

November 4, 2003

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

November 12, 2003 (11:25AM)

BEFORE THE COMMISSION

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of:

Dominion Nuclear Connecticut, Inc.

(Millstone Power Station,  
Unit No. 2)

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Docket No. 50-336-OLA-2

ANSWER OF DOMINION NUCLEAR CONNECTICUT, INC.  
TO MOTION OF CONNECTICUT COALITION AGAINST MILLSTONE  
FOR RECONSIDERATION OF CLI-03-14

On November 3, 2003, the Connecticut Coalition Against Millstone ("CCAM") filed with the Nuclear Regulatory Commission ("Commission") a "Motion for Reconsideration" of the Commission's recent decision in this matter, CLI-03-14.<sup>1</sup> It is well established that reconsideration petitions must establish an error in a Commission decision, based on an elaboration or refinement of an argument already made, an overlooked controlling decision or principle of law, or a factual clarification. *See, e.g., Dominion Nuclear Conn., Inc.* (Millstone Nuclear Power Station, Units 2 & 3), CLI-02-1, 55 NRC 1, 2 (2002); *Central Elec. Power Coop.* (Virgil C. Summer Nuclear Station, Unit 1), CLI-81-26, 14 NRC 787, 790 (1981). Petitions for reconsideration "should not be used merely to 're-argue matters that the Commission already [has] considered' but rejected." *Millstone*, CLI-02-1, 55 NRC at 2; citing *Advanced Medical Systems, Inc.* (One Factory Row, Geneva, Ohio 44041), CLI-93-24, 38 NRC 187, 188 (1993).

<sup>1</sup> *See Dominion Nuclear Conn., Inc.* (Millstone Power Station, Unit 2), CLI-03-14, 58 NRC \_\_ (slip op. Oct. 23, 2003).

Contrary to these longstanding precedents, CCAM has not pointed to any factual or legal error in CLI-03-14, and merely restates, without "elaboration or refinement," the conclusory and meritless arguments that it has previously made before both the Commission and the Licensing Board in this proceeding. Such arguments do not merit reconsideration under 10 C.F.R. § 2.771.

Respectfully submitted,



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Dated in Washington, D.C.  
this 4th day of November 2003

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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CERTIFICATE OF SERVICE

I hereby certify that copies of "ANSWER OF DOMINION NUCLEAR CONNECTICUT, INC. TO MOTION OF CONNECTICUT COALITION AGAINST MILLSTONE FOR RECONSIDERATION OF CLI-03-14" in the captioned proceeding have been served on the following by electronic mail, this 4th day of November 2003. Additional service has also been made this same day by deposit in the United States mail, first class, as shown below.

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