

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

Before Administrative Judges:

Ronald M. Spritzer, Chairman
Dr. Gary S. Arnold
Dr. William W. Sager

In the Matter of

CALVERT CLIFFS 3 NUCLEAR PROJECT,
LLC, and UNISTAR NUCLEAR OPERATING
SERVICES, LLC

(Combined License Application
for Calvert Cliffs Unit 3)

Docket No. 52-016-COL

ASLBP No. 09-874-02-COL-BD01

August 13, 2009

ORDER

Pending before the Board is the Motion of the Joint Intervenors for Leave to File for Reconsideration of the Board's Order of July 30, 2009 (LBP-09-15).¹ Without expressing any view as to the merits of the Motion for Reconsideration, the Board grants Joint Intervenors leave to file for reconsideration. Any party wishing to file a response to the Motion for Reconsideration should do so within the time limit provided in 10 C.F.R. § 2.323(c). The Board, in ruling on the Motion for Reconsideration, will consider the previous filings by the Joint Intervenors, the Applicant, and the NRC Staff, and therefore the responses to the Motion for Reconsideration need not repeat arguments previously made. Joint Intervenors may not file a reply absent a demonstration of compelling circumstances. Id.

Also before the Board is the Joint Intervenors' unopposed motion for clarification that the Board's May 15, 2009 Order permits them to be represented by their counsel in seeking

¹ Intervenors are the Nuclear Information and Resource Service, Beyond Nuclear, Public Citizen Energy Program, and Southern Maryland Citizens Alliance for Renewable Energy Solutions.

reconsideration of LBP-09-15, including any reply or oral argument that may be necessary. The Board agrees that counsel it previously authorized to represent Joint Intervenors with regard to the legal issue arising from Contention 2 may also represent Joint Intervenors in seeking reconsideration of LBP-09-15, including any reply or oral argument that may be necessary.

It is so ORDERED.

FOR THE ATOMIC SAFETY AND
LICENSING BOARD²

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 13, 2009

² Copies of this Order were sent this date by the agency's E-Filing system to the counsel/representatives for: (1) Joint Petitioners Nuclear Information and Resource Services, Beyond Nuclear, Public Citizen Energy Program, and Southern Maryland Citizens Alliance for Renewable Energy Solutions; (2) UniStar Nuclear Operating Services, LLC and Calvert Cliffs-3 Nuclear Project, LLC; (3) NRC Staff; and (4) State of Maryland.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
CALVERT CLIFFS 3 NUCLEAR PROJECT, LLC.)
AND UNISTAR NUCLEAR OPERATING)
SERVICES, LLC) Docket No. 52-016-COL
)
(Calvert Cliffs 3 Nuclear Project, LLC))
)
(Combined License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing ORDER have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Office of Commission Appellate
Adjudication
Mail Stop O-16C1
Washington, DC 20555-0001

E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001

Hearing Docket
E-mail: hearingdocket@nrc.gov

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop - T-3 F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15 D21
Washington, DC 20555-0001

Administrative Judge
Ronald M. Spritzer, Chair
E-mail: rms4@nrc.gov

Marian Zabler, Esq.
Sara Kirkwood, Esq.
James Biggins, Esq.
Susan Vrahoretis, Esq.
Marcia J. Simon, Esq.
Joseph Gilman, Paralegal
E-mail: mlz@nrc.gov
sara.kirkwood@nrc.gov
jpb4@nrc.gov
Susan.Vrahoretis@nrc.gov
jsq1@nrc.gov
Marcia.Simon@nrc.gov

Administrative Judge
Gary S. Arnold
E-mail: gxa1@nrc.gov

Administrative Judge
William W. Sager
E-mail: wws1@nrc.gov

Megan Wright, Law Clerk
E-mail: mxw6@nrc.gov

OGG Mail Center: ogcmailcenter@nrc.gov

Docket No. 52-016-COL
ORDER

UniStar Nuclear Energy, LLC
750 E. Pratt Street
Baltimore, MD 21202
Carey W. Fleming, Esq.
Counsel for the Applicant
E-mail: carey.fleming@constellation.com

Winston & Strawn, LLP
1700 K Street, N.W.
Washington, DC 20006-3817
David A. Repka, Esq.
Tyson R. Smith, Esq.
Emily J. Duncan, Esq.
William A. Horin, Esq.
E-mail: DRepka@winston.com
trsmith@winston.com
ejduncan@winston.com
whorin@winston.com

State of Maryland
Office of the Attorney General
Maryland Energy Administration and
Power Plant Research Program of the
Department of Natural Resources
1623 Forest Drive, Suite 300
Annapolis, Maryland 21403
Brent A. Bolea, Assistant Attorney General
M. Brent Hare, Assistant Attorney General
E-mail: BBolea@energy.state.md.us
bhare@energy.state.md.us

Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Jonathan M. Rund, Esq.
E-mail: jrund@morganlewis.com

William Johnston
3458 Holland Cliffs Road
Huntingtown, MD 20639
E-mail: wj3@comcast.net

Cathy Garger
10602 Ashford Way
Woodstock, MD 21163
E-mail: savorsuccesslady3@yahoo.com

Docket Nos. 52-016-COL
ORDER

Nuclear Information Resource Service
6390 Carroll Avenue, #340
Takoma Park, MD 20912
Michael Mariotte, Executive Director
Diane D'Arrigo
E-mail: nirsnet@nirs.org
dianed@nirs.org

Beyond Nuclear
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Paul Gunter, Director
E-mail: paul@beyondnuclear.org

Public Citizen
215 Pennsylvania Ave, SE
Washington, DC 20003
Allison Fisher, Organizer- Energy Program
E-mail: afisher@citizen.org

Southern MD CARES
P.O. Box 354
Solomons, MD 20688
June Sevilla, Spokesperson
E-mail: gmakeda@chesapeake.net

Hogan & Hartson LLP
Columbia Square, 555 Thirteenth Street, NW
Washington, D.C. 20004
Amy Roma, Attorney at Law
E-mail: acroma@hhlaw.com

[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 13th day of August 2009