

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

April 14, 2009

ORDER

(Correcting errors in March 24, 2009 Order)

The purpose of this Order is to correct errors that appeared in the Board's March 24, 2009 Order (Ruling on Joint Petitioners' Standing and Contentions). These corrections do not alter the Board's rulings on Joint Petitioners' standing or the admissibility of any of their contentions.

On page 12, line 1, the Board wrote, "We do not dispute that Lujan v. Defenders of Wildlife sets forth the basic requirements for standing applied by Article III courts." The sentence should instead read, "We do not dispute that Lujan v. Defenders of Wildlife sets forth the basic requirements for standing applied by federal courts."

On page 17, footnote 48, the Board wrote, "Although it is not essential to our ruling, we note that Joint Petitioners have provided evidence to rebut Applicant's claim that risk of an accidental release of radioactive material from CCNPP-3 falls below the minimum risk allegedly required under NRDC II." The sentence should instead read, "Although it is not essential to our

ruling, we note that Joint Petitioners have provided evidence to rebut Applicant's claim that the risk of an accidental release of radioactive material from CCNPP-3 falls below the minimum risk allegedly required under NRDC II."

The Board wrote on page 26, line 14, "Instead, the decision of whether or not to grant a license to a corporation hinges on whether the applicant is being controlled or dominated by the foreign entity." The sentence should read, "Instead, the decision of whether or not to grant a license to a corporation hinges on whether the applicant is controlled or dominated by the foreign entity."

Footnote 96 on page 33 reads, "Applicant claims that, at present, UniStar is only required to 'file a "decommissioning" report that contains a certification that financial assurance for decommissioning will be provided no later than 30 days after the Commission publishes notice of initial fuel loading in the Federal Register under § 52.103(a).' App. Ans. at 31." The footnote should read, "Applicant claims that, at present, UniStar is only required to 'file a "decommissioning" report that contains a certification that financial assurance for decommissioning will be provided no later than 30 days after the Commission publishes notice of initial fuel loading in the Federal Register under § 52.103(a).' App. Ans. at 31 (emphasis in original)."

On page 38, the citation in footnote 119 should be deleted in its entirety and replaced with the following citation to the Commission's decision in the same case: Duke Energy Corp. (Catawba Nuclear Station, Units 1 and 2), CLI-05-14, 61 NRC 359, 363-64 & n.18 (2005). The Board intended to cite the Commission's decision, but instead cited the licensing board decision that was the subject of the Commission's appellate ruling.

On page 49, line 22 of text reads, "Joint Petitioners have provided no support for the concept that an LNG fire would cause a significant increase in water temperatures in the Chesapeake Bay that would impact CCNPP-3, and has not provided any reason why this alleged effect should be included in the ER." The sentence should read, "Joint Petitioners have

provided no support for the concept that an LNG fire would cause a significant increase in water temperatures in the Chesapeake Bay that would impact CCNPP-3, and have not provided any reason why this alleged effect should be included in the ER.”

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 14, 2009

¹ 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 (CORRECTING ERRORS IN MARCH 24, 2009 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

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
asg3@nrc.gov
jsg1@nrc.gov

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

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

OGG Mail Center: ogcmailcenter@nrc.gov

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

Docket No. 52-016-COL
ORDER (CORRECTING ERRORS IN MARCH 24, 2009 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 (CORRECTING ERRORS IN MARCH 24, 2009 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

[Original signed by Linda D. Lewis]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 14th day of April 2009