

CCNPP3COLA PEmails

From: Quinn-Willingham, Laura
Sent: Thursday, November 10, 2011 9:21 AM
To: 'Cort, Katherine A'; Kugler, Andrew
Cc: 'Parkhurst, Mary Ann'; Chapman, Elaine G; Fetter, Allen; Hsia, Anthony; Burton, William; Zalcman, Barry
Subject: FW: Calvert Cliffs Unit 3, Docket 52-016-COL - Licensing Board Issuances
Attachments: 11-09-11 Board Order.pdf; 11-09-11 Board Notice.pdf; image001.gif

Andy and Katie,

Attached are 2 orders from the board. The first is an order telling the joint intervenors to resubmit their testimony with an affidavit from the witness or the testimony will not be entered into evidence. They also requested that they resubmit the testimony with page numbers which will help us with referencing issue we have with no page numbers.

The second order is the important one. It lays out the times, locations and instructions for the hearing and the limited appearances. The limited appearance will be at the Calvert Cliffs Marine Museum and will have a 1-2:30pm session and then a 7-8:30pm session on the 25th of January. The hearing will be at Albright Building, 205 Main Street in Prince Frederick starting at 9:30am (we will be there at least an hour early) on the 26th and if needed the 27th. Please be sure to read this order. I will be looking into hotels for the hearing and will get that out probably after the board questions are submitted so that is early December. So stay tuned for that info. Right now I am planning on taking a day trip with the lawyers in mid-December to check out the locations. I am planning that we head down to Prince Fredericks/Lusby area on the 24th but maybe the 23rd.

Thanks
Laura

From: Wilson, Anthony
Sent: Thursday, November 10, 2011 8:52 AM
To: Quinn-Willingham, Laura; Kugler, Andrew
Subject: FW: Calvert Cliffs Unit 3, Docket 52-016-COL - Licensing Board Issuances

Fyi

Anthony C. Wilson, Esq.
United States Nuclear Regulatory Commission
Attorney / Office of the General Counsel
New Reactor Programs
Phone: 301 415-3699(o)
202 590-0040 (c)

Email: Anthony.Wilson@nrc.gov
Privileged & Confidential Attorney - Client Communication



Attached are copies of the following two Licensing Board issuances served this date in the matter of the Combined License Application for Calvert Cliffs Unit 3, Docket No. 52-016-COL:

“ORDER (Joint Intervenors’ Direct Written Testimony),” and “NOTICE (Notice of Evidentiary Hearing and Opportunity to Provide Oral and Written Limited Appearance Statements)”

Linda Lewis (for Christine Pierpoint)
Rulemakings and Adjudications Staff
Office of the Secretary
U.S. Nuclear Regulatory Commission
301-415-1675

Hearing Identifier: CalvertCliffs_Unit3Cola_Public_EX
Email Number: 2760

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Subject: FW: Calvert Cliffs Unit 3, Docket 52-016-COL - Licensing Board Issuances
Sent Date: 11/10/2011 9:21:24 AM
Received Date: 11/10/2011 9:21:00 AM
From: Quinn-Willingham, Laura

Created By: Laura.Quinn-Willingham@nrc.gov

Recipients:

"Parkhurst, Mary Ann" <maryann.parkhurst@pnnl.gov>
Tracking Status: None
"Chapman, Elaine G" <elaine.chapman@pnnl.gov>
Tracking Status: None
"Fetter, Allen" <Allen.Fetter@nrc.gov>
Tracking Status: None
"Hsia, Anthony" <Anthony.Hsia@nrc.gov>
Tracking Status: None
"Burton, William" <William.Burton@nrc.gov>
Tracking Status: None
"Zalcman, Barry" <Barry.Zalcman@nrc.gov>
Tracking Status: None
"Cort, Katherine A" <Katherine.Cort@pnnl.gov>
Tracking Status: None
"Kugler, Andrew" <Andrew.Kugler@nrc.gov>
Tracking Status: None

Post Office: HQCLSTR02.nrc.gov

Files	Size	Date & Time
MESSAGE	2391	11/10/2011 9:21:00 AM
11-09-11 Board Order.pdf		83325
11-09-11 Board Notice.pdf		93965
image001.gif	4268	

Options

Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

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

November 9, 2011

ORDER

(Joint Intervenors' Direct Written Testimony)

The Board is in receipt of Joint Intervenors' October 28, 2011 revised filings,¹ which appear to substantially comply with the filing guidelines outlined by the Board for the upcoming evidentiary hearing.² However, Joint Intervenors fail to include an affidavit or sworn declaration from their witness, Scott Sklar, which is necessary in order for Mr. Sklar's testimony to be received directly into evidence pursuant to 10 C.F.R. § 2.1207(b)(2). Accordingly, unless Joint Intervenors submit an affidavit or sworn statement from Mr. Sklar attesting to the veracity of his testimony, such testimony may not be admitted into evidence in this proceeding.

¹ See Licensing Board Order (Granting Unopposed Motion to Withdraw Written Testimony Filed October 21, Submit Expert Testimony by October 28, and Extend Other Relevant Deadlines by One Week; and Providing Additional Instructions to Intervenors Regarding the Re-Filing of Testimony and Exhibits) (Oct. 25, 2011) (unpublished).

² See Licensing Board Order (Providing Directions on Pre-Filed Evidentiary Material) (Sept. 22, 2011) (unpublished).

In addition, Joint Intervenors should number the pages of Mr. Sklar's testimony and resubmit it in accordance with the Board's filing guidelines³ in order to assure that it can be quickly and accurately referenced during the evidentiary hearing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁴

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 9, 2011

³ Id. at 3 ("Revised Exhibits").

⁴ 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

In the Matter of)
)
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 Licensing Board **ORDER (Joint Intervenors' Direct Written Testimony)**, have been served upon the following persons by Electronic Information Exchange.

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop - T-3 F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15 D21
Washington, DC 20555-0001

Administrative Judge
Ronald M. Spritzer, Chair
E-mail: ronald.spritzer@nrc.gov.

Marian Zobler, Esq.
Sara Kirkwood, Esq.
Susan Vrahoretis, Esq.
Anthony Wilson, Esq.
Marcia Carpentier, Esq.
Adam Gendelman, Esq.
Joseph Gilman, Paralegal
Karin Francis, Paralegal
E-mail: marian.zobler@nrc.gov
sara.kirkwood@nrc.gov
susan.vrahoretis@nrc.gov
anthony_wilson@nrc.gov
marcia.carpentier@nrc.gov
adam.gendelman@nrc.gov
joseph.gilman@nrc.gov
karin.francis@nrc.gov

Administrative Judge
Gary S. Arnold
E-mail: gary.arnold@nrc.gov

Administrative Judge
William W. Sager
E-mail: wws1@nrc.gov

Joshua A. Kirstein, Law Clerk
joshua.kirstein@nrc.gov
Kirsten A. Stoddard, Law Clerk
kirsten.stoddard@nrc.gov

OGG Mail Center: ogcmailcenter@nrc.gov

Docket No. 52-016-COL

ORDER (Joint Intervenors' Direct Written Testimony)

U.S. Nuclear Regulatory Commission
Office of Commission Appellate
Adjudication
Mail Stop O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

UniStar Nuclear Energy, LLC
100 Constellation Way
Suite 200C
Baltimore, MD 21202
Carey W. Fleming, Esq.
Senior Counsel
E-mail: carey.fleming@cengllc.com

Winston & Strawn, LLP
1700 K Street, N.W.
Washington, DC 20006-3817
David A. Repka, Esq.
Tyson R. Smith, Esq.
Emily J. Duncan, Esq.
William A. Horin, Esq.
Rachel Miras-Wilson, Esq.
E-mail: drepka@winston.com
trsmith@winston.com
ejduncan@winston.com
whorin@winston.com
rwilson@winston.com

State of Maryland
Office of the Attorney General
Maryland Energy Administration and
Power Plant Research Program of the
Department of Natural Resources
1623 Forest Drive, Suite 300
Annapolis, Maryland 21403
Brent A. Bolea, Assistant Attorney General
Michael Hare, Assistant Attorney General
E-mail: bbolea@energy.state.md.us
bhare@oag.state.md.us

Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Jonathan M. Rund, Esq.
E-mail: jrund@morganlewis.com

Nuclear Information Resource Service
6390 Carroll Avenue, #340
Takoma Park, MD 20912
Michael Mariotte, Executive Director
Diane D'Arrigo
E-mail: nirsnet@nirs.org
dianed@nirs.org

Beyond Nuclear
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Paul Gunter, Director
E-mail: paul@beyondnuclear.org

Docket Nos. 52-016-COL

ORDER (Joint Intervenors' Direct Written Testimony)

Public Citizen
215 Pennsylvania Ave, SE
Washington, DC 20003
Allison Fisher, Organizer- Energy Program
E-mail: afisher@citizen.org

Southern MD CARES
P.O. Box 354
Solomons, MD 20688
June Sevilla, Spokesperson
E-mail: gmakeda@chesapeake.net

Hogan & Hartson LLP
Columbia Square, 555 Thirteenth Street, NW
Washington, D.C. 20004
Amy Roma, Esq.
E-mail: acroma@hhlaw.com

[Original signed by Linda D. Lewis] _____
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of November 2011

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

November 9, 2011

NOTICE

(Notice of Evidentiary Hearing and Opportunity to Provide
Oral and Written Limited Appearance Statements)

The Atomic Safety and Licensing Board hereby gives notice that it will convene an evidentiary session to receive testimony and exhibits in the contested portion of this proceeding regarding the application (COLA) by Calvert Cliffs 3 Nuclear Project, L.L.C., and UniStar Nuclear Operating Services, L.L.C. (Applicants) for a combined license (COL) to construct and operate one U.S. Evolutionary Power Reactor (U.S. EPR) to be located adjacent to the existing Calvert Cliffs Nuclear Power Plant (CCNPP), Units 1 and 2, near Lusby, Calvert County, Maryland. In addition, the Board gives notice that, in accordance with 10 C.F.R. § 2.315(a), it will entertain oral and written limited appearance statements from members of the public in connection with this proceeding.

I. Matter to be considered

This evidentiary hearing will consider one environmental contention, Contention 10C.

Contention 10C, as restated by the Board, alleges that:

The DEIS discussion of a combination of alternatives is inadequate and faulty. By selecting a single alternative that under represents potential contributions of wind and solar power, the combination alternative depends excessively on the natural gas supplement, thus unnecessarily burdening this alternative with excessive environmental impacts.¹

II. Date, Time, and Location of Environmental Portion of the Contested Hearing

The evidentiary hearing will commence at 9:30am, Eastern Standard Time (EST) on Thursday, January 26, 2012, at the Albright Building, 205 Main Street, Prince Frederick, Maryland, 20678. The hearing will resume at 9:30am EST on Friday, January 27, 2012, if necessary. Parties and members of the public are requested to park in the offsite parking lot, which is within walking distance of the hearing venue, located at 200 Duke Street, Prince Frederick, Maryland, 20678.

Members of the public and representatives of the media are welcome to attend and observe this evidentiary hearing. However, all signs, banners, posters, demonstrations, and displays are prohibited in accordance with NRC policy.²

All individuals attending the evidentiary hearing are advised that security measures will be employed at the entrance to the facility. As such, all individuals attending the evidentiary hearing should bring at least one form of government issued photo identification, refrain from bringing any unnecessary hand-carried items that might need to be examined individually, and allow sufficient time for security screening.

III. Date, Time, and Location of Oral Limited Appearance Statement Session

An oral limited appearance statement session regarding this Calvert Cliffs evidentiary hearing proceeding will be held on Wednesday, January 25, 2012, from 1:00pm to 2:30 pm EST

¹ LBP-10-24, 72 NRC __, __ (slip op. at 54) (Dec. 28, 2010).

² See Procedures for Providing Security Support for NRC Public Meetings/Hearings, 66 Fed. Reg. 31,719 (June 12, 2001) [hereinafter Meeting Security Guidelines].

and from 7:00 to 8:30 pm EST at the Calvert Marine Museum, 14150 Solomons Island Road, Solomons, MD, 20688.

Members of the public and representatives of the media are welcome to attend, observe, and participate in this oral limited appearance statement session, as outlined below. As required by NRC policy, signs, banners, posters, and displays not larger than 18" x 18" will be permitted at the oral limited appearance statement session, but may not be waved or held over one's head. Any sign, banner, poster or display affixed to a stick, or similar device, will not be permitted in at the oral limited appearance statement session.³

All individuals attending the oral limited appearance statement session are advised that security measures will be employed at the entrance to the facility. As such, all individuals attending the oral limited appearance statement session should bring at least one form of government issued photo identification, refrain from bringing any unnecessary hand-carried items that might need to be examined individually, and allow sufficient time for security screening.

IV. Participation Guidelines for Oral Limited Appearance Statements

Any person not a party, or the representative of a party, to this mandatory hearing proceeding will be permitted to make an oral statement setting forth his or her position on matter of concern relating to the proceeding. Though these statements do not constitute testimony or evidence, they nonetheless may aid the Board and/or the parties in their consideration of the issues involved in this evidentiary hearing.

Oral limited appearance statements will be entertained during the hours specified above. In the event that all scheduled and unscheduled speakers present at the session have made a presentation, the Board reserves the right to terminate the session prior to the ending time listed above.

³ See Meeting Security Guidelines.

The time allotted for each limited appearance statement will be five minutes, but may be further limited depending on the number of written requests to make an oral statement that are submitted in accordance with section V below and/or the number or persons present at the designated time, so as to ensure that everyone will have an opportunity to speak.

V. Submitting a Request to Make an Oral Limited Appearance Statement

A person wishing to make an oral statement who has submitted a timely written request to do so will be given priority over those who have not filed such a request. To be considered timely, a written request to make an oral statement must either be mailed, faxed, or sent by e-mail so as to be received by 5:00pm EST on Friday, January 13, 2012. Written requests to make an oral statement should be submitted to:

Mail: Administrative Judge Ronald M. Spritzer
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Fax: (301) 415-5599

Email: kirsten.stoddard@nrc.gov and ronald.spritzer@nrc.gov

VI. Submitting Written Limited Appearance Statements

As provided in 10 C.F.R. § 2.315(a), any person not a party, or a representative of a party, to the proceeding may submit a written statement setting forth his or her position on matters of concern relating to this proceeding. Although these statements do not constitute testimony or evidence, they nonetheless may assist the Board or the parties in their consideration of the issues in this proceeding.

A written limited appearance statement may be submitted at any time and should be sent to the Office of the Secretary using one of the methods prescribed below:

Mail: Office of the Secretary
Rulemaking and Adjudications Staff
U.S. Nuclear Regulatory Commission
Washington, D.C. 20444-0001

Fax: (301) 415-1101

E-mail: hearingdocket@nrc.gov

In addition, using the same method of service, a copy of the written limited appearance statement should be sent to the Chairman of this Licensing Board as follows:

Mail: Administrative Judge Ronald M. Spritzer
Atomic Safety and Licensing Board Panel
Mail Stop T-3F23
U.S. Nuclear Regulatory Commission

Fax: (301) 415-5599

E-mail: ronald.spritzer@nrc.gov

VII. Availability of Documentary Information Regarding the Proceeding

Applicants' application, along with various NRC Staff documents relating to the application, are available on the NRC website at <http://www.nrc.gov/reactors/new-reactors/col/calvert-cliffs.html>. These and other documents relating to this proceeding are available for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, 20352, or electronically from the publicly-available records component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC web site at www.nrc.gov/reading-rm/adams/html (the Public Electronic Reading Room).⁴ Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR reference staff by telephone at (800) 397-4209 or (301) 415-4737 (available between 8:00am and 4:00pm Eastern Time, Monday through Friday except federal holiday), or by email to pdr@nrc.gov.

VIII. Conference Call

⁴ Some documents determined by the staff to contain "sensitive" information are publicly available only in redacted form; non-sensitive documents are publicly available in their complete form. In addition, some documents that may contain information proprietary to AES are publicly available only in redacted form.

The Board intends on holding a conference call with the parties in early January to discuss further administrative details regarding this evidentiary hearing.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁵

/RA/

Ronald M. Spritzer, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
November 9, 2011

⁵ 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

In the Matter of)
)
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 Licensing Board **NOTICE (Notice of Evidentiary Hearing and Opportunity to Provide Oral and Written Limited Appearance Statements)**, have been served upon the following persons by Electronic Information Exchange.

Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Mail Stop - T-3 F23
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission
Office of the General Counsel
Mail Stop - O-15 D21
Washington, DC 20555-0001

Administrative Judge
Ronald M. Spritzer, Chair
E-mail: ronald.spritzer@nrc.gov.

Marian Zobler, Esq.
Sara Kirkwood, Esq.
Susan Vrahoretis, Esq.
Anthony Wilson, Esq.
Marcia Carpentier, Esq.
Adam Gendelman, Esq.
Joseph Gilman, Paralegal
Karin Francis, Paralegal
E-mail: marian.zobler@nrc.gov
sara.kirkwood@nrc.gov
susan.vrahoretis@nrc.gov
anthony_wilson@nrc.gov
marcia.carpentier@nrc.gov
adam.gendelman@nrc.gov
joseph.gilman@nrc.gov
karin.francis@nrc.gov

Administrative Judge
Gary S. Arnold
E-mail: gary.arnold@nrc.gov

Administrative Judge
William W. Sager
E-mail: wws1@nrc.gov

Joshua A. Kirstein, Law Clerk
joshua.kirstein@nrc.gov
Kirsten A. Stoddard, Law Clerk
kirsten.stoddard@nrc.gov

OGG Mail Center: ogcmailcenter@nrc.gov

Docket No. 52-016-COL

NOTICE (Notice of Evidentiary Hearing and Opportunity to Provide Oral and Written Limited Appearance Statements)

U.S. Nuclear Regulatory Commission
Office of Commission Appellate
Adjudication
Mail Stop O-16C1
Washington, DC 20555-0001
E-mail: ocaamail@nrc.gov

U.S. Nuclear Regulatory Commission
Office of the Secretary of the Commission
Mail Stop O-16C1
Washington, DC 20555-0001
Hearing Docket
E-mail: hearingdocket@nrc.gov

UniStar Nuclear Energy, LLC
100 Constellation Way
Suite 200C
Baltimore, MD 21202
Carey W. Fleming, Esq.
Senior Counsel
E-mail: carey.fleming@cengllc.com

Winston & Strawn, LLP
1700 K Street, N.W.
Washington, DC 20006-3817
David A. Repka, Esq.
Tyson R. Smith, Esq.
Emily J. Duncan, Esq.
William A. Horin, Esq.
Rachel Miras-Wilson, Esq.
E-mail: drepka@winston.com
trsmith@winston.com
ejduncan@winston.com
whorin@winston.com
rwilson@winston.com

State of Maryland
Office of the Attorney General
Maryland Energy Administration and
Power Plant Research Program of the
Department of Natural Resources
1623 Forest Drive, Suite 300
Annapolis, Maryland 21403
Brent A. Bolea, Assistant Attorney General
Michael Hare, Assistant Attorney General
E-mail: bbolea@energy.state.md.us
bhare@oag.state.md.us

Morgan, Lewis & Bockius, LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
Jonathan M. Rund, Esq.
E-mail: jrund@morganlewis.com

Nuclear Information Resource Service
6390 Carroll Avenue, #340
Takoma Park, MD 20912
Michael Mariotte, Executive Director
Diane D'Arrigo
E-mail: nirsnet@nirs.org
dianed@nirs.org

Beyond Nuclear
6930 Carroll Avenue Suite 400
Takoma Park, MD 20912
Paul Gunter, Director
E-mail: paul@beyondnuclear.org

Docket Nos. 52-016-COL

NOTICE (Notice of Evidentiary Hearing and Opportunity to Provide Oral and Written Limited Appearance Statements)

Public Citizen
215 Pennsylvania Ave, SE
Washington, DC 20003
Allison Fisher, Organizer- Energy Program
E-mail: afisher@citizen.org

Southern MD CARES
P.O. Box 354
Solomons, MD 20688
June Sevilla, Spokesperson
E-mail: gmakeda@chesapeake.net

Hogan & Hartson LLP
Columbia Square, 555 Thirteenth Street, NW
Washington, D.C. 20004
Amy Roma, Esq.
E-mail: acroma@hhlaw.com

[Original signed by Linda D. Lewis] _____
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of November 2011

