

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Charles Bechoefer, Chairman
Dr. Richard F. Cole
Dr. Charles N. Kelber

In the Matter of	:	Docket No. 50-423-LA-3
	:	
NORTHEAST NUCLEAR ENERGY	:	
COMPANY	:	ASLBP No. 00-771-01-LA
	:	
(Millstone Nuclear Power	:	
Station, Unit No. 3 _B)	:	
Facility Operating License	:	
NPF-49)	:	November 15, 1999

DECLARATION OF JOSEPH H. BESADE,
MEMBER OF CONNECTICUT COALITION AGAINST MILLSTONE,
SUPPORTING ORGANIZATIONAL STANDING

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

1. I am above the age of eighteen years and I believe in the obligation of an oath.
2. I own and reside upon property located at 21 Fifth Avenue in Waterford, Connecticut.
3. I have resided with my family at such address for many years.
4. Such property is located within two miles of the Millstone Nuclear Power Station in Waterford, Connecticut.
5. Such property is located within the priority emergency evacuation zone of Millstone.

6. I am a member of the Connecticut Coalition Against Millstone ("CCAM") which advocates for permanent closure of Millstone.

7. CCAM is a coalition of environmental and citizens groups and individuals who share a common objective of closing Millstone because of its persistent history of regulatory violations which have subjected CCAM's members and the public generally to untoward risk of peril to health and safety.

8. CCAM members include: Connecticut Citizens Awareness Network (CAN), People's Action for Clean Energy (PACE), the Connecticut Green Party, Toxics Action Center, Don't Waste Connecticut and James Plumb, a former chemistry technician at Millstone whose disclosures of environmental crimes led to felony charges brought against Northeast Utilities by the U.S. Department of Justice.

9. CCAM's concern for the permanent closure of Millstone was heightened when Northeast Utilities, owner and operator of the Millstone reactors, pleaded guilty in the U.S. District Court in Connecticut on September 27, 1999 to 25 felony counts for criminal violations in its nuclear and environmental operations.

10. In pleading guilty to felonies committed in violation of the Atomic Energy Act, Northeast Utilities was assessed the largest penalty imposed in the history of commercial nuclear power, according to an article in the Hartford Courant.

11. CCAM maintains a headquarters office located at 13 Water Street, Mystic, which location is within approximately ten miles of Millstone and within the 10-mile emergency evacuation zone.

12. CCAM opposes the application of Northeast Utilities through Northeast Nuclear Energy Company ("NNECO") to rerack spent fuel assemblies that can be stored in the spent fuel pool from 756 assemblies to 1,860 assemblies (an increase of 1,104).

13. According to the Environmental Assessment and Finding of No Significant Impact prepared by the U.S. Nuclear Regulatory Commission ("NRC") and submitted on August 27, 1999,

"An increase in spent fuel storage capacity is needed to maintain the capability for a full core off-load. Loss of full core off-load capability will occur as a result of refueling outage 6 (RFO 6) that started on May 1, 1999."

14. CCAM opposes the present licensing amendment, in part, because, if granted, it would significantly increase the risk of serious accidental release of radioactivity into the environment, according to the expert opinion of David A. Lochbaum and Gordon Thompson.

15. The expert opinions of Messrs. Lochbaum and Thompson are expressed in materials submitted by CCAM and its New York counterpart, Coalition Against Millstone ("CAM"), in support of their Supplemental Petition to intervene dated November 15, 1999, and in their original Petition to Intervene.

16. The present application should be denied for the following reasons, as supported by Messrs Lochbaum and Thompson in their submissions:

a. It will significantly increase the probability and offsite consequences of accidents involving partial or total uncovering of fuel assemblies and exothermic reaction of fuel cladding;

b. In considering the proposed action and its alternatives, NNECO has not evaluated accidents involving partial or total uncovering of fuel assemblies and exothermic reaction of fuel cladding;

c. The criticality control measures proposed by NNECO would violate Criterion 62 of the General Design Criteria (GDC) set forth in 10 CFR, Part 50, Appendix A by seeking to prevent criticality at Millstone Unit 3 by the use of ongoing administrative measures;

d. NNECO has not properly evaluated potential mechanical loads under accident conditions because it has not considered the drop of a shipping cask into the cask pit or fuel pool, which activity could potentially cause a criticality accident and release of radioactive material;

e. NNECO has not properly evaluated the alternatives to the proposed action because its evaluation was conducted by a subcontractor with a conflict of interest and its evaluation relied

on outdated information;

f. NNECO has not properly evaluated a channel blockage event because its evaluation did not consider complete blockage of one or more channels;

g. The probability of a criticality accident will be increased because NNECO will rely on administrative measures, rather than physical measures, to prevent criticality;

h. The proposed action will increase the probability and consequences of an accident in which fuel overheats due to an interruption of pool cooling; and

i. An Environmental Impact Statement and analysis are called for.

17. I believe that CCAM's participation in a hearing on the licensing amendment application will introduce an informed inquiry which is compelled by the potential of the application, if granted, to expose the public to a significant increase in the probability and offsite consequence of serious accident.

18. CCAM member organizations have participated extensively in NRC public meetings and hearings on Millstone.

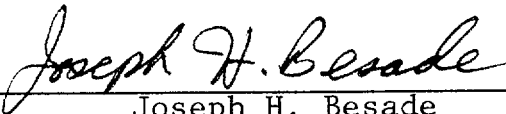
19. Don't Waste Connecticut, a member organization of CCAM, has participated as a party in litigation in the Superior Court and the Appellate Court of the State of Connecticut (Fish Unlimited v. Northeast Utilities I and II) and successfully obtained a judicial order restraining the restart of Millstone Unit 2 in 1999.

20. Connecticut Citizens Awareness Network has participated extensively before the NRC on Millstone issues.

21. I believe that if the proposed action is allowed, it will significantly reduce the margin of safety and expose me to significantly greater risk of serious injury to myself, my family and my property.

22. I wish to have my rights and interests represented in these proceedings by and through Connecticut Coalition Against Millstone and its attorneys and experts.

23. I believe that my rights and interests will be well served by such representation.



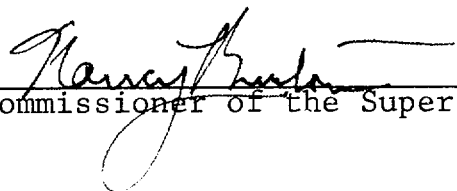
Joseph H. Besade

STATE OF CONNECTICUT

ss: Mystic

COUNTY OF NEW LONDON

Sworn to and subscribed before me this 14th day of November, 1999.



Commissioner of the Superior Court