

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

May 15, 2009

ORDER

Before the Board is “Joint Petitioners’ Unopposed Motion to have Limited Legal Representation.” As we understand the Motion, it requests that the Board allow two attorneys, Diane Curran and Matthew Fraser, to represent Intervenors with regard to the legal issue arising from Contention 2 that was described in the Board’s March 24, 2009 Order, at 37-38. Ms. Curran and Mr. Fraser will prepare Intervenors’ briefs on that issue and will represent Intervenors at any oral argument that the Board may hold concerning that question. In all other respects, the representatives who have previously filed entries of appearance will continue to represent Intervenors.

With this understanding, the Board grants the Motion. Although 10 C.F.R. § 2.314(b) provides that an unincorporated association “may be represented by a duly authorized member or officer, or by an attorney-at-law,” it does not expressly preclude representation by an attorney for one distinct part of the proceeding, and representation by non-attorneys during other aspects of the litigation. At least one board has allowed a similar procedure. See Cincinnati Gas and

Electric Co. (William H. Zimmer Nuclear Station), LBP-79-17, 9 NRC 723 (1979). Also, it will assist the Board to have counsel familiar with NRC regulations prepare the briefing on the legal issue arising from Contention 2. The Board therefore concludes that it may authorize the limited legal representation requested in the Motion, and that such representation would be consistent with the expeditious resolution of this litigation.

Ms. Curran and Mr. Fraser should promptly file the entries of appearance required by 10 C.F.R. § 2.314(b) if they have not already done so.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>1</sup>

/RA/

Ronald M. Spritzer, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
May 15, 2009

---

<sup>1</sup> Copies of this Order were sent this date by the agency's E-Filing system to the counsel/representatives for: (1) Intervenors 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 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](mailto: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](mailto: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](mailto:rms4@nrc.gov)

Kathryn Winsberg, Esq.  
Sara Brock, Esq.  
James Biggins, Esq.  
Susan Vrahoretis, Esq.  
Joseph Gilman, Paralegal  
E-mail: [klw@nrc.gov](mailto:klw@nrc.gov)  
[seb2@nrc.gov](mailto:seb2@nrc.gov)  
[jpb4@nrc.gov](mailto:jpb4@nrc.gov)  
[Susan.Vrahoretis@nrc.gov](mailto:Susan.Vrahoretis@nrc.gov)  
[jsq1@nrc.gov](mailto:jsq1@nrc.gov)

Administrative Judge  
Gary S. Arnold  
E-mail: [gxa1@nrc.gov](mailto:gxa1@nrc.gov)

Administrative Judge  
William W. Sager  
E-mail: [wws1@nrc.gov](mailto:wws1@nrc.gov)

OGG Mail Center: [ogcmailcenter@nrc.gov](mailto:ogcmailcenter@nrc.gov)

Megan Wright, Law Clerk  
E-mail: [mxw6@nrc.gov](mailto:mxw6@nrc.gov)

Docket No. 52-016-COL  
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](mailto: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](mailto:DRepka@winston.com)  
[trsmith@winston.com](mailto:trsmith@winston.com)  
[ejduncan@winston.com](mailto:ejduncan@winston.com)  
[whorin@winston.com](mailto: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](mailto:BBolea@energy.state.md.us)  
[bhare@energy.state.md.us](mailto: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](mailto:jrund@morganlewis.com)

William Johnston  
3458 Holland Cliffs Road  
Huntingtown, MD 20639  
E-mail: [wj3@comcast.net](mailto:wj3@comcast.net)

Cathy Garger  
10602 Ashford Way  
Woodstock, MD 21163  
E-mail: [savorsuccesslady3@yahoo.com](mailto:savorsuccesslady3@yahoo.com)

Docket Nos. 52-016-COL  
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](mailto:nirsnet@nirs.org)  
[dianed@nirs.org](mailto:dianed@nirs.org)

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

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

Southern MD CARES  
P.O. Box 354  
Solomons, MD 20688  
June Sevilla, Spokesperson  
E-mail: [gmakeda@chesapeake.net](mailto:gmakeda@chesapeake.net)

Hogan & Hartson LLP  
Columbia Square, 555 Thirteenth Street, NW  
Washington, D.C. 20004  
Amy Roma, Attorney at Law  
E-mail: [acroma@hhlaw.com](mailto:acroma@hhlaw.com)

[Original signed by Christine M. Pierpoint]

Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 15<sup>th</sup> day of May 2009