

August 10, 2009

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

In the Matter of

Docket No. 52-016

Calvert Cliffs-3 Nuclear Power Plant
Combined Construction and License Application

**JOINT INTERVENORS' MOTION FOR LEAVE TO SEEK
RECONSIDERATION OF LBP-09-15**

Pursuant to 10 C.F.R. § 2.323(e), Joint Intervenors hereby seek leave to request the Atomic Safety and Licensing Board (“ASLB”) to reconsider its ruling in LBP-09-15, Memorandum and Order (Granting Motion for Summary Disposition of Contention 2) (July 30, 2009). For the reasons set forth in the attached Motion for Reconsideration of LBP-09-15, Joint Intervenors respectfully submit that LBP-09-15 meets the U.S. Nuclear Regulatory Commission’s (“NRC’s”) standard for reconsideration in 10 C.F.R. § 2.323(e) because it contains three clear and material errors. In summary, based on an incorrect reading of NRC regulation 10 C.F.R. Part 30, Appendix A, Section A(2)(ii), the ASLB erroneously found that Joint Intervenors had failed to make an adequate challenge to UniStar’s representation that it had satisfied the financial test for a parent company guarantee in Appendix A to 10 C.F.R. Part 30.

In addition, the ASLB erred in failing to recognize that UniStar has stated that it intends to rely on a parent guarantee from Électricité de France (“EDF”), without making a demonstration that EDF satisfies the financial test in Appendix A to Part 30. The ASLB incorrectly concluded that UniStar had not shown any intention of relying on EDF, when in fact it had.

Finally, the ASLB erroneously failed to address Joint Intervenors' argument that UniStar's reliance on an external sinking fund is not justified. In so doing, the ASLB erroneously disregarded (a) the vulnerability of Calvert Cliffs Unit 3, as a merchant plant, to a decommissioning funding shortfall; and (b) the requirement that the NRC Staff must review any combinations of parent company guarantees and external sinking funds for a merchant plant such as Calvert Cliffs Unit 3.

None of these errors could reasonably have been anticipated by Joint Intervenors. Each of the errors caused the ASLB to conclude that Contention 2 is moot, and therefore they render invalid the ASLB's decision to grant summary disposition of Contention 2.

Respectfully submitted,

Electronically signed by
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**CERTIFICATE OF COUNSEL REQUIRED
BY 10 C.F.R. § 2.323(a)**

I hereby that on August 10, 2009, I consulted with counsel for UniStar and the NRC Staff regarding this motion, who stated that they would defer taking a position on the motion until they had reviewed it.

Electronically signed by
Diane Curran