

June 16, 2011

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
JOINT MOTION ON SCHEDULE FOR CONTENTION 10C

Pursuant to 10 C.F.R. § 2.323(c), UniStar hereby responds to the “Joint Motion Regarding Scheduling,” dated June 8, 2011 (“Motion”).¹ In the Motion, the NRC Staff and Joint Intervenors propose modifications to the schedule for further consideration of Contention 10C, following the NRC Staff’s recent publication of the Final Environmental Impact Statement (“FEIS”) for Calvert Cliffs 3. As noted in the Motion by counsel, UniStar agrees that some modification of the schedule is appropriate. UniStar also has no objection to specifying dates for certain filings and motions not specified in the schedule previously established by the Licensing Board.² To that extent, UniStar supports the Motion. However, UniStar objects to certain proposed dates as also noted in the Motion.

UniStar recognizes that resolution of Contention 10C is not presently critical path for issuance of the combined license for the proposed Calvert Cliffs 3, and therefore does not

¹ The Motion was filed on June 7, 2011.

² The Licensing board set a schedule for hearings on environmental contentions in its Scheduling Order of April 22, 2009.

object to reasonable extensions and additions to the hearing schedule. Nonetheless, there is a continuing public interest, and a benefit to UniStar, in a timely and efficient resolution of each contention in this proceeding. Contention 10C is presently the only remaining environmental contention, and resolution of the contention will reduce uncertainty associated with the NRC licensing and hearing processes. Furthermore, in the event that resolution of Contention 10C requires additional environmental analysis and disclosure to satisfy the National Environmental Policy Act, moving forward with the hearing process on this issue could reduce the potential for delay later. For these reasons, UniStar believes that the schedule, as proposed in the Motion, is unnecessarily protracted.

Specifically, it is UniStar's position that it would be appropriate to consolidate into a single date the proposed deadlines for filing motions in limine or to strike, proposed questions for the Board, and motions for cross-examination — especially because motions in limine or to strike and motions for cross examination are “voluntary” filings that may not be necessary. Under this approach, these three filings would all be due on September 23, 2011, for Table 1 (no new or amended contentions filed on FEIS) or on December 2, 2011 for Table 2 (new or amended contentions filed on FEIS). Consolidating the dates for filings in this way would allow completion of the evidentiary hearing in October 2011 (no new or amended contentions) or December 2011 (new or amended contentions filed).

For the above reasons, UniStar supports the Motion in part and objects in part. UniStar believes that deadlines for filing motions in limine or to strike, proposed questions for the Board, and motions for cross-examination should be consolidated into a single date.

Respectfully submitted,

 /s/ signed electronically by

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Dated at Washington, District of Columbia
this 16th day of June 2011

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CERTIFICATE OF SERVICE

I hereby certify that copies of “APPLICANTS’ RESPONSE TO JOINT MOTION ON SCHEDULE FOR 10C” in the captioned proceeding have been served via the Electronic Information Exchange (“EIE”) this 16th day of June 2011, which to the best of my knowledge resulted in transmittal of the foregoing to those on the EIE Service List for the captioned proceeding.

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