedings, interviews and press conferences concerning Millstone operations and I have been actively involved in disseminating such events to the residents

of the emergency evacuation zone surrounding Millstone and to the citizens of the State of Connecticut via public access television.

12. I am familiar with the license amendment application which is the subject of the foregoing petition.

13. According to Dominion Nuclear Connecticut, Inc., the license amendment at issue proposes to make changes to the Technical Specifications to modify requirements regarding containment closure and spent fuel pool area ventilation during movement of irradiated fuel assemblies in containment and in the spent fuel pool area; to allow containment penetrations, including the equipment door and personnel airlock door, to be maintained open under administrative control; to eliminate the requirements for automatic closure of containment purge during Mode 6 fuel movement; and to delete the technical specifications associated with storage pool area ventilation.

14. Thereby the license amendment seeks to eliminate, erode and relax existing standards of radiological protection for workers and the public.

15. The license amendment proposes to permit increased radiological emissions to the environment above current levels.

16. Accordingly, as a nearby resident to Millstone, I believe that I will be at a heightened risk of radiological contamination from Millstone operations if the amendment is issued, with consequent increased risk to my health and the health of my family.

17. I understand that radiological emission standards utilized by the U.S.

Nuclear Regulatory Commission are arbitrary in nature; and that no amount of radiological contamination is risk-free; and that radiological doses are cumulative and are well known to have negative biological effects.

18. The negative biological effects of radiological contamination are far better known today than when the U.S. Nuclear Regulatory Commission adopted the standards presently governing radiological emissions.

19. Accordingly, it would be counter-intuitive and contrary to the public health, safety and welfare for the NRC to grant the present license amendment.

20. I have reference to "Millstone Nuclear power Station Units 1, 2 and 3/Annual Radioactive Effluents Release Report 1991-2001", consisting of licensee reports of radioactive effluent releases as compiled by the Nuclear Information and Resources Service and released on August 21, 2002.

21. The report documents enormous routine emissions into the environment and into the air which I, my family and the people of our community breathe.

22. It is unacceptable that these releases should increase by virtue of the present license amendment.

23. The present license amendment application does not take into account the potential prospect of a terror attack upon the Millstone Nuclear Power Station during a fuel movement activity at Unit 2.

24. In my view, the licensee is seriously derelict in failing to analyze such a scenario in conjunction with the application, given that the application was submitted more than a year following the events of September 11, 2001.

25. The application recites that administrative measures will be implemented

To protect the public health and safety should the amendment be granted; however, in many cases, the administrative measures are not identified nor defined; hence, the application is substantially incomplete and should be rejected on this basis.

26. I authorize CCAM to represent my rights and interests in these proceedings.

27. CCAM's participation in this proceeding will materially aid the Commission in its consideration of the present license amendment.

\_\_\_\_\_  
Joseph H. Besade

STATE OF CONNECTICUT

ss: New London

COUNTY OF NEW LONDON

Sworn to and subscribed before me this 11<sup>th</sup> day of December, 2002.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

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**In re: MILLSTONE NUCLEAR                    :**  
**POWER STATION, Unit No. 2                :**

**Dominion Nuclear Connecticut, Inc.    :**           **December 12, 2002**

**DECLARATION OF CHRISTINE GUGLIELMO**

I, Christine Guglielmo, of 62 Bow Oarsman Road, East Hampton, New York,  
do hereby declare as follows:

1. I am above the age of eighteen (18) years and believe in the obligation of an oath.
2. I reside with my family at the above address approximately twenty-three miles from the Millstone Nuclear Power Station, which is within the ingestion emergency planning zone of the nuclear station.
3. I am familiar with the license amendment application which is the subject of the foregoing petition.
4. According to Dominion Nuclear Connecticut, Inc., the license amendment at issue proposes to make changes to the Technical Specifications to modify requirements regarding containment closure and spent fuel pool area ventilation during movement of irradiated fuel assemblies in containment and in the spent fuel pool area; to allow containment penetrations, including the equipment door and personnel airlock door, to be maintained open under administrative control; to eliminate the requirements for automatic closure of containment purge during

Mode 6 fuel movement; and to delete the technical specifications associated with storage pool area ventilation.

5. Thereby the license amendment seeks to eliminate, erode and relax existing standards of radiological protection for workers and the public.

6. The license amendment proposes to permit increased radiological emissions to the environment above current levels.

7. Accordingly, as a nearby resident to Millstone, I believe that I will be at a heightened risk of radiological contamination from Millstone operations if the amendment is issued, with consequent increased risk to my health and the health of my family.

8. I understand that radiological emission standards utilized by the U.S. Nuclear Regulatory Commission are arbitrary in nature; and that no amount of radiological contamination is risk-free; and that radiological doses are cumulative and are well known to have negative biological effects.

9. The negative biological effects of radiological contamination are far better known today than when the U.S. Nuclear Regulatory Commission adopted the standards presently governing radiological emissions.

10. Accordingly, it would be counter-intuitive and contrary to the public health, safety and welfare for the NRC to grant the present license amendment.

11. I have reference to "Millstone Nuclear power Station Units 1, 2 and 3/Annual Radioactive Effluents Release Report 1991-2001", consisting of licensee reports of radioactive effluent releases as compiled by the Nuclear Information and Resources Service and released on August 21, 2002.

12. The report documents enormous routine emissions into the environment and into the air which I, my family and the people of our community breathe.

13. It is unacceptable that these releases should increase by virtue of the present license amendment.

14. The present license amendment application does not take into account the potential prospect of a terror attack upon the Millstone Nuclear Power Station during a fuel movement activity at Unit 2.

15. In my view, the licensee is seriously derelict in failing to analyze such a scenario in conjunction with the application, given that the application was submitted more than a year following the events of September 11, 2001.

16. The application recites that administrative measures will be implemented To protect the public health and safety should the amendment be granted; however, in many cases, the administrative measures are not identified nor defined; hence, the application is substantially incomplete and should be rejected on this basis.

17. I submit this declaration in support of intervention by STAR Foundation, Inc.

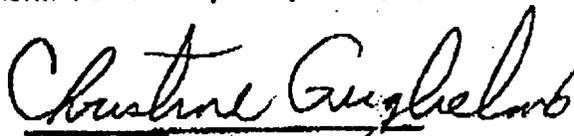
18. STAR Foundation, Inc. is a grass-roots environmental organization Concerned with the effects of power plants on local communities. STAR Foundation has been involved during the past four years in educating the public and elected officials about the risks that the Millstone Nuclear Power Station poses and STAR Foundation has participated as a party intervenor in U.S. Nuclear Regulatory Proceedings.

19. STAR Foundation, Inc. has more than 3,000 members, the majority of whom are from the tri-state area including New York, Connecticut and New Jersey, including locations close to Millstone.

20. STAR Foundation, Inc.'s participation in this proceeding will materially aid the Commission in its consideration of the present license amendment

21. By this declaration I authorize STAR Foundation, Inc. to represent my rights and interests in these proceedings.

I hereby declare these statements true under penalty of perjury.

  
Christine Guglielmo

Dated December 12, 2002 at East Hampton, New York.

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POWER STATION, Unit No. 2**

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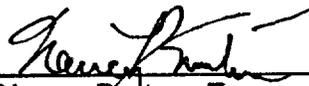
**Dominion Nuclear Connecticut, Inc. : December 12, 2002**

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing "Amended Petition to Intervene and Request for Hearing" with accompanying "Declaration of Joseph H. Besade" and "Declaration of Christine Guglielmo" was sent via U.S. Mail, postage pre-paid on December 12, 2002 to the following and emailed to the addresses below indicated:

Office of the Secretary  
U.S. Nuclear Regulatory Commission  
Washington DC 20555  
(Attention: Rulemakings and Adjudication Staff)  
(Original + 2)  
hearingdocket@nrc.gov

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