

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' MOTION FOR LEAVE TO REPLY
TO APPLICANTS AND NRC STAFF RESPONSES TO MOTION TO CLARIFY
DEADLINE FOR FILING AMENDED CONTENTION FOR CONTENTION 1**

Under the provisions of 10 CFR 2.323(c), Joint Intervenors hereby move for leave to reply to Applicants' response of November 22, 2010 and NRC Staff's response of November 24, 2010 to Joint Intervenors' November 15, 2010 motion to clarify the deadline for filing amended contention for Contention 1. Joint Intervenors have compelling grounds to submit a reply because the Applicants' and NRC Staff's responses suggest trigger events for the amendment of Contention 1 without addressing what steps they will take to ensure that Joint Intervenors receive adequate notice of those events for purposes of submitting their amendments in a timely way. The issue of timeliness of submission of contentions and amended contentions is of critical importance to the NRC hearing process because untimely contentions need not be considered by the ASLB. For instance, the ASLB's scheduling order in this proceeding states that filing late-

filed, new or amended contentions must be done “in a timely fashion based on the availability of the [new] information.”¹

Joint Intervenors are concerned that they do not have sufficient resources to maintain constant vigilance over ADAMS to determine whether documents relevant to Contention 1 have been placed there. Therefore, in our reply, Joint Intervenors wish to seek clarification from the ASLB that Applicants and the NRC Staff must comply with NRC policy of issuing Board Notifications when they generate new documents that are relevant to an admitted contention. See NRC Statement of Policy: Handling of Late Allegations, 50 Fed. Reg. 11,030, 11,031 (March 19, 1985).

NRC staff has indicated by telephone that the Staff does not oppose the filing of this motion. An attempt to reach counsel for Applicants was unsuccessful.

Respectfully submitted,

Michael Mariotte
Nuclear Information and Resource Service
This 29th day of November 2010

¹ *Calvert Cliffs 3 Nuclear Project, LLC and UniStar Nuclear Operating Services, LLC* (Calvert Cliffs Unit 3), No. 52-016-COL, Order (Establishing schedule to govern further proceedings) (LBP April 22, 2009), at 6 (unpublished order) (ADAMS Accession No. ML0911205071) (Scheduling Order)

_____ 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

_____ 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

_____ 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

_____ 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 I am making on November 22, 2010 via the EIE system.

MOTION FOR LEAVE TO REPLY TO APPLICANTS AND NRC STAFF REGARDING THEIR RESPONSES TO JOINT INTERVENORS' MOTION TO CLARIFY DEADLINE FOR FILING AMENDED CONTENTION FOR CONTENTION 1

_____ Signed Electronically by _____

Michael Mariotte
Executive Director
Nuclear Information and Resource Service
6930 Carroll Avenue, Suite 340
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