

RAS 7986

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

June 24, 2004 (10:30AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of

:

DOMINION NUCLEAR CONNECTICUT, INC. :Docket Nos. 50-336-LR,
50-423-LR

(Millstone Nuclear Power Station,
Units 2 and 3)

:

: ASLBP No. 04-824-01-LR

CONNECTICUT COALITION AGAINST MILLSTONE
MOTION FOR LEAVE TO FILE REPLY TO LICENSEE AND NRC STAFF
ANSWERS TO PETITION, AMENDED PETITION AND DECLARATIONS OF
CCAM MEMBERS *NUNC PRO TUNC*

The Connecticut Coalition Against Millstone (CCAM) moves herewith for leave to file CCAM's Reply to Licensee and NRC Staff Answers to Petition, Amended Petition and Declarations of CCAM members Geralyn Winslow, Clarence O. Reynolds, William H. Honan and Gordian Raatcke *nunc pro tunc*.

Such documents are being or have been filed contemporaneously herewith or heretofore by telefax transmission.

The undersigned respectfully represents that at an apparent computer virus interfered with communications between herself and CCAM members on June 13, 2004 and such error made it impossible for a timely filing as ordered on June 14, 2004. A declaration accompanies this motion.

THE PETITIONER
CONNECTICUT COALITION
AGAINST MILLSTONE

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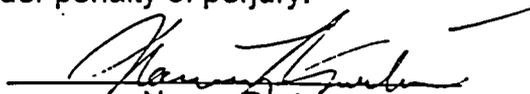
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DECLARATION

I, Nancy Burton, 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 represent the petitioner, Connecticut Coalition Against Millstone, in these proceedings.
3. On June 4, 2004, as I was communicating with CCAM members in furtherance of preparing the submissions as ordered by the Licensing Board Panel, two said members suffered apparent viruses on their computers which interfered with said communications.
4. Such errors made it impossible for the undersigned to complete preparations and submission of the documents, which have now been executed and are being submitted contemporaneously herewith.
5. I submit this declaration under penalty of perjury.


Nancy Burton

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: ASLBP No. 04-824-01-LR

CERTIFICATION

I hereby certify that a copy of the foregoing "Connecticut Coalition Against Millstone Motion for Leave to File Reply to Licensee and NRC Staff Answers to Petition and Amended Petition and Declarations of CCAM Members" and accompanying "Declaration" were sent via U.S. Mail, postage pre-paid on June 16, 2004 to the following and emailed to the addresses below indicated:

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CONNECTICUT COALITION AGAINST MILLSTONE
REPLY TO LICENSEE AND NRC STAFF ANSWERS TO PETITION

The Connecticut Coalition Against Millstone ("CCAM") replies herewith to the Answers, filed on behalf of the Licensee, Dominion Nuclear Connecticut, Inc. ("Dominion") and the NRC Staff, to its Petition to Intervene and Request for Hearing in these proceedings concerning the application of Dominion Nuclear Connecticut, Inc. ("DNC") to extend the Operating Licenses for Units 2 and Unit 3.¹

I. CCAM Possesses Standing

CCAM possesses standing to participate in these proceedings.

As a coalition of individuals and other organizations, some of whom own property and reside within the ten-mile Millstone evacuation zone, CCAM possesses standing to represent their interests in these proceedings.

Inter alia, CCAM has submitted the Declaration of GERALYN WINSLOW, who resides with her family two miles from Millstone and who claims particular vulnerability to radiological releases from Millstone due to her home's proximity

¹ Contemporaneously herewith, CCAM submits its Amended Petition, Declarations of CCAM Members GERALYN WINSLOW, CLARENCE O. REYNOLDS, WILLIAM H. HONAN and GORDIAN RAACKE and Motion for Leave to File Amended Petition. For purposes of this reply, CCAM will presume that the Panel deems such filings appropriate.

and location directly downwind from Millstone. (Declaration of GERALYN WINSLOW, paragraphs 2, 3, 8, 9, 10) She also claims substantial risk of such harm if the present application is granted, given the degraded conditions of the Millstone reactors. (Declaration of GERALYN WINSLOW, paragraph 8) She also claims a risk of environmental pollution and degradation to sensitive coastal areas surrounding Millstone, and an accompanying injury to her ability to continue enjoy the recreational potential of such areas. (Declaration of GERALYN WINSLOW, paragraphs 11 and 12) The Winslow Declaration also addresses her concerns of terrorist attack and the high incidence of cancer in her community. (Declaration of GERALYN WINSLOW, paragraphs 14 and 15) Ms. Winslow has authorized CCAM to represent her rights and interests in this proceeding.

CCAM also submits Declarations of Clarence O. Reynolds, Gordian Raake and William H. Honan in support of its participation in these proceedings.

II. CCAM's Six Contentions Are Admissible

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

CCAM asserts in Contention 1 that 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, and that the public was misled when the facility was initially licensed as to these predictable consequences. The Amended Petition asserts that 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, while such effects have in fact occurred widely.

The owners and operators of Millstone are aware that its workforce suffers from this phenomenon and they are aware that this phenomenon exists in the community. However, the application is absent such facts. The omission is material to the application.

The Amended Petition further asserts that 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.

In their Answers, the NRC Staff and Dominion oppose admission of this contention as being outside the scope of the proceeding; as being not material to the findings NRC must make to support the action that is involved in the proceeding; and as not setting forth a specific factual or legal basis.

The NRC Staff and Dominion arguments are without merit.

Inter alia, the applicant is bound to demonstrate that during aging in the license renewal period, it will be able to maintain "capability to shut down the reactor and maintain in a safe shutdown condition." 10 CFR §54.4(1)(a)(ii). (Emphasis added). A "safe" shutdown condition contemplates that radiological releases will not occur in such manner as to cause harm and render habitation in the community "unsafe." The applicant has failed to do so. This omission is material to the application.

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

The Amended Petition asserts that the federal Office of Homeland Security has identified the Millstone Nuclear Power Station as a primary terrorist target in Connecticut. 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 radiological potential of thousands of Nagasaki and Hiroshima-size bombs. While it is operating, Millstone cannot be protected against a malevolent attack. Neither Millstone Unit 2 nor Unit 3 was constructed to withstand, nor would it, the force of a terrorist attack, which is credible.

The Amended Petition asserts that without significant modifications to the facility to protect against a terror attack as it ages, the facility poses too great a peril to the public to be allowed to operate during the proposed extended license term. The application contains no proposal to modify the facility to enhance its protection against an act of sabotage. The applicant has not demonstrated to the contrary.

Thus, the application fails to demonstrate, for example, that Dominion possesses the "capability to shut down the reactor and maintain it in a safe shutdown condition" in the event a credible terrorist event occurs, nor that it will maintain such capability during aging in the extended licensing period. 10 CFR §54.4(a)(1)(ii).

Similarly, the application fails to demonstrate, for example, that Dominion possesses the capability to maintain "the integrity of the coolant pressure boundary," or for that matter any of the safety or non-safety related components and systems of Millstone Units 2 and 3, in the event a credible terrorist event occurs nor that it will maintain such capability during aging in the extended licensing period. 10 CFR §54.4(a)(1)(ii).

3. **Millstone Units 1 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.**

The Amended Petition asserts that 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 ("FWPCA"). The applicant lacks such a valid permit. Its assertion to the contrary is false and inaccurate and misleading as a matter of fact and law. Without the lawful ability to cool the reactors and prevent core meltdown, the applicant cannot safely operate the facility while undergoing aging in the extended relicensing period. Moreover, given past practices involving criminal misconduct at Millstone (See Declaration of Clarence O. Reynolds, paragraph 11), it is doubtful that the applicant will be able to obtain a lawful NPDES permit.

Since the applicant does not presently hold a valid NPDES permit, the NRC cannot find that Dominion has the capability to maintain "capability to shut down the reactor and maintain it in a safe shutdown condition" in the absence of a lawful ability to cool the reactor nor that it will maintain such capability during aging in the extended licensing period. 10 CFR §54.4(a)(1)(ii).

Similarly, the application fails to demonstrate, for example, that Dominion possesses the capability to maintain "the integrity of the coolant pressure boundary," or for that matter any of the safety and non-safety related components and systems of Millstone Units 2 and 3, in the absence of a lawful ability to cool the reactor nor that it will maintain such capability during aging in the extended licensing period. 10 CFR §54.4(a)(1)(ii).

The applicant has submitted false information with regard to its permit status. The permit has expired as a matter of law; furthermore, the Connecticut Department of Environmental Protection has authorized waiver of the expired permit outside its lawful authority. In effect, Millstone has been operating with illegal "emergency authorizations" routinely since 1998. This condition is flagrantly illegal and is a bar to relicensing.

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

Entrainment of fish and shellfish in early life stages is a 10 CFR Part 51, Appendix B, Category 2 issue and thus may be considered during the license renewal process. In the Matter of Florida Power & Light Company (Turkey Point Nuclear Generating Plant, Units 3 and 4), 53 NRC 138 (February 26, 2001).

Similarly, impingement of fish and shellfish is a 10 CFR Part 51, Appendix B, Category 2 issue and thus may be considered during the license renewal process. Id.

The Amended Petition asserts as follows:

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.

Northeast Utilities ("NU"), Millstone's predecessor owner, and Dominion Nuclear Connecticut, Inc. ("Dominion"), the present owner, have documented the decline of the Niantic winter flounder species over decades in their official environmental reports filed annually with the Connecticut Department of Environmental Protection.

In such reports, NU and Dominion have acknowledged that Millstone's intake structures and once-through cooling system are responsible in part for losses of fish and shellfish, including the decline of the Niantic winter flounder which is indigenous to the area. NU and Dominion attribute losses as well to asserted "overfishing" in the area, although fishing for Niantic winter flounder in the Niantic area has virtually ceased during the past five years because of the dramatic collapse of the Niantic winter flounder population.

In Dominion's environmental report, it discounts the impact of the Millstone operations on the collapse of the Niantic winter flounder and concludes that the impact to fish is small.

In its Answer, NRC Staff assert that Contention 4 "does not set forth sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact." NRC Staff Answer at 18.

This statement is incorrect.

While Dominion's environmental report discounts Millstone's effect on fish and shellfish losses due to entrainment and impingement, Contention 4 disputes this conclusion: "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."(Emphasis added.)

CCAM has asserted it will rely in part on such DEP records in support of this contention. ("Records and documents maintained by the Connecticut Department of Environmental Protection and other state, federal and local agencies").

In that Dominion contends that Millstone's impact on the Niantic winter flounder and other fish and shellfish is small, and CCAM contends that the impact is enormous, it is clear that a genuine dispute exists with the applicant on a material issue of fact. See 10 CFR §2.309(f)(1)(vi).

In its Answer, Dominion asserts that Contention 4 is inadmissible because it is an impermissible challenge to the NRC's rules.

However, given that entrainment of fish and shellfish in early life stages, and impingement of fish and shellfish in later life stages, are both 10 CFR Part 51, Appendix B, Category 2 issues and thus may be considered during the license renewal process, id., this argument is without merit.

In its Answer, Dominion further asserts that Contention 4 is "vague and unsupported." This statement is incorrect. To the contrary, Contention 4 is both clear and well supported by NU's and Dominion's own filings with the Connecticut DEP as well as DEP's own records and reports.

Dominion argues that "NRC's rules do not require an applicant to analyze aquatic impacts where, as Dominion as [sic] done in this proceeding, the applicant provides certain determinations made under the FWPCA."

Dominion neglects to point out that "certain determinations made under the FWPCA" –unidentified by Dominion in its argument– are, at best, obsolete, given the current knowledge that the Niantic winter flounder population has collapsed while fishing in the area has virtually ceased during the past five years at least, and Dominion operates Millstone under the purported authority of a 1992 FWPCA permit which expired in 1997, seven years ago. Dominion relies in its environmental report on information considered prior to 1992, or twelve years ago.

With regard to Dominion's argument that it submitted the 1992 NPDES permit as evidence of compliance with the FWPCA for purpose of the present application, Dominion failed to submit complete and accurate information. Dominion and NU have both been acting in violation of the FWPCA since at least

1998, when NU engaged in activities prohibited by the permit, such as by discharging hydrazine and other toxic chemicals not otherwise authorized under the permit and increasing the flow of water at Millstone Unit 3 from 1,313,200,000 gallons per day (gpd) to 1,410,600,000 gpd, also an act not otherwise allowed under the permit. See Declaration of Clarence O. Reynolds, paragraph 11. (“11. Millstone Unit 2 was the subject of a federal criminal investigation that led to a \$12 million fine in 1998 after a chemistry technician and nuclear whistleblower, James Plumb, exposed the practices of illegal discharging of toxic chemicals – including hydrazine, a particularly toxic carcinogen – into the Long Island Sound in violation of the Millstone Clean Water Act discharge permit. The corporation entered a guilty plea in 1998 in the U.S. District Court. Unit 2 is presently discharging hydrazine in terms forbidden by the Clean Water Act permit by virtue of “emergency authorizations” DEP Commissioner Arthur J. Rocque, Jr. has routinely issued, purportedly pursuant to Connecticut General Statutes §22a-6k, for indefinite terms since the guilty plea was entered. CCAM has in its possession an internal DEP document bearing DEP Commissioner Rocque’s handwriting denoting his approval of renewal of such an “emergency authorization” despite his admission as follows: “I hate these things. Statutes are very limited in what the[y] define as emergency. Continuing emergency is not even contemplated.”)

In support of its argument, Dominion cites the cases of Public Service Co. of New Hampshire, 5 NRC 39, 62 (1977); Public Service Co. of New Hampshire, 6 NRC 33, 70 (1977); Carolina Power & Light Co., 10 NRC 557, 561-62 (1979);

Tennessee Valley Authority, 8 NRC 702, 712-13 (1978). Each of these decisions was rendered twenty-five (25) or more years ago. Their continuing validity for the propositions cited is questionable since the present application is being pursued under regulations and regulatory guides which have been adopted in the interim.

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

Contention 5 asserts that both Units 2 and 3 suffer from technical and operational defects which preclude safe operation; that system malfunctions and failures recur without adequate correction; that both units have suffered excessive occasions of unplanned emergency shutdowns; and that both units suffer from premature aging.

Moreover, the Amended Petition asserts that to the extent that the application does not propose to undertake such modifications as are necessary to address such defects, the contention will be of consequence in the proceeding because it will compel denial of the application.

CCAM asserts in the Amended Petition that in support of this contention it relies upon the Licensee's license amendment application and attachments and references contained therein, including correspondence with the U.S. Nuclear Regulatory Commission with regard to waivers of technical specifications, relaxation of technical requirements, relaxation of surveillance schedules; and application Table F.3-1 ("Initial List of Candidate Improvements for the MPS2 SAMA Analysis") and application Table G.3-2 ("Summary of MPS3 SAMAs Considered in Cost-Benefit Analysis").

Further, CCAM relies upon NRC-generated documents attesting to the problematic operational record of the Millstone Nuclear Power Station, including a multitude of instances of equipment failures and defects, and a multitude of instances in which the NRC has granted waivers of technical requirements and suspended surveillance standards and requirements, thereby relaxing safety standards where such relaxation is contraindicated by the premature aging of the Unit 2 and Unit 3 nuclear reactors. (See Declaration of William H. Honan, Paragraph 16.) These waivers have occurred with respect to such critical safety components as the fire protection system at Unit 3 and the reactor vessel head at Unit 2. See Declaration of Clarence O. Reynolds, paragraph 12. ("12. Millstone Unit 2 suffers from weak areas which may develop cracks in its reactor vessel head, a condition identified before and during its October 2003 refueling outage. A similar condition in the case of the Davis-Besse nuclear reactor in Ohio, has led to severe corrosion and very dangerous conditions which could lead to a catastrophic meltdown. Yet, Dominion has been permitted by the NRC to operate with the unsafe condition until the next scheduled refueling outage in 2005.")

In its Answer, the NRC Staff opposes admission of this a contention on the grounds that "it is outside the scope of the proceeding; is not material to the findings NRC must make to support the action that is involved in the proceeding; and does not set forth a specific factual or legal basis, as required."

In its Answer, Dominion asserts that "[m]ost of the allegations in Contention V are inadmissible because they seek to raise issues outside the scope of this

proceeding and therefore constitute impermissible challenges to the NRC's rules. All the allegations in Contention V are inadmissible because they are vague, unsupported and fail to establish any genuine dispute on a material issue.”

The application does not contain a specific analysis of the effects of such continuing unplanned shutdowns – at either Unit 2 or Unit 3 - as an issue of aging.

These issues require a comprehensive safety analysis of the plants which is not contained in the application.

10 CFR §54.3 defines the “time-limited aging analyses” to be undertaken in a relicensing application as including the following:

(1) Involve systems, structures and components within the scope of license renewal, as delineated in §54.4(a); and

(2) Consider the effects of aging.

10 CFR §54.4 (“Scope”) provides that the scope of issues to be considered by the NRC in a license renewal proceeding include the following:

(1) Safety-related systems, structures, and components which are those relied upon to remain functional during and following design-basis events . . . to ensure the following functions – . . .

(ii) The capability to shut down the reactor and maintain it in a safe shutdown condition; or

(iii) The capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures . . .

(2) All systems, structures and components relied on in safety analyses or plant evaluations to perform a function that demonstrates compliance with the Commission's regulations for fire protection . . . environmental qualification . . . pressurized thermal shock . . . anticipated transients without scram . . . and station blackout.”

Clearly, the issues raised in Contention 5 fall squarely with the parameters of proper issues which the NRC must consider in a relicensing proceeding.

6. Connecticut and Long Island Cannot Be Evacuated

Contention 6 asserts that 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 – or relicensed - without an evacuation plan which will work.

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 because of the radiological hazard.

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.

In their Answers, the NRC Staff and Dominion oppose admission of this contention on the grounds that it is outside of the scope of the proceeding; is not material to the findings the NRC must make to support the action that is involved in the proceeding; and does not set forth a specific factual or legal basis.

Further, the NRC Staff relies upon the case of Turkey Point, 54 NRC at 10, to support its argument that emergency planning is a safety issue which need not be "re-examined" within the context of license renewal.

The issue of plant aging is implicated in emergency planning for evacuation. In the absence of adequate management and maintenance of aging systems and plant components, an aging reactor will be more prone to system failures and hence accidents. In addition, an evacuation plan is a system created to "mitigate the consequences of accidents" within the meaning of 10 CFR §54.4(a)(1)(iii). Thus, the issue of the adequacy of the emergency evacuation plan is properly considered in these proceedings.

Moreover, Dominion relies on the Commission's statement when it promulgated 10 CFR Part 54 that "the adequacy of existing emergency preparedness plans **need not be considered anew** as part of issuing a renewed operating license." (Emphasis added.) This statement was published in the Federal Register, 56 Fed. Reg. 64,943, 64,967 in 1991, or ten years prior to September 11, 1001.

Significantly, the Commission statement did not preclude consideration of the adequacy of existing emergency planning as part of its review in a relicensing proceeding. In this case, consideration of existing emergency planning in this proceeding is compelled.

Because, following the events of September 11, 2001, the Millstone Nuclear Power Station has been identified as a terrorist target of choice by the Office of Homeland Security, and because millions of people in three states live within 50 miles of Millstone, and because facilities and present plans do not accommodate a mass exodus from the area nor consider exodus in a time of reactor aging, the NRC should allow consideration of this critical issue in these proceedings.

Conclusion

For the above-stated reasons, CCAM has established standing to proceed in this action and the admissibility of its contentions.

**THE PETITIONER
CONNECTICUT COALITION
AGAINST MILLSTONE**

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Dated: June 16, 2004

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CERTIFICATION

I hereby certify that a copy of the foregoing "Connecticut Coalition Against Millstone Reply to Licensee and NRC Staff Answers to Petition" was sent via U.S. Mail, postage pre-paid on June 16, 2004 to the following and emailed to the addresses below indicated:

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**CONNECTICUT COALITION AGAINST MILLSTONE
AMENDED PETITION TO INTERVENE AND REQUEST FOR HEARING**

The Connecticut Coalition Against Millstone (CCAM) submits herewith its Amended Petition to Intervene and Request for Hearing in these 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 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 application contains no proposal to modify the facility to enhance its protection against an act of sabotage. 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 1 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 safely 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 permit 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.

The applicant has submitted false information with regard to its permit status. The permit has expired as a matter of law; furthermore, the Connecticut Department of Environmental Protection has authorized waiver of the expired permit outside its lawful authority. In effect, Millstone has been operating with illegal "emergency authorizations" routinely since 1998.

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 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, 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, including correspondence with the U.S. Nuclear Regulatory Commission with regard to waivers of technical specifications, relaxation of technical requirements, relaxation of surveillance schedules; and application Table F.3-1 ("Initial List of Candidate Improvements for the MPS2 SAMA Analysis") and application Table G.3-2 ("Summary of MPS3 SAMAs Considered in Cost-Benefit Analysis");

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, and to the extent that the application does not propose to undertake such modifications as are necessary to address such defects, 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.

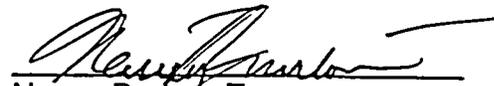
E. The contention, if proven, will be of consequence in the proceeding because it will entitle the Petitioner to specific relief.

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
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of :
DOMINION NUCLEAR CONNECTICUT, INC. :Docket Nos. 50-336-LR,
50-423-LR
(Millstone Nuclear Power Station, :
Units 2 and 3) : ASLBP No. 04-824-01-LR

CERTIFICATION

I hereby certify that a copy of the foregoing "Connecticut Coalition Against Millstone Amended Petition to Intervene and Request for Hearing" was sent via U.S. Mail, postage pre-paid on June 14, 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 R. Lewis, Esq.
Shaw Pittman LLP
2300 N Street NW
Washington DC 20037-1128
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Building 475/5
Rope Ferry Road
Waterford CT 06385
Lillian_Cuoco@dom.com


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147 Cross Highway
Redding Ridge CT 06876
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nancyburtonesq@aol.com
Fed. Bar No. 10836

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of :
DOMINION NUCLEAR CONNECTICUT, INC. : Docket Nos. 50-336-LR,
50-423-LR
(Millstone Nuclear Power Station, :
Units 2 and 3) : ASLBP No. 04-824-01-LR

DECLARATION OF CLARENCE O. REYNOLDS

I, Clarence O. Reynolds, 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 reside at 1506 Route 163, Oakdale, Connecticut, a location within approximately sixteen (16) miles of the Millstone Nuclear Power Station.

3. My home is located downwind from the Millstone Nuclear Power Station and thus is in the path of the prevailing winds traveling north from Millstone.

4. I am a member of the Connecticut Coalition Against Millstone.

5. I submit this affidavit in support of the Connecticut Coalition Against Millstone Petition to Intervene and Request for Hearing in the above-referenced proceedings and I am familiar with and support the contentions of the Connecticut Coalition Against Millstone in these proceedings.

6. I am familiar with the above-referenced application by Dominion Nuclear Connecticut, Inc., owner and operator of the Millstone Nuclear Power Station, application to relicense Millstone Unit 2 nuclear reactor to the year 2035 and to relicense Millstone Unit 3 nuclear reactor to the year 2045.

8. I believe that my family and I will be at risk of great harm to our persons and property if the present application is granted because the nuclear reactors have become physically degraded over time; they suffer from frequent unplanned outages due to equipment failure due in part to degraded conditions, failure to correct such conditions and historical mismanagement of the facility; and necessary safety improvements have not been made and will not be made out of economic considerations of the licensee.

9. For example, Millstone Unit 2 was one of the few operating reactors in the nation to suffer an operational event during the Y-2000 ("Y-2K") New Year's turnover involving its computer system, according to reports filed with the U.S. Nuclear Regulatory Commission.

10. Millstone Unit 2 has been plagued by unplanned shutdowns during its operational history. According to Dominion's own reckoning, Unit 2 has suffered 122 *unplanned* outages since going online in 1975, on an average of one every three months. This does not include the planned refueling outages which have kept the reactor shut down for 1,481 days, or 4.6 *years* (13.6 per cent) of its operational life. Many of the unplanned shutdowns – which typically entail dropping from 100 per cent to zero power within a fraction of a second, causing enormous changes to heat and pressure and leading to metal fatigue and other hazards - have occurred repeatedly in malfunctioning systems. This was the case in March of 2003 when charging pumps malfunctioned and radiation was released into the environment.

11. Millstone Unit 2 was the subject of a federal criminal investigation that led to a \$12 million fine in 1998 after a chemistry technician and nuclear whistleblower, James Plumb, exposed the practices of illegal discharging of toxic chemicals – including hydrazine, a particularly toxic carcinogen – into the Long Island Sound in violation of the Millstone Clean Water Act discharge permit. The corporation entered a guilty plea in 1998 in the U.S. District Court. Unit 2 is presently discharging hydrazine in terms forbidden by the Clean Water Act permit by virtue of “emergency authorizations” DEP Commissioner Arthur J. Rocque, Jr. has routinely issued, purportedly pursuant to Connecticut General Statutes §22a-6k, for indefinite terms since the guilty plea was entered. CCAM has in its possession an internal DEP document bearing DEP Commissioner Rocque’s handwriting denoting his approval of renewal of such an “emergency authorization” despite his admission as follows: “I hate these things. Statutes are very limited in what the[y] define as emergency. Continuing emergency is not even contemplated.”)

12. Millstone Unit 2 suffers from weak areas which may develop cracks in its reactor vessel head, a condition identified before and during its October 2003 refueling outage. A similar condition in the case of the Davis-Besse nuclear reactor in Ohio, has led to severe corrosion and very dangerous conditions which could lead to a catastrophic meltdown. Yet, Dominion has been permitted by the NRC to operate with the unsafe condition until the next scheduled refueling outage in 2005.

13. All these conditions and others experience at Millstone Unit 3 enhance the risk of accidents which may release catastrophic levels of radiation.

14. Given the location of my home and its close proximity to the Millstone Nuclear Power Station, my family and I are at significant risk of harm in the event of an accident involving dispersal of radiological emissions emanating from Millstone as well as from routine radiological emissions.

15. In addition, continued operation of Millstone Units 2 and 3 as proposed will result in the release of toxic chemicals and radiological waste byproducts and thermal discharges into the Long Island, leading to a condition which will pollute and degrade the Long Island Sound.

16. My family and I enjoy recreational use of the surrounding coastal areas of the Long Island Sound.

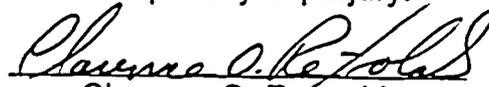
17. Our enjoyment of such recreational use will be diminished if the application is approved because of the adverse environmental effects.

18. In the event of an accident of terrorist attack upon Millstone in its present state, without physical enhancements to provide security protection from acts of sabotage, my family and I will be at grave risk of harm, given the proximity of our home to Millstone, because of the likely dispersal of unsafe levels of radiation.

19. I am familiar with the high rate of cancer and other diseases within the Millstone host community and I believe the toxic and radiological emissions from Millstone play a key role in this phenomenon, which will continue and worsen if the present application is granted.

I hereby attest that I consent to have my interests in these proceedings represented by the Connecticut Coalition Against Millstone.

I hereby declare the foregoing to be true under penalty of perjury.


Clarence O. Reynolds

Dated: June 14, 2004.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of :
DOMINION NUCLEAR CONNECTICUT, INC. : Docket Nos. 50-336-LR,
50-423-LR
(Millstone Nuclear Power Station, :
Units 2 and 3) : ASLBP No. 04-824-01-LR

DECLARATION OF GERALYN WINSLOW

I, GERALYN WINSLOW, 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 reside with my family at 30 Mullen Hill Road, Waterford, Connecticut.
3. My home is located two miles downwind from the Millstone Nuclear Power Station and thus is in the path of the prevailing winds traveling north from Millstone.
4. I am a member of the Connecticut Coalition Against Millstone.
5. I submit this declaration in support of the Connecticut Coalition Against Millstone Petition to Intervene and Request for Hearing in the above-referenced proceedings; I am familiar with and support the contentions of the Connecticut Coalition Against Millstone in these proceedings.
6. I am familiar with the above-referenced application by Dominion Nuclear Connecticut, Inc., owner and operator of the Millstone Nuclear Power Station, to relicense Millstone Unit 2 nuclear reactor to the year 2035 and to relicense Millstone Unit 3 nuclear reactor to the year 2045.

8. I believe that my family and I will be at risk of great harm to our persons and property if the present application is granted because the nuclear reactors have become physically degraded over time; they suffer from frequent unplanned outages due to equipment failure due in part to degraded conditions, failure to correct such conditions and historical mismanagement of the facility; and necessary safety improvements have not been made and will not be made out of economic considerations of the licensee.

9. All these conditions enhance the risk of accidents which may release catastrophic levels of radiation.

10. Given the location of my home and its close proximity to the Millstone Nuclear Power Station, my family and I are at significant risk of harm in the event of an accident involving dispersal of radiological emissions emanating from Millstone as well as from routine radiological emissions.

11. In addition, continued operation of Millstone Units 2 and 3 as proposed will result in the release of toxic chemicals and radiological waste byproducts and thermal discharges into the Long Island, leading to a condition which will pollute and degrade the Long Island Sound.

12. My family and I enjoy recreational use of Jordan Cove and surrounding coastal areas of the Long Island Sound..

13. Our enjoyment of such recreational use will be diminished if the application is approved because of the adverse environmental effects.

14. In the event of an accident or terrorist attack upon Millstone in its present

state, without physical enhancements to provide security protection from acts of sabotage, my family and I will be at grave risk of harm, given the proximity of our home to Millstone, because of the likely dispersal of unsafe levels of radiation.

15. I am familiar with the high rate of cancer and other diseases within the Millstone host community and I believe the toxic and radiological emissions from Millstone play a key role in this phenomenon, which will continue and worsen if the present application is granted.

16. I hereby attest that I consent to have my interests in these proceedings represented by the Connecticut Coalition Against Millstone.

I hereby declare the foregoing to be true under penalty of perjury.

Geralyn Winslow
Geralyn Winslow

original signed June 16, 2004

Dated: June 14, 2004.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of

:

DOMINION NUCLEAR CONNECTICUT, INC. : Docket Nos. 50-336-LR,
50-423-LR

(Millstone Nuclear Power Station,
Units 2 and 3)

:

: ASLBP No. 04-824-01-LR

DECLARATION OF WILLIAM H. HONAN

I, William H. Honan, 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 own property and reside with my family part of the year at 4 Allys Alley in Mystic, Connecticut.

3. My home is located approximately ten (10) miles downwind from the Millstone Nuclear Power Station and thus is in the path of the prevailing winds traveling north from Millstone.

4. I am a member and acting secretary of the Connecticut Coalition Against Millstone.

5. I submit this affidavit in support of the Connecticut Coalition Against Millstone Petition to Intervene and Request for Hearing in the above-referenced proceedings and I am familiar with and support the contentions of the Connecticut Coalition Against Millstone in these proceedings.

6. I am familiar with the above-referenced application by Dominion Nuclear

Connecticut, Inc., owner and operator of the Millstone Nuclear Power Station, application to relicense Millstone Unit 2 nuclear reactor to the year 2035 and to relicense Millstone Unit 3 nuclear reactor to the year 2045.

8. I believe that my family and I will be at risk of great harm to our persons and property if the present application is granted because the nuclear reactors have become physically degraded over time; they suffer from frequent unplanned outages due to equipment failure due in part to degraded conditions, failure to correct such conditions and historical mismanagement of the facility; and necessary safety improvements have not been made and will not be made out of economic considerations of the licensee.

9. All these conditions enhance the risk of accidents which may release catastrophic levels of radiation.

10. Given the location of my home and its close proximity to the Millstone Nuclear Power Station, my family and I are at significant risk of harm in the event of an accident involving dispersal of radiological emissions emanating from Millstone as well as from routine radiological emissions.

11. In addition, continued operation of Millstone Units 2 and 3 as proposed will result in the release of toxic chemicals and radiological waste byproducts and thermal discharges into the Long Island, leading to a condition which will pollute and degrade the Long Island Sound.

11. My family and I enjoy recreational use of surrounding coastal areas of the Long Island Sound.

12. Our enjoyment of such recreational use will be diminished if the application is approved because of the adverse environmental effects.

13. In the event of an accident or terrorist attack upon Millstone in its present state, without physical enhancements to provide security protection from acts of sabotage, my family and I will be at grave risk of harm, given the proximity of our home to Millstone, because of the likely dispersal of unsafe levels of radiation.

14. I am familiar with the high rate of cancer and other diseases within the Millstone host community and I believe the toxic and radiological emissions from Millstone play a key role in this phenomenon, which will continue and worsen if the present application is granted.

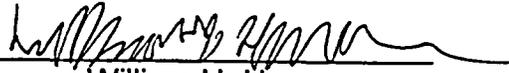
15. As acting secretary of the Connecticut Coalition Against Millstone, I am in receipt of voluminous documents generated by and received by the U.S. Nuclear Regulatory Commission concerning Millstone.

16. Many of these documents attest to the problematic operational record of the Millstone Nuclear Power Station, including a multitude of instances of equipment failures and defects, and a multitude of instances in which the NRC has granted waivers of technical requirements and suspended surveillance standards and requirements, thereby relaxing safety standards where such relaxation is contraindicated by the premature aging of the Unit 2 and Unit 3 nuclear reactors.

17. CCAM intends to rely in part on such documents in these proceedings to support Contention 5.

I hereby attest that I consent to have my interests in these proceedings represented by the Connecticut Coalition Against Millstone.

I hereby declare the foregoing to be true under penalty of perjury.



William H. Honan

Dated: June 14, 2004.

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of :
DOMINION NUCLEAR CONNECTICUT, INC. : Docket Nos. 50-336-LR,
50-423-LR
(Millstone Nuclear Power Station, :
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DECLARATION OF GORDIAN RAACKE

I, Gordian Raacke, 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 reside at 183 Middle Highway, East Hampton, New York 11037, a location within approximately 25 miles of the Millstone Nuclear Power Station.
3. I make use of the waters of the Long Island Sound less than 20 miles from the Millstone Nuclear Power Station for recreational purposes.
4. I am familiar with the present application to relicense Millstone Unit 2 nuclear reactor to the year 2035 and to relicense Millstone Unit 3 nuclear reactor to the year 2045.
5. I believe that I will be at risk of great harm to my person and property if the present application is granted because the nuclear reactors have become physically degraded over time; they suffer from frequent unplanned outages due to equipment failure due in part to degraded conditions, failure to correct such conditions and historical mismanagement of the facility; and necessary safety improvements have not been made and will not be made out of economic considerations of the licensee.

6. All these conditions enhance the risk of accidents which may release catastrophic levels of radiation which may cause me to suffer personal injury.

7. In addition, continued operation of Millstone Units 2 and 3 will result in the release of toxic chemicals and radiological waste byproducts into the Long Island, leading to a condition which will pollute and degrade the Long Island Sound and diminish my ability to enjoy the Long Island Sound for recreational purposes.

8. I am a member of the Connecticut Coalition Against Millstone; I support the contentions of the Connecticut Coalition Against Millstone in these proceedings.

9. I hereby attest that I consent to have my interests in these proceedings represented by the Connecticut Coalition Against Millstone.

10. I am executive director of Renewable Energy Long Island, a clean-energy advocacy group located at 2316 Main Street, P.O. Box 789, Bridgehampton, New York 11932.

11. As executive director of Renewable Energy Long Island, I am familiar with energy efficiency, alternative and renewable energy resources and believe that the risks of allowing the Millstone nuclear reactors to operate during the requests periods are unnecessary given the availability of such alternate energy resources.

I hereby declare the foregoing to be true under penalty of perjury.

Dated: June 14, 2004


Gordian Raacke