

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

December 29, 2008

ORDER

Petitioners have stated, both in their Petition and in their Reply Brief, that they lack access to Revision 3 to the Application, that they have therefore been unable to prepare new or amended contentions based on Revision 3, and that they request a sixty-day extension of time to prepare new or revised contentions based on Revision 3 once it becomes available to the public on the NRC website. The NRC Staff, in a letter to the Board dated December 23, confirmed that Revision 3 is not yet available to the public in its entirety, and that the Staff presently expects that it will be available on January 16, 2009. The NRC Staff, in its Reply to the Petition, states that it does not object to the extension of time requested by the Petitioners. The Applicant has not stated a position on the requested extension.

Under 10 C.F.R. § 2.309(f)(2), a petitioner may file new or amended contentions based on new information, provided that the requirements specified in the regulation are met. Because that regulation establishes the relevant requirements for filing new or amended contentions, it is not necessary for petitioners to seek an extension of time from the Board at this time. Rather, if petitioners decide to file new or amended contentions once they have had

the opportunity to examine Revision 3 in its entirety, they should include with the new or amended contentions a motion demonstrating that they have met the requirements of 10 C.F.R. § 2.309(f)(2). The Board will then rule on the Motion, after allowing the opportunity for responses from other participants in this proceeding.

The Board requests that the NRC Staff promptly notify the Petitioners, the Board, and all others on the service list for this case when Revision 3 is publicly available on the NRC website.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA by E. Roy Hawkens for:/

Ronald M. Spritzer, Chairman
Administrative Judge

Rockville, Maryland
December 29, 2008

¹Copies of this memorandum and order were sent this date by the agency's E-Filing system to the counsel/representatives for (1) Petitioners Nuclear Information and Resource Services, Beyond Nuclear, Public Citizen Energy Program and Maryland Public Interest Research Group (Joint Petitioners); (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 LB ORDER have been served upon the following persons by Electronic Information Exchange.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

E-mail: ocaamail@nrc.gov

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

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

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

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

Kathryn Winsberg, Esq.
Sara Brock, Esq.
James Biggins, Esq.
Adam Gendelman, Esq.
Joseph Gilman, Paralegal
E-mail: klw@nrc.gov
seb2@nrc.gov
jpb4@nrc.gov
asq3@nrc.gov
jsq1@nrc.gov

OGG Mail Center: ogcmailcenter@nrc.gov

Docket No. 52-016-COL
LB ORDER

UniStar Nuclear Operating Services, LLC
Carey W. Fleming, Esq.
Counsel for the Applicant
E-mail: carey.fleming@constellation.com

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

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
E-mail: BBolea@energy.state.md.us

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

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

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

Docket Nos. 52-018/019-COL
LB ORDER

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

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

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

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

Dated at Rockville, Maryland
this 29th day of December 2008