UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RECEIVED
USNRC

February 12, 2004 (4:00PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of **Docket No.**

DOMINION NUCLEAR CONNECTICUT, INC.

(Millstone Nuclear Power Station,
Unit 2 and Unit 3) **February 12, 2004**

PETITION TO INTERVENE AND REQUEST FOR HEARING

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") to extend the Operating Licenses for Units 2 and Unit 3.

The current operating license of Millstone Unit 2 is due to expire on July 31, 2015; the application proposes to extend the license 20 years to the year 2035. The current operating license of Millstone Unit 3 is due to expire on November 25, 2025; the application proposes to extend the license 20 years to the year 2045.

The petitioner, 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 petitions to intervene in these proceedings and requests a hearing because of its concerns of adverse health and safety risks to its 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 contentions that the application should be rejected because of technical, environmental and other issues.

CCAM will elaborate upon the basis for this petition in its formal submission of contentions. Furthermore, it reserves the right to expand upon and supplement the contentions submitted herein.

Contentions

I. The operations of Millstone Units 2 and 3 have caused death, disease, biological and genetic harm and human suffering on a vast scale.

A. Factual or Legal Basis of the Contention

The routine and unplanned releases of radionuclides and toxic chemicals into the air, soil and water have caused death, disease, biological and genetic harm and human suffering on a vast scale. The public was misled when the facility was initially licensed. The licenses must be immediately revoked, not extended.

B. Statement of Facts

When the Millstone nuclear reactors were originally licensed, the licensee and the Government withheld from the public the prospect that the host community, its men, women and children living and working downwind of the nuclear facility, would die, or would suffer disease and other health effects as well as suffer genetic damage.

Yet, such horrors have occurred on a vast scale.

Since the Millstone reactors went online, cancer clusters have been identified in many areas close to Millstone. The cancers are scientifically and medically linked to the routine and unplanned emissions of Millstone.

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. Records and documents maintained by the Connecticut Department of Health;

2. Such additional medical and scientific and other 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 will make a difference in the outcome of the licensing proceeding.

It is anticipated that the applicant will dispute that Millstone operations are responsible for the loss of human life and the high incidence of disease and human suffering asserted by the Petitioner. Millstone's role in causing death and illness to men, women and children is a material issue of fact. Its resolution will make a difference in the outcome of the licensing proceeding.

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

Petitioner's contention, if proven, would entitle the petitioner to the specific relief sought, namely, denial of the license renewal application. There is no precedent in American law that permits continued operation of an identified

privately-owned, for-profit killing machine that triggers cancer, disease, genetic damage and human suffering in the civilian population on a vast scale.

II. Millstone Units 2 and 3 Are Terrorist Targets of Choice

A.Factual or Legal Basis of the Contention

The federal Office of Homeland Security has identified the Millstone Nuclear Power Station as a primary terrorist target. It is an unprotected nuclear weapon awaiting detonation. As long as Units 2 and 3 generate electricity, the facility is a key element of the region's infrastructure and all the more appealing as a terrorist target. As a nuclear weapon, Millstone possesses the explosive force of thousands of Nagasaki and Hiroshima-size bombs. While it is operating, Millstone cannot be protected against a malevolent attack.

B. Statement of Facts

Neither Millstone Unit 2 nor Unit 3 was constructed to withstand, nor would it, the force of a terrorist attack, which is credible.

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. Records and documents maintained by state, federal and local agencies; and

3. 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 will make a difference in the outcome of the licensing proceeding.

The Petitioner contemplates that the applicant will attempt to refute such contention, which is material to the issues of public health and safety. The contention, if proven, will be of consequence in the proceeding because it will entitle the petitioner to specific relief.

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

A terrorist threat to a nuclear facility is credible. Without significant modifications to the facility to protect against a terror attack, the facility poses too great a peril to the public to be allowed to operate. The applicant cannot prove the contrary. The contention will be of consequence in the proceeding because it will compel denial of the application.

III. Millstone Units I and 2 operations require the uninterrupted flow through intake and discharge structures of cooling water, which conduct requires a valid National Pollution Discharge Elimination System permit and the facility lacks such a valid permit.

A. Factual or Legal Basis of the Contention

In order to avoid a reactor core meltdown, the Millstone Unit 2 and Unit 3 reactors require the continuous flow of cooling water, through intakes and discharge structures. Such water flow requires a valid National Pollution Discharge Elimination System ("NPDES") permit pursuant to the federal Clean Water Act. The applicant lacks such a permit. Without the lawful ability to cool the reactors and prevent core meltdown, the applicant cannot safety operate the

facility. Moreover, given past practices involving criminal misconduct at Millstone, it is doubtful that the applicant will be able to obtain a lawful NPDES permit.

B. Statement of Facts

The applicant does not presently hold a valid NPDES permit. Nor does the applicant hold a valid NPDES perm it authorizing operation of the water cooling system during the years 2015 through 2035 for Unit 2 nor the years 2025 through 2045 in the case of Unit 3.

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. Records and documents maintained by the Connecticut Department of Environmental Protection and other state, federal and local agencies;

3. 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 will make a difference in the outcome of the licensing proceeding.

It is anticipated that the applicant will dispute whether it possesses a valid NPDES permit. Whether the facility possesses a valid NPDES permit is a material issue of fact. The resolution of this fact will make a difference in the outcome of the licensing proceeding in that the U.S. Nuclear Regulatory Commission cannot license a nuclear power plant which lacks cooling capacity.

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

Petitioner's contention, if proven, will entitle the petitioner to the specific relief sought, namely, denial of the license renewal application.

IV. The operations of Millstone Units 2 and 3 have caused irreversible harm to the environment.

A. Factual or Legal Basis of the Contention

The operations of Millstone Units 2 and 3 have caused devastating losses to the indigenous Niantic winter flounder population. The operations of Millstone Units 2 and 3 have caused irreversible damage to the marine environment. Continued operations will increase the severity of the environmental damage.

B. Statement of Facts

The operations of Millstone Units 2 and 3 have caused devastating losses to the indigenous Niantic winter flounder population. The operations of Millstone Units 2 and 3 have caused irreversible damage to the marine environment. Continued operations will increase the severity of the environmental damage.

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. Records and documents maintained by the Connecticut Department of Environmental Protection and other state, federal ad local agencies;

3. 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 will make a difference in the outcome of the licensing proceeding.

The Petitioner contemplates that the applicant will dispute this contention, which is material to the application. To the extent that the Petitioner proves this contention to be valid, it will make a difference in the outcome of the proceeding.

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

To the extent that the Petitioner proves this contention to be valid, it will entitle the Petitioner to the relief sought, namely, denial of the application.

V. Millstone Units 2 and 3 Suffer Technical and Operational Defects Which Preclude Safe Operation

A. Factual or Legal Basis of Contention

Both Units 2 and 3 suffer technical and operational defects which preclude safe operation.

B. Statement of Facts

Both Units 2 and 3 suffer technical and operational defects which preclude safe operation. System malfunctions and failures recur without adequate correction. Both units have suffered excessive occasions of unplanned emergency shutdowns. Both units suffer from premature aging.

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. Records and documents maintained by the Connecticut Department of Environmental Protection and other state, federal and local agencies;

3. 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 will make a difference in the outcome of the licensing proceeding.

The Petitioner contemplates that the applicant will dispute this contention. To the extent that the Contention is established, its resolution will make a difference in the outcome of the proceeding.

E.The contention, if proven, will be of consequence in the proceeding because it will entitle the Petitioner to specific relief.

To the extent that the Petitioner establishes that Units 2 and 3 suffer technical and operational defects which preclude safe operation, the contention will be of consequence in the proceeding because it will compel denial of the application.

VI. Connecticut and Long Island Cannot Be Evacuated

A. Factual or Legal Basis of the Contention

In the event of a serious nuclear accident at Millstone Unit 1 and/or 2, which is credible, parts or all of Connecticut and Long Island will be required to be evacuated and these areas cannot as a factual matter be evacuated. A nuclear reactor cannot be licensed without an evacuation plan which will work.

B. Statement of Facts

The cities of New Haven and Hartford and all of Suffolk County are located within 50 miles of Millstone. (Similarly, the metropolitan area of Providence RI and the city of Newport RI are located within 50 miles of Millstone.)

Depending on the direction of the winds, in the event of a serious nuclear accident at Millstone, the endangered population must be evacuated.

There is no evacuation plan in effect that will work. Moreover, none has ever been put to a true test involving the civilian population.

The infrastructure surrounding Millstone – e.g., I-95 and the Amtrak Northeast Corridor rail line – are ineffective for this purpose. Present "evacuation" plans do not account for the explosive population growth which has occurred in the area due to casino operations and economic development and other factors.

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. Records and documents maintained by the Connecticut Department of Environmental Protection and other state, federal and local agencies;

3. 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 will make a difference in the outcome of the licensing proceeding.

The Petitioner contemplates that the applicant will dispute this contention. To the extent that the Contention is established, its resolution will make a difference in the outcome of the proceeding.

E. The contention, if proven, will be of consequence in the proceeding because it will entitle the Petitioner to specific relief.

To the extent that the Petitioner establishes that Connecticut and Long Island cannot be evacuated, the contention will be of consequence in the proceeding because it will compel denial of the application.

The Petitioner reserves the right to supplement the foregoing as appropriate.

THE PETITIONER
CONNECTICUT COALITION
AGAINST MILLSTONE

By: _____

Nancy Burton, Esq.
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952/Fax 203-938-3168
Email: nancyburtonesq@aol.com
Fed. Bar No. 10836

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of **Docket No.**

DOMINION NUCLEAR CONNECTICUT, INC.

(Millstone Nuclear Power Station,
Unit 2 and Unit 3) **February 12, 2004**

CERTIFICATE OF SERVICE OF
PETITION TO INTERVENE AND REQUEST FOR HEARING

I hereby certify that a copy of the foregoing "Petition to Intervene and Request for Hearing"of Petitioner, Connecticut Coalition Against Millstone, was sent via U.S. Mail, postage pre-paid on February 12, 2004 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
JMC3@nrc.gov

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington DC 20555-0001

David A. Repka, Esq.
Brooke D. Poole, Esq.
1400 I Street NW
Washington DC 20005
DREPKA@winston.com
BPOOLE@winston.com

Lillian M. Cuoco, Esq.
Millstone Nuclear Power Station
Building 475/5

Rope Ferry Road
Waterford CT 06385
Lillian_Cuoco@dom.com

Nancy Burton, Esq.
147 Cross Highway
Redding Ridge CT 06876
Tel. 203-938-3952/Fax 203-938-3168
nancyburtonesq@aol.com
Fed. Bar No. 10836