

**UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION**

**BEFORE THE ATOMIC SAFETY AND LICENSING BOARD**

---

In the Matter of

Docket No. 52-016

Calvert Cliffs-3 Nuclear Power Plant  
Combined Construction and License Application

---

**JOINT INTERVENORS' UNOPPOSED MOTION FOR LEAVE TO  
HAVE LIMITED LEGAL REPRESENTATION**

Pursuant to 10 C.F.R. § 2.323, Joint Intervenors move the Atomic Safety and Licensing Board to allow Joint Intervenors to be represented by legal counsel in this proceeding for the limited purpose of briefing the legal issues regarding Contention 2 that were raised by the Board in LBP-09-04 (March 24, 2009). As permitted by 10 C.F.R. § 2.314, Joint Intervenors currently represent themselves *pro se*. In the course of briefing the legal issues raised by the Board, however, we have found that a layperson's level of legal skills is not sufficient to thoroughly address the questions of regulatory and statutory interpretation that are involved in responding to the Board's questions.

Therefore, Joint Intervenors have sought assistance from Diane Curran, who has a high level of experience in the interpretation of NRC regulations. Joint Intervenors seek permission to have Ms. Curran and her associate, Matthew Fraser, represent them for the limited purpose of briefing the legal issues raised in LBP-09-04. The attorneys would prepare the brief that is due on May 15 and the reply brief that is due on May 26, and they would also participate in any oral argument that may be held by the Board.

Joint Intervenors respectfully submit that in at least one previous case, the Licensing Board has allowed a combination of *pro se* and attorney representation of an intervenor

organization, and has also recognized that it may be appropriate to use attorneys with special skills on discrete issues that are raised in a case. *Cincinnati Gas and Electric Co.* William H. Zimmer Nuclear Station), LBP-79-17, 9 NRC 723, 724-26 (1979). Joint Intervenors respectfully submit that it is appropriate and necessary to follow a similar course here, in order to ensure that Joint Intervenors have a meaningful opportunity to address the complex legal issues that were raised by the Board.

Joint Intervenors have consulted counsel for Applicants and the NRC Staff regarding this motion. Both responded that they have no objection to this motion.

Respectfully submitted,

May 13, 2009

\_\_\_\_\_  
Signed Electronically by \_\_\_\_\_  
Michael Mariotte  
Executive Director  
Nuclear Information and Resource Service  
6930 Carroll Avenue, Suite 340  
Takoma Park, MD 20912  
301-270-6477  
[nirsnet@nirs.org](mailto:nirsnet@nirs.org)

\_\_\_\_\_  
Executed in Accord with 10 CFR 2.304(d) \_\_\_\_\_  
Paul Gunter  
Beyond Nuclear  
6930 Carroll Avenue, Suite 400  
Takoma Park, MD 20912  
301-270-2209  
[paul@beyondnuclear.org](mailto:paul@beyondnuclear.org)

\_\_\_\_\_  
Executed in Accord with 10 CFR 2.304(d) \_\_\_\_\_  
Allison Fisher  
Public Citizen  
215 Pennsylvania Avenue SE

Washington, DC 20003  
202-546-4996  
[afisher@citizen.org](mailto:afisher@citizen.org)

\_\_\_\_\_ Executed in Accord with 10 CFR 2.304(d) \_\_\_\_\_  
June Sevilla  
SOMDCARES  
3086 Calvert Blvd  
Lusby MD 20657  
410-326-7166  
qmakeda@chesapeake.net

**CERTIFICATE OF SERVICE**

It is our understanding that all on the Calvert Cliffs-3 service list are receiving this motion through the submission we are making on May 13, 2009 via the EIE system.

**JOINT INTERVENORS' UNOPPOSED MOTION FOR LEAVE TO  
HAVE LIMITED LEGAL REPRESENTATION**

\_\_\_\_\_ Signed Electronically by \_\_\_\_\_

Michael Mariotte  
Executive Director  
Nuclear Information and Resource Service  
6930 Carroll Avenue, Suite 340  
Takoma Park, MD 20912  
301-270-6477  
[nirsnet@nirs.org](mailto:nirsnet@nirs.org)

\_\_\_\_\_ Executed in Accord with 10 CFR 2.304(d) \_\_\_\_\_

Paul Gunter  
Beyond Nuclear  
6930 Carroll Avenue, Suite 400  
Takoma Park, MD 20912  
301-270-2209  
[paul@beyondnuclear.org](mailto:paul@beyondnuclear.org)

\_\_\_\_\_ Executed in Accord with 10 CFR 2.304(d) \_\_\_\_\_

Allison Fisher  
Public Citizen  
215 Pennsylvania Avenue SE  
Washington, DC 20003  
202-546-4996  
[afisher@citizen.org](mailto:afisher@citizen.org)

\_\_\_\_\_ Executed in Accord with 10 CFR 2.304(d) \_\_\_\_\_

June Sevilla  
SOMDCARES  
3086 Calvert Blvd  
Lusby MD 20657  
410-326-7166  
[qmakeda@chesapeake.net](mailto:qmakeda@chesapeake.net)