

April 7, 2009

Ronald M. Spritzer, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. Gary S. Arnold
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dr. William W. Sager
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

In the Matter of
CALVERT CLIFFS 3 NUCLEAR PROJECT, LLC, and UNISTAR NUCLEAR OPERATING
SERVICES, LLC (Calvert Cliffs Nuclear Power Plant, Unit 3)
Docket No. 52-016

Dear Administrative Judges:

In accordance with the Atomic Safety and Licensing Board's March 24, 2009 Memorandum and Order (Ruling on Joint Petitioners' Standing and Contentions; LBP-09-04) and April 1, 2009 Order (Identifying Hearing Procedures and Scheduling Conference Call), the applicants, intervenors, and the NRC staff have reached the following agreement regarding discovery disclosures under Title 10, *Code of Federal Regulations* (10 CFR) § 2.336 and have developed the following proposed schedule:

Discovery Disclosure Agreement

The parties agree that:

1. A. The initial disclosures, other than as noted, should be provided on May 1, 2009, and supplemented on the first day of each month thereafter (10 CFR § 2.336(d) provides for 14 day intervals). Initial disclosures related to Contention 2 (Decommissioning Funding) are held in abeyance until a Board decision on the threshold legal issues.

B. The deadline for disclosures on Contention 1 shall be July 1, 2009. In the interim, the Applicant agrees to provide the Intervenors with copies of any correspondence with the NRC relevant to Contention 1 (Foreign Ownership);
2. The parties waive the requirement in 10 CFR §§ 2.336(a)(3) and 2.336(b)(5) to produce a privilege log. However, the parties will still produce as part of their disclosures a list of any documents withheld as proprietary;
3. The parties may limit mandatory discovery disclosures to final documents they develop, and need not include drafts (including comments on drafts, resolutions of comments, draft transmittals, or similar documents);

4. A party need not identify or produce any document that has been served on the other parties to this proceeding;
5. If a document exists in both hard copy and electronic formats, a party may produce the electronic copy only; and
6. All relevant documents available via the NRC's website, or the NRC's Agencywide Documents Access and Management System (ADAMS) will be identified by the NRC staff as required by 10 CFR §§ 2.336(b) and 2.1203. No party is required to otherwise identify or produce documents available via the NRC's website or ADAMS.

Proposed Scheduling Order

- A. The parties propose the following scheduling milestones:

May 15, 2009	The Intervenor shall file a brief on Contention 2.
May 29, 2009	The NRC Staff and the Applicant shall file a brief on Contention 2.
June 12, 2009	The Intervenor may file a reply to the Staff and Applicant briefs on Contention 2. The reply shall be limited to 15 pages.
June 26, 2009	Motions for summary disposition on Contention 2 are due.
August - September	The Board reserves this time for any additional proceedings on Contention 2.

- B. The parties are unable to reach complete agreement on subsequent schedule milestones. All parties agree that the Intervenor shall have 30 days following issuance of the FEIS/FSER in which to file new or amended contentions. The Applicant and the Intervenor both support permitting new or amended contentions to be filed within 60 days of the DEIS/DSER.

EIS and SER Public Availability

The Board also requested in its April 1, 2009 Order, that the NRC Staff provide the best estimated dates for when the Draft Safety Evaluation Report and the Draft Environmental Impact Statement will be publicly available. The NRC Staff's best estimate is that the Safety Evaluation Report with open items will be publicly available on April 27, 2010, and the Draft Environmental Impact Statement public availability has yet to be determined (see Letter to the Applicant dated January 16, 2009, ML083570651).

Respectfully submitted,

Signed (electronically) by

James P. Biggins
Counsel for the NRC Staff

Dated at Rockville, Maryland
this April 7, 2009

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the "NRC Staff April 7, 2007 Letter to the Board", have been served on the following persons by Electronic Information Exchange on this 7th day of April, 2009:

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Dated at Rockville, Maryland
this 7th day of April, 2009