

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

June 24, 2011

ORDER  
(Revising Initial Schedule)

On April 22, 2009 the Board issued an Order Establishing Schedule to Govern Further Proceedings (“Initial Scheduling Order”).<sup>1</sup> In that Initial Scheduling Order, the Board set forth two alternative schedules for an evidentiary hearing on environmental contentions in this case: one of which would apply if Joint Intervenor filed no new or amended contentions based on the Final Environmental Impact Statement (“FEIS”), and the other which would apply if Joint Intervenor did file new or amended contentions based on the FEIS.<sup>2</sup> Each of these alternative schedules relied on the release of the FEIS as the trigger date for filings in the evidentiary hearing on environmental contentions for this proceeding.<sup>3</sup> On May 20, 2011 the FEIS for this

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<sup>1</sup> Licensing Board Order (Establishing Schedule to Govern Further Proceedings) (Apr. 22, 2009) at 1 (unpublished).

<sup>2</sup> See id. at 5–6.

<sup>3</sup> Id. at 6.

proceeding was published by the NRC Staff.<sup>4</sup>

Prompted by the release of the FEIS in this proceeding, on June 8, 2011 the NRC Staff and Joint Intervenors filed a Joint Motion Regarding Scheduling.<sup>5</sup> In their Joint Motion, the NRC Staff and Joint Intervenors expressed confusion regarding which of the alternative schedules proposed in the Initial Scheduling Order governed the environmental portion of this proceeding, requested additional time for the filing of rebuttal testimony, motions in limine or to strike, proposed questions for the Board, and motions for cross-examination, and proposed actual dates for the schedule in this proceeding.<sup>6</sup>

On June 16, 2011, Applicants' filed their Response to Joint Motion on Schedule for Contention 10C.<sup>7</sup> In their Response, Applicants' stated that they did "not object to reasonable extensions and additions to the hearing schedule," but thought 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."<sup>8</sup>

After reviewing the parties' filings, the Board has adopted the schedule proposed by the NRC Staff and Joint Intervenors with the following modifications. First, the Board agrees with

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<sup>4</sup> Calvert Cliffs 3 Nuclear Project, LLC and Unistar Nuclear Operating Services, LLC; Notice of Availability of the Final Environmental Impact Statement for the Combined License Application for Calvert Cliffs Nuclear Power Plant Unit 3, 76 Fed. Reg. 29,279 (May 20, 2011); Joint Motion Regarding Scheduling (June 8, 2011) at 1 [hereinafter Joint Motion]; see also Applicants' Response to Joint Motion on Schedule for Contention 10C (June 16, 2011) at 1–2 (not contesting that the publication date for the FEIS in this proceeding was May 20, 2011) [hereinafter Joint Motion Response].

<sup>5</sup> Joint Motion at 1.

<sup>6</sup> Id. at 1–2.

<sup>7</sup> Joint Motion Response at 1.

<sup>8</sup> Id. at 1–2.

Applicants that consolidating the filing deadline for motions in limine or motions to strike, proposed questions for the Board, and motions for cross-examination is appropriate.

Consolidating the deadlines for these filings is consistent with “the NRC’s interest in providing a fair and expeditious resolution of the issues sought to be adjudicated by the parties in the proceeding,” especially given the discretionary nature of some of the filings involved.<sup>9</sup>

Second, in their Joint Motion the NRC Staff and Joint Intervenors proposed a date—June 20, 2011—for the filing of Motions for Summary Disposition of Contention 10C and for the filing of new or amended environmental contentions based off of the FEIS.<sup>10</sup> In compliance with these proposed filing deadlines, on June 20, 2011 Joint Intervenors filed their Submission of Amended Contention 10C and Applicants filed their Motion for Summary Disposition of Contention 10C.<sup>11</sup> Given that the Board is in receipt of these two filings, and that their respective deadlines have since lapsed, the Board has eliminated those deadlines from the revised schedule.

Finally, the Board has changed the issuance deadline for its Order on Admission of Amended Contention 10C from August 15, 2011 to August 24, 2011 in order to account for its previously scheduled obligations.

Accordingly, the schedule for the evidentiary hearing on Contention 10C, the only remaining environmental contention in this proceeding, is as follows:

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<sup>9</sup> 10 C.F.R. § 2.332(b).

<sup>10</sup> Joint Motion at 2. Applicant did not object to that date for those filings. See Joint Motion Response.

<sup>11</sup> Submission of Amended Contention 10C by Joint Intervenors (June 20, 2011) at 1, 11; Applicants’ Motion for Summary Disposition of Contention 10C (June 20, 2011) at 1.

**Table 1**

Order on Admission of Amended Contention 10C	August 24, 2011	F+96
Completion of Mandatory Disclosures	September 2, 2011	F+105
Motions for Summary Disposition on Amended Contention 10C Due	September 16, 2011	F+120
Direct Written Testimony Due	October 21, 2011	F+155
Rebuttal Testimony Due	November 11, 2011	F+175
Motions in Limine or Motions to Strike Due	December 2, 2011	F+200
Proposed Questions for the Board Due		
Motions for Cross-Examination Due		
Evidentiary Hearing	January/February	
Initial Decision	April/May	+ 90 Days from Evidentiary Hearing

\*F is the date at which the FEIS became available for review.

The Board has previously notified the parties that it plans to hold oral argument on July 7, 2011 concerning the parties' responses to the Board's April 18, 2011 Order (To show cause why the Board should not grant summary disposition as to Contention 1, deny authorization to issue the license, and terminate this proceeding).<sup>12</sup> At the oral argument, the Board may ask whether the evidentiary hearing on Contention 10C should proceed if the Board grants summary disposition as to Contention 1.

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<sup>12</sup> See Licensing Board Order (To show cause why the Board should not grant summary disposition as to Contention 1, deny authorization to issue the license, and terminate this proceeding) (Apr. 18, 2011) at 1 (unpublished). Specific instructions regarding the time, location, and issues to be heard during this oral argument will be addressed in a subsequent order.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>13</sup>

/RA/

Ronald M. Spritzer, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
June 24, 2011

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<sup>13</sup> Copies of this order were sent on this date by the agency's E-Filing system to the counsel/representatives for: (1) Joint Intervenors 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

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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 ORDER (REVISING INITIAL SCHEDULE) have been served upon the following persons by Electronic Information Exchange.

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[Original signed by Evangeline S. Ngbea ]  
Office of the Secretary of the Commission

Dated at Rockville, Maryland  
this 24<sup>th</sup> day of June 2011