

CCNPP3COLA PEmails

From: Quinn, Laura
Sent: Monday, November 02, 2009 12:09 PM
To: Emch, Richard
Cc: Parkhurst, Mary Ann; Chapman, Elaine G; CCNPP3COL Resource
Subject: FW: Calvert - Board Order Denying Motion for Reconsideration
Attachments: 10-07-09-Calvert Cliffs Bd[1]. Order.pdf

Expires: Sunday, December 06, 2009 12:00 AM

Here is the commission denial of the applicant's request to dismiss the low waste contention. Please review and work any language into the low level waste sections that needs to be added to address the Commission's comments you see fit.

Thanks
Laura

From: Biggins, James
Sent: Wednesday, October 07, 2009 4:41 PM
To: Arora, Surinder; Quinn, Laura
Cc: Vrahoretis, Susan; Hair, Christopher
Subject: Calvert - Board Order Denying Motion for Reconsideration

Surinder / Laura,

The Board issued an order today (see attached) denying the Motion for Reconsideration filed by the Intervenors. The Intervenors asked the Board to reconsider its decision to grant summary disposition on Contention 2 - the Board had dismissed Contention 2 which was admitted solely as a legal question about the requirements for decommissioning funding assurance. The Board rejected the arguments made by the Intervenors in their motion, and affirmed the decision to dismiss Contention 2. Please let me know if you have any questions about this matter.

Please also note that the Commission has an affirmation session scheduled for a decision on the Applicant's appeal of all of the originally admitted contentions and standing of the Intervenors. The Commission public schedule states:

10/13/09 9:15 A.M. Affirmation Session (PUBLIC MEETING) (Tentative)
Calvert Cliffs 3 Nuclear Project LLC & UniStar Nuclear Operating Services LLC (Combined License App. Calvert Cliffs, Unit 3) Docket Nos. 52-016-COL, Calvert Cliffs 3 Nuclear Project LLC & UniStar Nuclear Operating Services, LLC, Appeal from LBP-09-4 (Tentative)

-Jim

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Hearing Identifier: CalvertCliffs_Unit3Cola_Public_EX
Email Number: 1057

Mail Envelope Properties (19D990B45D535548840D1118C451C74D0B0509A825)

Subject: FW: Calvert - Board Order Denying Motion for Reconsideration
Sent Date: 11/2/2009 12:08:53 PM
Received Date: 11/2/2009 12:08:54 PM
From: Quinn, Laura

Created By: Laura.Quinn@nrc.gov

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Options

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Recipients Received:

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

October 7, 2009

ORDER

(Denying Motion for Reconsideration of Board Order of July 30, 2009)

Before the Board is the Motion of the Intervenors for reconsideration of our ruling of July 30, 2009 that Contention 2 is moot because the Applicants submitted the information allegedly omitted from the Combined License Application (COLA).¹ On August 12, the Board granted Intervenors leave to file for reconsideration without resolving the merits of the Motion.² For the reasons explained below, we now deny the Motion.

BACKGROUND

This case arises from the COLA submitted by Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Operating Services, LLC (Applicants) for one U.S. Evolutionary Power Reactor (U.S. EPR) to be located at the Calvert Cliffs site in Lusby, Calvert County, Maryland. The new

¹ Joint Intervenors' Motion for Reconsideration of LBP-09-15 (Aug. 10, 2009) (Motion).

² Licensing Board Order (Granting Leave to File for Reconsideration) (Aug. 12, 2009) (unpublished).

reactor will be known as “Calvert Cliffs Unit 3” (CCNPP-3).³ The Nuclear Information and Resource Service, Beyond Nuclear, Public Citizen Energy Program, and Southern Maryland Citizens Alliance for Renewable Energy Solutions (Intervenors) filed a Petition to Intervene on November 19, 2008.⁴

In Contention 2, Intervenors alleged that the Decommissioning Funding Assurance described in the COLA, which includes a parent company guarantee from Constellation Energy, is inadequate to assure sufficient funds will be available to fully decontaminate and decommission CCNPP-3. Pet. at 8. According to Intervenors, Constellation Energy’s responsibility for five other reactors will lead to high decommissioning liabilities that it may not be able to cover due to current loss of share value. The Intervenors argued that therefore the Applicants should not be allowed to use a parent company guarantee from Constellation Energy as a method of decommissioning funding assurance, and that the NRC should require the Applicants to use the prepayment method. Id. at 8-10.

In our March 24, 2009 ruling on standing and contention admissibility, we admitted Contention 2 in part.⁵ We concluded that it is beyond our authority to require the Applicants to choose a particular method of decommissioning funding, and therefore we did not admit the request that we direct the Applicants to use the prepayment method.⁶ However, we found that the contention required resolution of a legitimate issue of law: the proper timing for an applicant to demonstrate that a parent company guarantee complies with one of the applicable financial

³ Calvert Cliffs 3 Nuclear Project, LLC, will be the owner, and UniStar Nuclear Operating Services, LLC, will be the operator of the proposed new reactor.

⁴ See Petition to Intervene in Docket No. 52-016, Calvert Cliffs 3 Nuclear Power Plant Combined Construction and License Application (Nov. 19, 2008) (Pet.).

⁵ Calvert Cliffs 3 Nuclear Project, LLC (Calvert Cliffs Unit 3), LBP-09-04, 69 NRC ___, ___ (Mar. 24, 2009) (slip op. at 33).

⁶ Id. at ___ (slip op. at 36).

tests. Id. at 38. We stated that if a financial test had to be satisfied in order for the license to be issued, then Contention 2 would be a viable contention of omission. Id.

In the July 30, 2009 ruling, the Board resolved the legal issue presented by Contention 2, agreeing with the Intervenors that a COL applicant intending to use a parent company guarantee to provide the required financial assurance must include in its application the information necessary to satisfy one of the financial tests in 10 C.F.R. Part 30, Appendix A. The Board also determined, however, that the COLA in fact contains the information necessary to determine compliance with one of the financial tests. We therefore dismissed Contention 2 as moot, since it was no longer viable as a contention of omission.⁷

We based the mootness ruling on a letter and enclosure dated June 18, 2007 from John R. Collins, Constellation Energy's Chief Financial Officer.⁸ An enclosure submitted with the June 18 letter sets forth financial data intended to satisfy one of the financial tests for a parent company guarantee in 10 C.F.R. Part 30, Appendix A.⁹ The enclosure explains, among other things, that Constellation Energy's tangible net worth was approximately \$4.7 billion, its total U.S. assets were valued at about \$21.8 billion, and its most recent bond rating (by Standard & Poor's) was "BBB." The enclosure further identifies the estimated decommissioning cost for

⁷ Calvert Cliffs 3 Nuclear Project, LLC (Calvert Cliffs Unit 3), LBP-09-15, 70 NRC ___, ___ (July 30, 2009) (slip op. at 32).

⁸ Id. at ___ (slip op. at 29-32). The letter is included as Appendix A-6 to Revision 0 of Applicant's COLA, and is also referred to in Revisions 2, 3 and 4.

⁹ Appendix A to 10 C.F.R. Part 30 includes two alternative financial tests, found in paragraphs A.1 and A.2 of Part II of Appendix A. The parent company must meet the criteria of one of those two tests. Constellation Energy's letter and enclosure provides the information required by Paragraph A.2. Regulatory Guide 1.159 provides two recommended methods of demonstrating compliance with Appendix A. Constellation used Alternative II of Regulatory Guide 1.159.

Calvert Cliffs Unit 3 as \$378 million.¹⁰

On the basis of the letter and enclosure, we found that Constellation had supplied the information required to determine compliance with the financial test contained 10 C.F.R. Part 30, Appendix A, Part II, Paragraph A.2. That provision requires that the company providing the parent guarantee demonstrate, among other things, that its bond rating complies with certain minimum requirements and that its tangible net worth is at least six times the decommissioning cost estimate or the guaranteed amount. We concluded that, on its face, the June 18, 2007 letter contains the information required to determine compliance with the financial test in Paragraph A.2. The Intervenor, we determined, failed to show either that Constellation Energy had omitted any required information or that any information the company supplied was inaccurate. We accordingly granted summary disposition in favor of the Applicants concerning Contention 2

ANALYSIS

The Intervenor alleges the Board overlooked three material matters in the July 30 ruling. We discuss each of the asserted errors below.

A. Alleged inaccuracy of the decommissioning cost estimate. Intervenor argues that we erred in finding that the June 18, 2007 letter from Constellation Energy includes the information required to demonstrate compliance with the financial test for a parent company guarantee in Paragraph A.2.¹¹ Intervenor states that under our interpretation of NRC regulations “only the decommissioning cost estimate for Calvert Cliffs Unit 3 need be taken into account in applying” the financial test. According to Intervenor, “[t]he actual wording of the regulation . . . plainly requires consideration of the estimated decommissioning costs for all reactors owned by the

¹⁰ See Calvert Cliffs Unit 3 COL Application, General Information, Rev. 0, App. A-6 at 1.0-43 (Sept. 11, 2007).

¹¹ Motion at 2 (quoting LBP-09-15 at ___ (slip op. at 29)).

parent corporation.” Id. Thus, according to Intervenors, the information supplied by Constellation to satisfy the financial test is deficient because it is based only on the decommissioning cost for CCNPP-3, not the total decommissioning cost for all reactors Constellation Energy owns. Intervenors imply that, if Constellation Energy had included the decommissioning costs of all reactors it owns, the company would not satisfy the requirement that its tangible net worth be at least six times the decommissioning cost estimate. Thus, Intervenors maintain that Contention 2 is not moot.

The Intervenors claim that their argument is supported by 10 C.F.R. Part 30, Appendix A, Part II, Paragraph A(2)(ii), which requires, in the case of a power reactor licensee, that the parent company providing a guarantee of decommissioning funds have a

[t]angible net worth . . . at least six times the amount of decommissioning funds being assured by a parent company guarantee for the total of all reactor units or parts thereof (Tangible net worth shall be calculated to exclude the net book value of the nuclear unit(s)).

Intervenors would have us read this provision to require that the parent company providing a guarantee of decommissioning funds have a tangible net worth at least six times the total amount of decommissioning funding that is required for all reactors owned by the parent corporation. But that is not what the regulation says. The regulation only requires that the parent company have a tangible net worth at least six times the amount of decommissioning funds “being assured by a parent company guarantee for the total of all reactor units or parts thereof” (Emphasis added). The regulation does not refer to the parent company’s total decommissioning funding obligation, as Intervenors erroneously assume, but only to the part of the obligation covered by a parent company guarantee. Thus, when the parent company is responsible for decommissioning other reactors it owns, but those decommissioning costs will be assured by means other than a parent company guarantee, the cost of decommissioning those other reactors need not be included in the calculation required by Paragraph A(2)(ii). In

claiming that the regulation “plainly requires consideration of the estimated decommissioning costs for all reactors owned by the parent corporation,” Motion at 2, the Intervenors have misconstrued the plain language of the regulation.

Intervenors’ argument fails under the correct reading of the regulation. In Contention 2, Intervenors alleged only that Constellation is responsible for funding the decommissioning costs of power reactors other than CCNPP-3. They did not claim that Constellation has provided a parent company guarantee of the decommissioning costs for any other power reactors. Pet. at 9-10. The Petition thus fails to show that Constellation Energy has decommissioning liabilities for other power reactors that are “being assured by a parent company guarantee.” Accordingly, the Petition fails to allege facts sufficient to show that Constellation Energy’s June 18, 2007 letter understates the relevant decommissioning costs.¹²

We therefore will not grant reconsideration based on Intervenors’ first argument.

B. Alleged requirement for EDF to pass a financial test. Intervenors next seek reconsideration of our determination that, because the Applicants are not relying on a guarantee from EDF, the Applicants are not required to show that EDF passes the financial test in Appendix A to Part 30.¹³ Intervenors argue that “the ASLB erred in failing to recognize that UniStar has stated that it intends to rely on a parent guarantee from EDF [Électricité de France], without demonstrating that EDF satisfies the financial test in Appendix A to Part 30.” Motion at 3. Intervenors thus allege that Contention 2 remains viable as a contention of omission because the Applicants intend to rely upon a parent company guarantee by EDF, but no

¹² The Applicant states that “[f]or the presently-operating facilities owned or operated by Constellation Energy or its subsidiaries (Calvert Cliffs Units 1 and 2, Ginna, and Nine Mile Point Units 1 and 2), decommissioning funding assurance is provided using either the prepayment or external sinking fund option and not by a parent guarantee.” Applicants’ Response to Motion for Reconsideration of LBP-09-15 at 4 (Aug. 20, 2009) (emphasis and citations omitted). As noted in the text, Intervenors have not set forth any facts to contest the Applicant’s statement.

¹³ Calvert Cliffs, LBP-09-15, 69 NRC at ___ (slip op. at 31).

information was included in the COLA to show that EDF can pass the financial test for such a guarantee.

In support of this argument, Intervenors point to statements in COLA revisions 3 and 4 indicating that UniStar may rely on parent company guarantees from both EDF and Constellation Energy. Motion at 3-4. For example, COLA Revision 3 states:

To satisfy decommissioning funding requirements, Constellation Energy Group and EDF shall implement parent company guarantees and/or letters of credit, which when coupled with the external sinking fund, will provide funds for the total amount of funds estimated for decommissioning CCNPP Unit 3 in the event of default by Calvert Cliffs 3 Nuclear Project.¹⁴

As also noted by Intervenors, Revision 3 states that “[a]s demonstrated in Appendix A-6, Constellation Energy Group and EDF meet the financial test criteria identified in paragraph A.2 of Appendix A of 10 CFR [Part] 30.”¹⁵ In both Revision 3 and 4, Appendix A-6 refers to the June 18, 2007 letter previously discussed; however, that letter provides financial data concerning Constellation Energy, not EDF. Revision 4 contains statements identical to those quoted from Revision 3, and Appendix A-6 in Revision 4 also refers to the June 18 letter.¹⁶

The first problem with Intervenors’ argument, as the NRC Staff and the Applicants both point out, is that Contention 2 makes no mention of a parent company guarantee by EDF, and accordingly the issue of whether EDF satisfies any financial test for such a guarantee has not been properly raised in this proceeding. In Contention 2, Intervenors stated:

Applicant states in Rev. 2 of its application, General Information, Section 1.3 through 1.3.4, that its anticipated decommissioning costs using waste vendors is \$378 million in 2006 dollars and that its funding mechanism to assure that amount of money will be available will be a parent company guarantee from Constellation Energy Group.

¹⁴ COLA, Rev. 3, §1.3.2 at 1-19.

¹⁵ Id. at 1-21.

¹⁶ COLA, Rev. 4, §1.3.2 at 1-18, 1-20, App. A-6.

Pet. at 8. Intervenors contended that Constellation Energy Group “fails the parent guarantee test and must use a different means of assuring decommissioning financing.” Pet. at 10. By contrast, Contention 2 contains no allegations concerning EDF.

It is true that the Petition was based on Revision 2 of the COLA, which did not include the statements Intervenors cite indicating that EDF would implement a parent company guarantee or letter of credit for the decommissioning costs of CCNPP-3. Revision 3 to the COLA, which did include such statements, was filed with the NRC in August 2008, but it was not made available to the public until January 27, 2009. As a result, Intervenors were unable to review Revision 3 in its entirety before they filed the Petition on November 19, 2008. Thus, at the time they filed the Petition, Intervenors were not clearly on notice that COLA Revision 3 stated EDF would implement a parent company guarantee or letter of credit for the decommissioning costs of CCNPP-3. But Intervenors have had ample time since Revision 3 became publicly available to amend the Petition to include allegations concerning a parent company guarantee from EDF.¹⁷ Intervenors themselves observe that “[i]n Section 1.3.2 of Revs. 3 and 4 of the Calvert Cliffs Unit 3 COLA, UniStar states that ‘Constellation Energy Group and EDF shall implement parent company guarantees or letters of credit’” Motion at 3. Thus, Intervenors were on notice by early 2009 that EDF might provide a parent company guarantee. Intervenors could have amended Contention 2 pursuant to 10 C.F.R. § 2.309(f)(2), which allows the filing of new or amended contentions based on new information when certain

¹⁷ In our Order of February 5, 2009, we noted “the Petitioners’ longstanding request for the opportunity to review Revision 3 to the License Application,” that “Petitioners’ review of Revision 3 might result in the filing of new or amended contentions under 10 C.F.R. § 2.309(f)(2),” and that therefore “Petitioners should have the opportunity to review Revision 3 before the oral argument and the Board’s ruling on contention admissibility.” Licensing Board Order (Notice Pursuant to 10 C.F.R. Section 2.309(l)) (Feb. 5, 2009) (unpublished). We scheduled the oral argument on standing and contention admissibility for February 20, 2009 for that reason.

criteria are satisfied, or pursuant to 10 C.F.R. § 2.309(c), which authorizes the filing of late contentions if other criteria are met. Thus, Intervenor could have amended Contention 2 to allege that the COLA omitted financial information necessary to show that EDF could pass the financial test for a parent company guarantee, but they did not attempt to do so.

We may not allow Intervenor to introduce a new factual basis for Contention 2 in a response to a motion for summary disposition unless they show that the criteria in 10 C.F.R. § 2.309(c) or (f)(2) are satisfied, something they have not attempted to do. In NRC proceedings, a reply cannot expand the scope of the contentions set forth in the original hearing request.¹⁸ Replies must focus on the legal or factual arguments presented in the original petition or raised in the answers to it. New bases for a contention cannot be introduced in a reply brief, or at any other time after the date the original contentions are due, absent compliance with § 2.309(c) or (f)(2).¹⁹

Moreover, even if Intervenor's allegations regarding a parent company guarantee by EDF were properly before us, they fail to demonstrate a material error in our ruling. COLA Revisions 3 and 4 state that EDF and Constellation Energy will implement parent company guarantees or letters of credit, not that EDF will necessarily provide a parent company guarantee.²⁰ The June 18, 2007 letter, which was incorporated in Appendix A-6 of Revisions 3 and 4, makes clear that Constellation Energy will provide a parent company guarantee in the full amount of the estimated decommissioning costs. Intervenor has not identified any NRC regulation that would require EDF to pass a financial test for a parent company guarantee when

¹⁸ Crow Butte Resources, Inc. (North Trend Expansion Area), CLI-09-12, 69 NRC ____, ____ (June 25, 2009) (slip op. at 44).

¹⁹ See Nuclear Management Company, LLC (Palisades Nuclear Plant), CLI-06-17, 63 NRC 727, 732 (2006) (citation omitted).

²⁰ COLA, Rev. 3, §1.3.2, at 1-19; COLA, Rev. 4, §1.3.2, at 1-18.

Constellation Energy has provided a guarantee of the full amount of the decommissioning costs. In the June 18, 2007 letter, Constellation Energy provided the information required to support use of a parent guarantee from Constellation for 100% of the anticipated decommissioning liability for CCNPP-3. If the NRC Staff agrees that Constellation Energy passes the financial test for a parent guarantee for the full amount of decommissioning funding assurance, the Applicants will have met the decommissioning funding assurance requirements.²¹ Absent a determination by the Staff that Constellation Energy fails the relevant financial test, or some other material change in circumstances, we see no legal basis for requiring EDF to pass a financial test for a parent company guarantee when Constellation Energy has agreed to provide a guarantee in the full amount of the estimated decommissioning costs.

Accordingly, the Intervenor has not shown a material error in LBP-09-15.

C. The Applicants' Reliance on an External Sinking Fund. The COLA states that the owner-licensee of CCNPP-3 intends to utilize a parent company guarantee and/or letter of credit, in combination with ongoing contributions to an external sinking fund, to provide reasonable assurance of decommissioning funding as required by 10 C.F.R. § 50.75.²² Intervenor states that the Board did not address their arguments "that were directed specifically at UniStar's reliance on an external sinking fund, i.e., that as a merchant plant UniStar could not assure that it would amass enough funds to satisfy decommissioning requirements, and that the regulations require an independent NRC Staff review of any decommissioning funding plan that combines parent company guarantees and external sinking funds." Motion at 5.

We reject this final argument for reconsideration because it is not directed at LBP-09-15, but at our earlier March 24 Order (LBP-09-04) concerning standing and Contention admissibility.

²¹ See, e.g., 10 C.F.R. § 50.75(e)(1)(vi).

²² COLA, Rev. 4, §1.3.2, at 1-17.

In LBP-09-04, we admitted only a narrowed version of Contention 2. Contention 2 as pled alleged that the Board should require prepayment of the full amount of decommissioning costs. Pet. at 9-10. One basis of this contention was that Constellation Energy's financial position precluded it from providing a parent company guarantee. Id. The Contention further alleged that an external sinking fund would also be insufficient to cover decommissioning costs. Id. at 11. As a basis for the latter argument, the Petition alleged:

Because Calvert Cliffs-3 is envisioned to be an unregulated merchant plant, and thus cannot be assured of any electricity sales, an external sinking fund is not appropriate as funding assurance for decommissioning assurance Even regulated reactors, which are assured of electricity sales and a return on their investment, are experiencing huge reductions in their external sinking funds, causing concern about the ability of many utilities to meet their decommissioning responsibilities. For example, the Associated Press on November 18, 2008, reported that Vermont Yankee's decommissioning fund has lost \$76 million in the past months due to the current economic crisis, and that the fund was already \$400 million short even before these losses.

Id.

In LBP-09-04, we ruled that we could not require the Applicants to choose a particular method of decommissioning funding, and therefore we did not admit the aspect of Contention 2 which asked the Board to direct the Applicants to use the prepayment method.²³ It was at least implicit in this ruling that Intervenors' argument concerning the status of CCNPP-3 as a merchant plant did not provide a basis upon which we could direct the Applicants to adopt a particular method of decommissioning funding. By reasserting their argument that the Applicants may not rely upon a sinking fund because CCNPP-3 will be a merchant plant, Intervenors are in substance asking that we reexamine our earlier decision that we could not direct the Applicants to adopt a particular method of decommissioning funding. Nothing in the Intervenors' third argument for reconsideration is actually directed at the basis our July 30 ruling on mootness, that Constellation Energy had supplied the information required by one of the

²³ Calvert Cliffs, LBP-09-04, 69 NRC at ___ (slip op. at 38).

financial tests for a parent company guarantee. Rather, the Intervenor's third argument is directed at one basis of LBP-09-04. If we allowed Intervenor's Motion to be used as a vehicle to revisit an issue resolved by LBP-09-04, we would effectively undermine the requirement of 10 C.F.R. § 2.323(e) that motions for reconsideration be filed within ten days of the order being challenged. The Intervenor's third argument is therefore not a proper basis for seeking reconsideration of our July 30 Order.

CONCLUSION

For the foregoing reasons, it is this 7th day of October, 2009, ORDERED that Intervenor's Motion for Reconsideration of the Atomic Safety and Licensing Board's Order of July 30, 2009 (LBP-09-15) is DENIED.

THE ATOMIC SAFETY
AND LICENSING BOARD²⁴

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

/RA/

Dr. Gary S. Arnold
ADMINISTRATIVE JUDGE

/RA/

Dr. William W. Sager
ADMINISTRATIVE JUDGE

Rockville, Maryland
October 7, 2009

²⁴ 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 (DENYING MOTION FOR RECONSIDERATION OF BOARD ORDER OF JULY 30, 2009) have been served upon the following persons by Electronic Information Exchange.

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Docket No. 52-016-COL
ORDER (DENYING MOTION FOR RECONSIDERATION OF
BOARD ORDER OF JULY 30, 2009)

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Docket Nos. 52-016-COL
ORDER (DENYING MOTION FOR RECONSIDERATION OF
BOARD ORDER OF JULY 30, 2009)

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[Original signed by Christine M. Pierpoint]
Office of the Secretary of the Commission

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