

**Outline of testimony of Thomas Kelly  
before the Connecticut Siting Council  
January 29, 2013  
Docket 256A.**

**Introduction**

I am Thomas Kelly of 21 Billow Road, Niantic, Ct 06357. I am Chairman of the Board of Governors of the Black Point Beach Club Association. We are a community of 620 Home Owners, Chartered by Special Act 462 of the State of Connecticut of the 1931 Session of the General Assembly, amended May 23, 2009.

Members of our association are reminded daily of the presence of the Millstone Nuclear Power Station, and the risks that it represents as it looms over Niantic Bay. Every time we enjoy the beach or boating in Niantic Bay we do so under the pall cast by the nuclear power plant. Quite frankly, the construction of that power plant is the single most negative thing to happen to our community over the last 50 years.

Although we understand that imminent decommissioning and removal of Millstone and its accumulated spent fuel is not realistic, we seriously question whether it should continue to operate and produce more spent nuclear fuel at a time when there is no agreed plan for permanent disposal of the very dangerous radioactive waste.

**Position of the Black Point Beach Club Association**

On Wednesday January 16, 2013, the Board of Governors adopted a Resolution authorizing me to appear at this hearing to request that the Siting Council deny the application of Millstone to expand dry cask storage at this time. I am submitting a copy of this Resolution. As the Council will observe, this Resolution is based on two compelling reasons.

**1. There is a real risk that the site of the storage facility could be compromised by rising sea levels.**

The Millstone storage site will be much closer to the updated FEMA Flood Plain and the updated plan would encompass more of the nuclear site, including Units 1 and 2. The changed flood plain status and the risks associated with exposure to sea water have been well documented and thoroughly elaborated by the submission of Nancy Burton and the Connecticut Coalition Against Millstone. We believe that the arguments made in her submissions cannot be ignored and fully endorse the concerns that she has identified.

Members of the Association have witnessed the force of the seas and the devastation that can be caused by surging sea levels. Our older members can even remember back to the vicious hurricane of 1938, and many have vivid memories of Hurricane Carol in 1954, when the shore line was completely inundated and water surged past East Shore Drive. We believe that East Shore Drive is around 12 feet above sea level. We understand the pad for the storage facility is only 19 feet above sea level. In light of the climate change factors, it seems unduly risky to

continue to expand nuclear waste storage in an area that could easily be prone to flooding in the coming decades.

**2. The Nuclear Regulatory Commission has suspended the issuance of new licenses pending the completion of an Environmental Impact Statement (EIS) on spent fuel storage. Although this suspension does not technically apply to Millstone's application for expanded storage, the soundest approach is to wait for the outcome of the NRC review before authoring more storage at the Millstone site.**

The U.S. Court of Appeals for the Second Circuit in the case of *New York v. Nuclear Regulatory Commission*, decided on June 8, 2012, determined that the NRC's Waste Confidence Decision (an evaluation of the durability of long-term spent fuel storage) was inadequate because it did not address the environmental impacts of adding additional spent nuclear fuel that would accompany the licensing of new nuclear power plants (or relicensing of existing power plants) when there was no identified long term repository for the nuclear waste that would accumulate at the power plant sites. As a result of this Second Circuit decision, the NRC has suspended issuing licenses for new nuclear power plants or reissuing licenses for existing power plants.

The NRC has undertaken to issue an EIS in the fall of 2014. The expected EIS should clarify many issues around long term spent fuel storage at power plant sites. We believe that there is no need for Millstone to proceed to expand its dry cask storage at this time when reviews at NRC are underway that could impact the safety and environmental assessments relating to such activities.

We understand that Millstone has existing approval for dry storage facilities that are fully adequate to permit continued operating until the end of this decade and that the denial of the application at this time would not impact its operation.

## **Conclusion**

The Black Point Beach Club Association believes that the application to modify Docket 265 should be denied because:

- a. The storage facility is located in an area that is at risk of flooding in the coming decades
- b. The Nuclear Regulatory Commission is expected to issue further guidance on spent fuel storage in the fall of 2014, and further expansion of nuclear waste storage capacity at Millstone should be deferred until then.
- c. Millstone currently has approval for sufficient dry storage, so that the delay in approval will not impact its ability to operate until the end of the decade..