

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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March 18, 2003 (11:21AM)

SAFETY AND LICENSING BOARD PANEL

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before Administrative Judges:

Ann Marshall Young, Chair  
Dr. Richard F. Cole  
Dr. Thomas S. Elleman

In the Matter of

Docket No. 50-336-OLA-2

DOMINION NUCLEAR CONNECTICUT, INC. ASLBP No. 03-808-02-OLA

(Millstone Nuclear Power Station,  
Unit 2)

March 10, 2003

PETITIONER, CONNECTICUT COALITION AGAINST MILLSTONE,  
SUPPLEMENTED PETITION AND CONTENTION

The Connecticut Coalition Against Millstone (CCAM) petitions 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.

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.

CCAM petitions to intervene in these proceedings and request a hearing because of their concerns of adverse health and safety risks to their

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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).

<sup>2</sup> Licensee's analysis of the issue of no significant hazards consideration.

membership, as well as the health and safety of Millstone workers and the surrounding community, should the amendment be granted.

CCAM petitions to participate in these proceedings to raise the contention that the amendment involves the potential of increase in the amounts of radiological effluents that may be released offsite and thus the amendment involves an adverse impact on the public health and safety and does involve a Significant Hazards Consideration.

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

This petition is supported by the accompanying Declaration of Joseph H. Besade.

### Contention

**The amendment involves the potential of significant increase in the amounts of radiological effluents that may be released offsite and thus the amendment involves an adverse impact on the public health and safety and does involve a Significant Hazards Consideration.**

#### **A. Factual or Legal Basis of the Contention**

The amendment involves the potential of significant increase in the amounts of radiological effluents that may be released offsite and thus the amendment involves an adverse impact on the public health and safety.

The proposed changes modify certain containment closure and spent fuel

pool ventilation requirements during fuel movement operations that would allow doors and other penetrations to remain open under administrative control and eliminate requirements for automatic closure of openings. 67 Fed. Reg. 68,728, 68,731 (Nov. 12, 2002).

If in such fuel movement operations, containment penetrations are left open, rather than having automatic and other closing functions operable or in effect, in the event of an accident and in routine operations there is a greater likelihood of a release of radioactivity that might have an impact on those who live nearby the site.

If a fuel handling accident occurs during refueling, and the containment door is left open, more radioactivity will escape the containment than if the doors were closed.

A fuel handling accident involving spent fuel entails an increased potential for offsite consequences.

Therefore, the proposed changes do not meet the criteria for categorical exclusion set forth in 10 C.F.R. §51.22( c )(9) and require Significant Hazard consideration.

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## **B. Statement of Facts**

The amendment proposes changes to the Technical Specifications to modify requirements regarding containment closure and spent fuel area ventilation during movement of irradiated fuel assemblies in containment and in the spent fuel pool area.

For example, the proposed changes include the following:

1. Technical Specifications 3.3.3.1 and 3.3.4 are proposed to be changed such that, e.g., the revised Fuel Handling Accident (“FHA”) Inside Containment Analysis no longer assumes automatic closure of the containment purge valves during a FHA inside containment involving increasing airborne radioactivity levels; it assumes the containment purge valves remain open. (Attachment 2 to License Amendment Application, Pages 2-3)
2. Technical Specification 3.9.4 is proposed to be changed such that *inter alia* containment penetrations need not be closed if closure would represent a significant radiological hazard to the personnel involved.
3. The proposed change to Technical Specification 3.3.3.1 provides for the elimination of the spent fuel storage area ventilation system automatic isolation signal.

The modifications substitute yet unsubmitted and unreviewed administrative controls for presently credited automatic penetration closure and in the spent fuel pool area.

At the same time, the modifications obviate existing requirements to prevent leakage of radioactive effluent from containment to the environment should radiation levels be deemed too hazardous for personnel. (Attachment 2 to License Amendment Application, Page 8)

Such leakage will be channeled to the environment without mitigation as required under the existing Technical Specifications.

A fuel handling accident involving spent fuel entails an increased potential for offsite consequences. Such consequences can be severe and indeed catastrophic.

Accordingly, the amendment involves potential significant increase in the amounts of radiological effluents that may be released offsite.

Therefore, the amendment involves an adverse impact on the public health and safety.

**C. Sources and Documents on Which Petitioner Intends to Rely**

The petitioner intends to rely on the following documents and sources to establish the facts alleged:

- 1 The Licensee's license amendment application and attachments and references contained therein;
2. Memorandum and Order in the present proceedings (Ruling on Standing of Petitioners to Proceed and Setting Deadlines for Supplemented Petition and Contentions) issued on February 14, 2003;
3. The October 2000 report prepared by Sandia National Laboratories for the U.S. Nuclear Regulatory Commission on the potential consequences of a spent fuel pool accident.
4. Such additional sources and documents as are a matter of public record and as may be disclosed in discovery in these proceedings.

**D. A genuine dispute exists on a material issue of law or fact, the resolution of which would make a difference in the outcome of the licensing proceeding.**

The petitioner disputes the assertions by the Licensee that the proposed changes "are safe"; that the proposed changes involve no Significant Hazards Consideration; that the proposed changes meet the criteria for categorical exclusion; and that the proposed changes do not involve an adverse impact on public health and safety (Dominion cover letter dated September 26, 2002, pages 1-4 and referenced attachments).

1. The proposed changes are not "safe."

The public health and safety are not protected – and, hence, the proposed changes are not "safe." In the event of a FHA, with a containment penetration open, if the level of airborne radiation is too severe to enable personnel to carry out the substitute administrative controls to prevent venting to the environment, the impact to the surrounding area will be adverse.

2. The proposed changes involve "Significant Hazards" consideration.

The proposed changes do compromise 10 C.F.R. § 50.92( c ) criteria. (Attachment 3, pages 1-4). The proposed changes do involve a significant increase in the probability of consequences of an accident previously evaluated; indeed, an increased risk of increase in dose at the site boundary or to control room personnel is acknowledged by the Licensee. (Attachment 3, page 2). (See Memorandum and Order dated February 14, 2003, page 19, in the present proceedings. "For example, if a fuel handling accident occurs during refueling, and the containment door is left open, common sense indicates that more radioactivity is going to escape the containment than if the doors were closed.")

Moreover, the proposed changes involve a significant reduction in a margin of safety. Where under the present regime, e.g., containment penetrations automatically close during a FHA, imposing a barrier to block radiation emission to the environment. Should the radiation levels be too severe – a not at all unlikely event – the administrative controls now proposed will be automatically rendered nugatory and the Licensee will not be faulted for not closing the penetration during the FHA. Such an episode would inevitably result in a significant reduction in a margin of safety.

3. The proposed changes do not meet the criteria for categorical exclusion set forth in 10 C.F.R. §51.22( c )(9).

For example, Significant Hazards Consideration is mandated. In addition, the proposed changes increase the risk of significant increase in the amount of radiation that may be released off-site. Consequentially, the proposed changes entail risk of a significant increase in individual or cumulative occupational radiation exposure such as at the containment penetrations where personnel would be called upon to manually close doors which had theretofore been required to close automatically. Indeed, the proposed changes assume such personnel would suffer severe doses; the Licensee would be permitted to make its own judgment call as to what degree of severity to subject its personnel to under serious accident conditions to carry out what had theretofore been required to be performed automatically and mechanically.

4. The proposed changes adversely impact the public health and safety.

The proposed changes subject the public to a greater risk of exposure to and adverse effect from radiological emissions which escape to the environment, e.g., through open doors from containment where such doors were but under the proposed changes would no longer be required to be closed during FHA conditions.

Finally, the application is replete with references to as yet unsubmitted administrative controls, the absence of which precludes meaningful analysis of the merits of the application. See, e.g., Attachment 1 at pages 18 and 20; Attachment 2 at pages 3, 6, 7, 8, 9, 14, 15.

**E. The contention, if proven, would be of consequence in the proceeding because it would entitle the petitioner to specific relief.**

Petitioner's contention, if proved, would entitle the petitioner to the specific relief sought, namely, denial of the license amendment application.

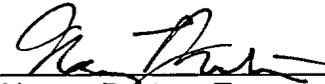
As the Licensing Board ruled earlier in these proceedings,

With regard to redressability, a favorable Board ruling that, for example, disallowed leaving penetrations open, would obviously redress the harm alleged to arise from allowing the penetrations to remain open during movement of fuel.

It is respectfully requested that the Licensing Board accept the foregoing Contention in these proceedings.

**THE PETITIONER**

By:

  
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March 10, 2003

**CERTIFICATE OF SERVICE OF SUPPLEMENTED  
PETITION AND CONTENTION OF PETITIONER,  
CONNECTICUT COALITION AGAINST MILLSTONE**

I hereby certify that a copy of the foregoing "Supplemented Petition and Contention" of petitioner, Connecticut Coalition Against Millstone, was sent via U.S. Mail, postage pre-paid on March 10, 2003 to the following and emailed to the addresses below indicated:

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