

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

**MOTION TO ALLOW JOINT INTERVENORS TO WITHDRAW WRITTEN
TESTIMONY OF OCTOBER 21, 2011 ON CONTENTION 10, TO SUBMIT
EXPERT TESTIMONY BY OCTOBER 28, 2011, AND TO EXTEND OTHER
RELEVANT DEADLINES BY ONE WEEK**

Joint Intervenors move to allow us to withdraw our written testimony and exhibits on Contention 10 submitted late on Friday, October 21, 2011, and to instead substitute our originally-planned expert testimony no later than October 28, 2011.

Joint Intervenors had planned to submit expert testimony prepared by witness Scott Sklar on October 21. However, on that date we had not yet received his testimony. We left several phone and e-mail messages throughout the day on October 21 with Mr. Sklar, but received no response. Unsure of the reasons for this, at 7:30 pm on October 21, Joint Intervenors hastily began writing testimony and submitted it at approximately 11:40 pm (Joint Intervenors' representative had an organizational board of directors meeting that day and could not even begin writing testimony prior to that time). Needless to say, this testimony was not of the quality we had been planning to submit. But, facing a deadline, we understood that we must submit something.

Via e-mail on the afternoon of Saturday, October 22 (which we did not actually see until arriving at work on Monday morning, October 24), Mr. Sklar informed us he had been tending to his mother, who had suffered a stroke, and had been unable to communicate with us on Friday nor to complete his testimony. However, via e-mail, Mr. Sklar has informed us he can complete his testimony no later than Friday, October 28, 2011.

Joint Intervenors therefore request that our testimony and exhibits of October 21, 2011 be withdrawn and that the deadline for written testimony and exhibits be extended until October 28, 2011. In order to ensure adequate time for Applicant and Staff rebuttal, we request that all parties also be granted one extra week, until November 18, 2011, for rebuttals to written testimony and that the December 2, 2011 deadline for various other procedures be similarly extended until December 9, 2011.

We do not believe this extension request should impact the dates for the evidentiary hearing or the initial decision.

Joint Intervenors contacted counsel for Applicants and NRC Staff today. Counsel for Applicants indicated they do not oppose this motion. Counsel for NRC Staff said they may not oppose this motion but we have not received a formal response by Close-of-Business today.

Respectfully submitted this 24th day of October 2011.

_____ 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 REQUIRED BY 10 C.F.R. § 2.323(b)

I certify that on October 24, 2011, I contacted counsel for Applicants and the NRC Staff in an attempt to obtain their consent to this motion. Counsel for Applicants indicated they do not oppose this motion. Counsel for NRC Staff indicated they may not oppose this motion, but did not provide a formal reply by close-of-business today.

_____ Signed Electronically by _____

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Executive Director
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June Sevilla
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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 October 24, 2011 via the EIE system.

MOTION TO ALLOW JOINT INTERVENORS TO WITHDRAW WRITTEN TESTIMONY OF OCTOBER 21, 2011 ON CONTENTION 10, TO SUBMIT EXPERT TESTIMONY BY OCTOBER 28, 2011, AND TO EXTEND OTHER RELEVANT DEADLINES BY ONE WEEK

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Michael Mariotte
Executive Director
Nuclear Information and Resource Service
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