



May 26, 2015

Mr. Daniel Dorman
Regional Administrator, Region I
US Nuclear Regulatory Commission
2100 Renaissance Blvd, Suite 100
King of Prussia, PA 19406-2713

Mr. Dorman:

Thank you for your time in our May 12, 2015 call between leadership of Connecticut Department of Energy and Environmental Protection (CT DEEP) and the Nuclear Regulatory Commission's (NRC) Regional and Headquarters Management to discuss the recent NRC regulatory responses to events at the Millstone Power Station. This discussion gave us a better understanding of the scope of the public health and safety risk, as well as the time frame and reasoning behind recent NRC actions with respect to incidents falling under 10 CFR 50.59. It also helped us understand how the alternative dispute resolution (ADR) process elected by Dominion makes a broad spectrum of actions available to the NRC to ensure effective corrective actions for the proposed violations identified at Millstone Power Station.

While we understand from our conversation that the ADR process is limited to representatives from Dominion and the NRC, we appreciate your willingness to take into consideration specific interests of the state as part of the ADR process. After reviewing the enforcement letter to Dominion (EA13-188, dated April 29, 2015) and taking into account our recent discussion of the ADR process, I request that, during the ADR process, the NRC consider the following interests of the State of Connecticut:

1. The state has an interest in ensuring that there are no potential latent public health and safety and environmental impacts associated with the identified and any other modifications implemented at Millstone Power Station since the original date of the Dominion license submittal (May 2002). In consideration of the extended time frame of the investigation, the potential exists that Dominion may have implemented several modifications over the previous 13 years without proper evaluation in accordance with 10 CFR 50.59, or perhaps without NRC approval.
2. The state has an interest in being assured that public health and safety and environmental impacts associated with future modifications made by Dominion will be properly evaluated and, when appropriate, submitted to the NRC for prior review and approval. The proposed violations referenced in your letter, when considered along with recent NRC identified violations related to 10 CFR 50.59, could indicate a continuing deficiency in the licensee's implementation of NRC requirements.

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3. While the state understands the confidential nature of the ADR process, the state also has an interest, consistent with Freedom of Information statutes, to maximize transparency in regulatory proceedings. I understand from your briefing on the ADR process that any resulting consent order will be made public.
4. The CT DEEP has a specific statutory obligation (Conn. Gen. Stat. sec. 22a-135) to monitor the physical security and review emergency planning effectiveness of nuclear power facilities in the state. The requirement for licensee determination as to whether prior NRC review and approval is necessary for plant modifications pursuant to 10 CFR 50.59 is similar to requirements for making changes to the physical security plan (10 CFR 50.54(p)) and emergency plan (10 CFR 50.54(q)). The state has a clear and specific interest in ensuring that changes to the security and emergency plans have been properly reviewed.

While we recognize the need for frank and confidential communications between Dominion and NRC Staff during the ADR process, it is self-evident that state officials will need to be promptly informed both of the results of the ADR process and of the NRC's response to items 1 through 4 above. This level of communication between relevant government agencies will measurably enhance our efforts to keep the public safe and informed, as well as to preserve and protect the state's important natural resources and environment.

We appreciate this opportunity to express the safety, environmental and transparency interests of the state. We look forward to your response.

Sincerely,



Michael Sullivan
Deputy Commissioner
Environmental Quality

MS/JS