



clarification.<sup>2</sup> CCAM's petition merely repeats arguments already considered and rejected by both the Atomic Safety and Licensing Board in LBP-03-12<sup>3</sup> and the Commission in CLI-03-14.

In LBP-03-12, the Licensing Board ruled CCAM's contention in this proceeding inadmissible because CCAM never provided the necessary alleged facts or expert opinion to support claims that the license amendment at issue will cause a "significant increase" in effluents and an "adverse impact" on public health. CCAM's reconsideration petition suggests that no such alleged facts or expert opinion is necessary because the Licensing Board "recognized as self-evident" CCAM's claims of "peril."<sup>4</sup> On the contrary, the Board found no factual or legal basis for CCAM's contention, and rejected the contention accordingly.<sup>5</sup> CCAM inappropriately persists in suggesting that a Board finding of standing to intervene equates to an admissible contention. But as the Board itself explained, the "requirements for an admissible contention are ... considerably more stringent."<sup>6</sup> As we noted in CLI-03-14, "[w]hile a petitioner may have a sufficient 'interest' in a proceeding for standing, he or she may have no genuine material dispute to adjudicate, or no specific factual or legal support to bring an issue to hearing."<sup>7</sup>

Finally, we note that throughout its petition, CCAM mischaracterizes the license amendment, suggesting that it will "eliminate the existing requirement that [DNC] maintain [the] capability to close the door to containment during a fuel handling accident," and that

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<sup>2</sup> *Millstone*, CLI-02-1, 55 NRC at 2.

<sup>3</sup> LBP-03-12, 58 NRC 75 (2003).

<sup>4</sup> Motion for Reconsideration (Nov. 3, 2003) at 3.

<sup>5</sup> LBP-03-12, 58 NRC at 92-93.

<sup>6</sup> *Id.* at 93.

<sup>7</sup> CLI-03-14, slip op. at 10.

containment penetrations will no longer need to "be operable."<sup>8</sup> But as we already stressed in CLI-03-14, the license amendment does not relieve DNC of the need to remain fully capable of closing containment penetrations.<sup>9</sup>

In sum, CCAM has not pointed to any factual or legal error in CLI-03-14. We deny CCAM's petition for reconsideration.

IT IS SO ORDERED.

For the Commission

*IRAI*

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Annette L. Vietti-Cook  
Secretary of the Commission

Dated at Rockville, Maryland  
this 18<sup>th</sup> day of December 2003

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<sup>8</sup> Motion for Reconsideration at 2-3.

<sup>9</sup> CLI-03-14, slip op. at 12; see *also id.* at 7.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Petition for Review, together with a copy of Form C-A, a copy of the U.S. Nuclear Regulatory Commission Memorandum and Order dated October 23, 2003 (CLI-03-14) and a copy of the U.S. Nuclear Regulatory Commission Memorandum and Order dated December 18, 2003 (CLI-03-18), has been served on the following via U.S. Mail, postage pre-paid, on January 12, 2004:

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A handwritten signature in cursive script, appearing to read "Nancy K. ...", is written over a horizontal line.

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