

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 28, 2009

MEMORANDUM AND ORDER

(Permitting Intervenor Response to Applicant's New Basis for Summary Disposition)

Applicant filed a Response to Motion for Summary Disposition of Contention 2 (Response) on May 26, 2009. Applicant's Response amounts to a joinder in the NRC Staff's Motion for Summary Disposition of Contention 2 (Motion), filed on May 15, 2009. However, the Board notes that Applicant provided a new basis for granting the Motion in addition to that asserted by the NRC Staff. Applicant claims that Contention 2 is moot because Applicant had previously submitted the document at issue with its Application. Response at 3.

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)
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 MEMORANDUM AND ORDER (Permitting Intervenor Response to Applicant's New Basis for Summary Disposition) have been served upon the following persons by Electronic Information Exchange.

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Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 28th day of May 2009