

November 22, 2010

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)
)
CALVERT CLIFFS 3 NUCLEAR)
PROJECT, LLC AND UNISTAR)
NUCLEAR OPERATING SERVICES,) Docket No. 52-016-COL
LLC)
)
(Calvert Cliffs Nuclear Power Plant, Unit 3))

APPLICANTS' RESPONSE TO MOTION TO CLARIFY DEADLINE

Pursuant to 10 C.F.R. § 2.323(c), Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Operating Services, LLC (“Applicants”) hereby respond to the “Motion to Clarify Deadline for Filing Amended Contention for Contention 1,” dated November 15, 2010 (“Motion”). In the Motion, the Intervenors highlight an agreement, which was completed on November 3, 2010, between Électricité de France, S.A. (“EDF”) and Constellation Energy Group, Inc. (“Constellation”), by which EDF acquired Constellation’s 50% interest in UniStar Nuclear Energy, LLC (“UniStar”). The Intervenors noted that the Applicants had notified the Licensing Board that they intend to submit revisions to the license application as necessary to address the acquisition by EDF of the Constellation interest in UniStar. As noted by Intervenors, the revisions to the application will also address a revised negotiation action plan with respect to EDF’s participation in the project.

In the Motion, the Intervenors proposed a new deadline for filing new or amended contentions relating to foreign ownership, control, or domination. Specifically, the Intervenors propose a deadline for filing new or amended contentions of 30 days after the Applicants submit

revisions to the application relating to ownership and negation. The Intervenors also propose to leave the existing Contention 1, including related mandatory disclosure obligations, in place until that time. The Intervenors assert that this approach will avoid unnecessary and potentially irrelevant litigation.

The Applicants agree with the Joint Intervenors that there is not currently sufficient information available to formulate a new or amended contention related to the revised project ownership structure and revised negation action plan. Applicants also agree, as a general matter, that the Intervenors are entitled to a 30-day period for filing new or amended contentions beginning from the availability of any new information. However, it is not necessary to define that date in advance. Instead, the Intervenors should be expected to file in a timely fashion after any new information becomes available. New information sufficient to form the basis for a new or amended contention could be included in the anticipated revision to the application. Alternatively, a meeting between the Applicants and the NRC Staff has been scheduled for December 8, 2010, to discuss additional information related to the transaction and the proposed negation action plan. Applicants expect that the information presented at the meeting will be docketed. Information presented in this context may be sufficient to form the basis for a new or amended contention, even in advance of a specific revision to the license application. Accordingly, in response to the Motion, the Licensing Board should simply confirm that, in accordance with 10 C.F.R. § 2.309(f)(2), the 30-day period for new or amended contentions will run from the date of the availability of new information that was previously unavailable to the Intervenors and that is materially different from information that was previously available to the Intervenors.

Respectfully submitted,

/s/ signed electronically by

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Dated at Washington, District of Columbia
this 22nd day of November 2010

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CERTIFICATE OF SERVICE

I hereby certify that copies of “APPLICANTS’ RESPONSE TO MOTION TO CLARIFY DEADLINE” in the captioned proceeding have been served via the Electronic Information Exchange (“EIE”) this 22nd day of November 2010, which to the best of my knowledge resulted in transmittal of the foregoing to the following persons:

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