

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

January 13, 2012

ORDER

(Summarizing Pre-Hearing Conference)

On Tuesday, January 10, 2012 at 11:00 AM Eastern Standard Time (EST) the Board conducted a pre-hearing conference call in this proceeding for the purpose of discussing further administrative details concerning the upcoming evidentiary hearing and limited appearance statement sessions.

I. Venue Logistics & Security

At the pre-hearing conference call, the Board reminded the parties that the evidentiary hearing will commence at 9:30am EST on Thursday, January 26, 2012, at the Albright Building, 205 Main Street, Prince Frederick, Maryland, 20678, and resume at 9:30am EST on Friday, January 27, 2012 at the same location, if necessary. In addition, the Board requested that the parties and members of the public park in the offsite parking lot, which is within walking distance of the hearing venue, located at 200 Duke Street, Prince Frederick, MD 20678.

The Board also reminded the parties that, while their presence was not required, the limited appearance statement sessions would be held on Wednesday, January 25, 2012 from 1:00pm to 2:30pm EST and from 7:00pm to 8:30pm EST at the Calvert Marine Museum, 12150 Solomons Island Road, Solomons, MD 20688.

The parties were advised to arrive early and bring a government-issued ID to both venues, as security measures would be in place.

II. Proposed Exhibits

During the pre-hearing conference call, the Board explained the process for proposing and admitting evidence into the record. In doing so, the Board and the parties agreed that Joint Intervenors' Affidavit of Scott Sklar, which was submitted without an exhibit number, would be marked and offered into evidence as JNT000031, thus obviating the need for Joint Intervenors to re-file that document.

Applicant and Joint Intervenors indicated during the pre-hearing conference call that they might submit additional exhibits prior to the evidentiary hearing. The parties have until Friday, January 20, 2012 to submit exhibits through the NRC's Electronic Information Exchange system. After that, a party wishing to submit new or revised exhibits must do so at the evidentiary hearing, in accordance with the guidelines previously laid out by this Board.¹

The Board also informed the parties that the ASLBP's information technology staff would be present at the hearing and would be able to display exhibits during a party's opening or closing statement, if that party so chooses. If a party would like to have specific exhibits displayed during its opening or closing statements, it should email the Board's law clerk, Kirsten

¹ Licensing Board Order (Providing Directions on Pre-Filed Evidentiary Material) (Sept. 22, 2011) at 2 (unpublished). In order to submit new pre-filed testimony or exhibits at the evidentiary hearing, or revise any pre-filed testimony or exhibits at the evidentiary hearing, a party must provide at the evidentiary hearing a properly marked electronic copy of any such documents, along with enough properly marked paper copies of any such documents for distribution to the representatives for the other parties, all Board members, and the Board's law clerk. Id.

Stoddard, at kirsten.stoddard@nrc.gov by Friday, January 20, 2012 with a list of the exhibits that it would like displayed.

Due to recent changes in the NRC's policy regarding the availability of copyrighted documents on its public website, the Board reminded the parties that any copyrighted exhibits submitted in this proceeding would not be available through public ADAMS or the agency's Electronic Hearing Docket (EHD). However, the Board informed the parties that all exhibits filed in this proceeding, including copyrighted exhibits, could still be accessed via the links contained in the original Electronic Information Exchange (EIE) emails that the parties received.

III. Exhibit Lists

The parties were reminded that, per the Board's September 22, 2011 Order (Providing Directions on Pre-Filed Evidentiary Material),² they are required to submit comprehensive, up-to-date exhibit lists any time new exhibits are filed. Specifically, the NRC Staff and Joint Intervenors were informed that their most recent exhibit lists, which accompanied their respective rebuttal testimonies, were not comprehensive, as they failed to list the exhibits that each party had previously submitted to the Board. In addition, Applicant was informed that its exhibit list should be updated to indicate that APL000017 contains four parts, A through D, and Joint Intervenors were informed that their exhibit list should be revised to include Mr. Sklar's affidavit, JNT000031, and JNTR00001 instead of JNT000001. If a party chooses to submit additional exhibits, as some indicated that they would during the pre-hearing conference call, any such exhibits must also be included on a party's exhibit list. The parties should therefore remedy the errors in their respective exhibit lists and resubmit them on or before Friday, January 20, 2012. Such exhibit lists should be dated and should clearly and sequentially indicate each exhibit that a party intends to offer into evidence at the evidentiary hearing.

² Id. at 4.

IV. Opening & Closing Statements

Immediately following the Board's rulings on the admission of the pre-filed testimony and exhibits, the Board will permit, but not require, each party to make an opening statement. Opening statements should focus on summarizing the pre-filed testimony and exhibits that have been admitted and how they relate to the party's position. Joint Intervenors shall have a maximum of 15 minutes for their opening statement. The NRC Staff and the Applicant shall each have a maximum of 10 minutes.

The parties should be prepared to present closing arguments following the conclusion of the Board's questioning of all the witnesses. The closing arguments should summarize the pre-filed testimony and exhibits that have been admitted into evidence and the testimony of the witnesses at the hearing, and explain the conclusions each party believes the Board should draw from all the evidence presented. Joint Intervenors shall have a maximum of 20 minutes for their closing argument. The NRC Staff and the Applicant shall each have a maximum of 15 minutes.

The State of Maryland may present an opening statement and/or a closing argument if it so chooses.

V. Witness Questioning

The order of questioning shall be: Joint Intervenors' witness, NRC Staff witnesses, Applicant witnesses. The NRC Staff and Applicant witnesses may testify as a panel. Following the conclusion of the Board's questioning of each witness or panel, the Board will afford the parties' representatives an opportunity to submit rebuttal questions to be asked by the Board.

VI. Miscellaneous

During the pre-hearing conference call, the NRC Staff inquired about the availability of breakout rooms for use during the evidentiary hearing. The hearing venue has indicated that it may have breakout rooms available for use during the course of the hearing. These potential breakout rooms are located in various surrounding buildings, all of which are within a five minute

walk of the hearing venue. If a party is interested in obtaining a breakout room for use during the evidentiary hearing, they should contact the Board's law clerk, Kirsten Stoddard, at kirsten.stoddard@nrc.gov.

In addition, the NRC Staff also inquired regarding the Board's plan for inclement weather during the evidentiary hearing. Should inclement weather become an issue, the Board will advise the parties via email of any revisions to the evidentiary hearing schedule.

Additionally, schedule change information will be available by calling (301) 415-5036 (available seven days a week, twenty-four hours a day).

VII. Deadlines

As discussed during the pre-hearing conference call, the Board will establish deadlines for proposed joint transcript corrections and proposed findings of fact and conclusions of law at the conclusion of the upcoming evidentiary hearing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 13, 2012

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 Licensing Board **ORDER (Summarizing Pre-Hearing Conference)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission
Atomic Safety and Licensing Board Panel
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: Ronald.spritzer@nrc.gov.

Marian Zobler, Esq.
Sara Kirkwood, Esq.
Susan Vrahoretis, Esq.
Marcia J. Simon, Esq.
Anthony Wilson, Esq.
Marcia Carpentier, Esq.
Adam Gendelman, Esq.
Jeremy Wachutka, Esq.
Joseph Gilman, Paralegal
Karin Francis, Paralegal
E-mail: marian.zobler@nrc.gov
sara.kirkwood@nrc.gov
susan.vrahoretis@nrc.gov
marcia.Simon@nrc.gov
anthony.Wilson@nrc.gov
marcia.carpentier@nrc.gov
adam.gendelman@nrc.gov
jeremy.wachutka@nrc.gov
joseph.gilman@nrc.gov
karin.francis@nrc.gov

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

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

Kirsten A. Stoddard, Law Clerk
kirsten.stoddard@nrc.gov

OGG Mail Center: ogcmailcenter@nrc.gov

Docket No. 52-016-COL

ORDER (Summarizing Pre-Hearing Conference)

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

UniStar Nuclear Energy, LLC
100 Constellation Way
Suite 200C
Baltimore, MD 21202
Carey W. Fleming, Esq.
Senior Counsel
E-mail: carey.fleming@cenllc.com

Winston & Strawn, LLP
1700 K Street, N.W.
Washington, DC 20006-3817
David A. Repka, Esq.
Tyson R. Smith, Esq.
William A. Horin, Esq.
Rachel Miras-Wilson, Esq.
Carlos Sisco
E-mail: DRepka@winston.com
trsmith@winston.com
whorin@winston.com
rwilson@winston.com
csisco@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
Michael Hare, Assistant Attorney General
E-mail: BBolea@energy.state.md.us
bhare@oag.state.md.us

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

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

Docket Nos. 52-016-COL
ORDER (Summarizing Pre-Hearing Conference)

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, Esq.
E-mail: acroma@hhlaw.com

[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 13th day of January 2012