

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**APPLICATION OF DOMINION NUCLEAR :
CONNECTICUT, INC. TO MODIFY SITING :
COUNCIL CERTIFICATE (DOCKET NO. :
265A) FOR THE EXISTING INDEPENDENT :
SPENT FUEL STORAGE INSTALLATION :
(DRY STORAGE SYSTEM) AT MILLSTONE :
[NUCLEAR] POWER STATION, ROPE :
FERRY ROAD, WATERFORD, :
CONNECTICUT :**

Docket No. 265A

**ORIGINAL
RECEIVED**

JAN 23 2013

**CONNECTICUT
SITING COUNCIL**

January 23, 2013

**REQUEST FOR PARTY-STATUS INTERVENTION
BY THE BLACK POINT BEACH CLUB ASSOCIATION**

The Black Point Beach Club Association ("Association") herewith requests party intervention status in these proceedings and in support of this intervention declares as follows:

1. The Association, with an address at 6 Sunrise Avenue, Niantic, CT 06357, is composed of 620 members owning property in the Black Point neighborhood in East Lyme Connecticut. Black Point is located on the western shore of Niantic Bay, approximately 2 miles east of the Millstone Power plant ("Milestone"), with only the waters of Niantic Bay as buffer to any environmentally caused disruptions at Millstone.
2. Black Point is substantially and specifically affected by the proceeding insofar as the property owners that are its membership are so proximate to Millstone that any environmentally-related problem that may occur there will directly affect the environment of Black Point. All of the Association's members and all residents of Black Point are subject to potential mandatory evacuation orders and martial law and personal harm in the event of a serious accident at Millstone, including at the proposed storage facility. The application has potential to release harmful and toxic materials likely to be readily dispersed to Black Point.
3. The Association contends that the instant application has not adequately addressed the possible disastrous consequences of the expected rise in sea level in the coming decades, both from the expected increase in mean sea levels and the impact of increasingly forceful tropical storms.
4. The Association also contends that the Nuclear Regulatory Commission ("NRC") is currently reviewing the expected long-term safety and environmental impact of dry cask storage and is expected to issue clarifying regulations after the completion of an Environmental Impact Statement in the fall of 2014. The Association requests that the application to expand dry cask storage be deferred until the NRC provides further guidance.
5. Accordingly, the application should be denied without prejudice to

submission of an application which overcomes said defects and deficiencies.

6. Evidence to be submitted will correspond to the evidence submitted on these subjects by the Association as an environmental intervenor.
7. In addition, the Association's participation may include filing pre-hearing questions, participating at the hearing and filing briefs and comments as appropriate.

WHEREFORE, for the reasons stated herein, the Association hereby requests the following relief:

- 1) Pursuant to applicable statutes and regulations, that the Connecticut Siting Council designate the Association as an intervenor in the above-captioned matter; and
- 2) That the application of Dominion be denied without prejudice subject to the submission of an application that overcomes existing defects and deficiencies.

BLACK POINT BEACH ASSOCIATION

By: 
Thomas Kelly, Its Chairman
21 Billow Road
Niantic, CT 06357

CERTIFICATION

This is to certify that a copy of the foregoing was sent via U.S. Mail, postage prepaid, to the following on January 23, 2013:

Connecticut Siting Council (original + 15)
10 Franklin Square
New Britain CT 06051
c/o Cariann Mulcahy
carrianilmulcahvgtgov

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP 280
Trumbull Street
Hartford CT 06103-3597
kbaldwinrc.com

Robert A. Avena, Esq.
Kepple, Morgan & Avena P.C.
Box 3A Anguilla Park
20 South Anguilla Road
Pawcatuck CT 6379
raa@kccaz.com

Robert D. Snook, Esq.
Assistant Attorney General
55 Elm Street
Hartford CT 06106
Robert.Snook@ct_gov

James S. Butler, AICP
Executive Director
SE Connecticut Council of
Governments
5 Connecticut Avenue
Norwich CT 06360
jbutler@seccog.org

Nancy Burton
147 Cross Highway
Redding Ridge CT
06876

Kevin Hennessy
Dominion Resources Services
Milestone Power Station
P.O. Box 128
Waterford, CT 06385

Daniel M. Steward
Waterford Town Hall
15 Rope Ferry Road
Waterford, CT 06385



Thomas Kelly

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

APPLICATION OF DOMINION NUCLEAR
CONNECTICUT, INC. TO MODIFY SITING
COUNCIL CERTIFICATE (DOCKET NO.
265) FOR THE EXISTING INDEPENDENT
SPENT FUEL STORAGE INSTALLATION
(DRY STORAGE SYSTEM) AT MILLSTONE
[NUCLEAR] POWER STATION, ROPE
FERRY ROAD, WATERFORD,
CONNECTICUT

:
:
:
:
:
:
:
:
:
:
:
:

ORIGINAL

DOCKET NO. 265A

RECEIVED
JAN 23 2013

CONNECTICUT
SITING COUNCIL

JANUARY 23, 2013

**NOTICE OF INTERVENTION
BY BLACK POINT BEACH CLUB ASSOCIATION**

I, Thomas Kelly, having been duly sworn, do hereby depose as follows:

- 1. I am above the age of eighteen (18) years and I believe in the obligation of an oath.**
- 2. I am Chairman of the Board of Governors of the Black Point Beach Club Association ("Association"), which is composed of 620 owners of property in the Black Point neighborhood of East Lyme, which is on the western shore of Niantic Bay, approximately two miles east of Millstone.**
- 3. I have reviewed Application 265A by Dominion Nuclear Connecticut, Inc. to the Connecticut Siting Council, the subject of the instant proceedings with the Board of Governors at an emergency meeting of the Board of Governors on January 16, 2013. The Board at that meeting adopted a resolution authorizing me to represent the Association with respect to this application and to seek intervenor status.**
- 4. The said application involves conduct which has or is unreasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water and other natural resources of the state for the following reasons:**
 - a. The site of the Millstone Nuclear Power Station, including the proposed modified spent nuclear fuel dry cask**

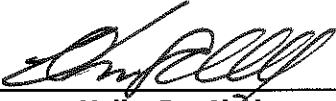
installation, is located directly on the coast of the Long Island Sound and, upon information and belief, is among the most vulnerable of nuclear power plants in the world to effects from major storm effects and climate change, given its proximity to the Long Island Sound.

- b. The proposed modified dry cask storage facility is, at its lowest point, no more than 19 feet in elevation above sea level.
- c. Recent tidal surges from Super-storm Sandy reached and exceeded 17 feet within coastal areas in the City of New York and may have reached higher surges elsewhere.
- d. Upon information and belief, worsening and accelerating changes to the climate threaten to create ever more frequent severe storm events such as Super-storm Sandy in the vicinity of the Millstone Nuclear Power Station.
- e. The instant application contains no analysis of the potential effects of climate change on the Millstone Nuclear Power Plant site, nor, more particularly, on the site of the dry cask storage installation.
- f. Upon information and belief, such effects could be severe, could lead to station blackout, disruption of service and calamity; such events have the strong potential to cause the release and dispersal to the air and water of dangerous quantities of toxic materials, including long-lived carcinogen radioisotopes as well as toxic chemicals.

5. Black Point is a seasonal community and its Board of Governors does not meet on a regular basis during the winter months. It was only at a special meeting of the Board held on January 16th, 2013 that the Board was able to consider the appropriateness of requesting intervention in this matter. Consequently, we have been delayed in filing this notice for good and excusable reasons and request the Siting Council grant the Association intervenor status even if we may have been tardy in this filing.

WHEREFORE, the Association hereby intervenes in the above-referenced proceedings pursuant to Connecticut General Statutes Section 16-50n and Regulations of Connecticut State Agencies Section 16-50j-15a.

BLACK POINT BEACH ASSOCIATION

By: 
Thomas Kelly, Its Chairman
21 Billow Road
Niantic, CT 06357

VERIFICATION

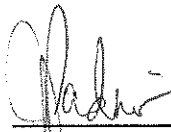
I, Thomas James Kelly, hereby swear that the information set forth hereinabove is true to the best of my knowledge, information and belief.


Thomas James Kelly

**STATE OF CONNECTICUT
COUNTY OF HARTFORD**

ss: New Britain, CT

Sworn to and subscribed before me this 23rd day of January , 2013 at New Britain, Connecticut.


Notary Public
My Commission Expires:
Commissioner of the Superior Court

**JESSICA POUDRIER
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/31/17**

CERTIFICATION

This is to certify that a copy of the foregoing was sent via U.S. Mail, postage pre-paid, to the following on January 23, 2013:

Connecticut Siting Council (original + 15 copies)
10 Franklin Square
New Britain CT 06051

Kenneth C. Baldwin, Esq.
Robinson & Cole LLP
280 Trumbull Street
Hartford CT 0613-3597

Robert A. Avena, Esq.
Kepple, Morgan & Avena P.C.
Box 3A Anguilla Park
20 South Anguilla Road
Pawcatuck CT 6379

James S. Butler, AICP
Executive Director
Southeastern Connecticut Council of Governments
5 Connecticut Avenue
Norwich CT 06360

Robert D. Snook, Esq.
Assistant Attorney General
55 Elm Street
Hartford CT 6106

Nancy .Burton
147 Cross Highway
Redding Ridge CT 06876

Kevin Hennessy
Dominion Resources Services
Milestone Power Station
P.O. Box 128
Waterford, CT 06385

Daniel M. Steward
Waterford Town Hall
15 Rope Ferry Road
Waterford, CT 06385


Thomas Kelly