

August 31, 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

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))

MOTION TO APPLY NEW PART 2 RULE DEADLINES

In accordance with 10 C.F.R. § 2.323, Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Operating Services, LLC (collectively, “UniStar”) hereby request that the Commission apply the deadlines associated with the new Part 2 rules,¹ which are effective on September 4, 2012, to any appeals (and answers) from the three Licensing Board decisions² issued on August 30, 2012.³ This would result in any appeal being due within 25 days of the Licensing Board decision, rather than the shorter time frame provided under the current rules in 10 C.F.R. § 2.341(b)(1). The deadlines for filing answers in 10 C.F.R. § 2.341(b)(3) would also be extended to 25 days.

¹ On August 3, 2012, the NRC finalized amendments to the adjudicatory process rules and related requirements. 77 Fed. Reg. 46563 (August 3, 2012). The *Federal Register* notice states that the new rules will not be applied retroactively, but will govern all obligations that arise after the effective date of the final rule.

² LBP-12-17, Partial Initial Decision (Ruling on Contention 10C); LBP-12-18, Order (Ruling on Joint Intervenors’ Proposed New Contention 11); and LBP-12-19, Order (Granting Summary Disposition of Contention 1).

³ UniStar has consulted with the other parties to the proceeding and they have no objection to this motion.

Allowing the parties additional time to review the Licensing Board decisions before deciding whether to appeal will allow for better consideration of the merits of an appeal. The additional time also will allow the parties to perform necessary research and analysis, which would ultimately result in higher quality briefs and better framing of the key appellate arguments if a party decides to seek Commission review. As the NRC indicated in the Statements of Consideration accompanying the new rules, experience has demonstrated that the 15 days and 10 days provided under the current rules is unnecessarily short and sometimes results in superficial appeals. Given the current status of the proceeding, the change in deadlines also would not cause any unnecessary delay in the overall licensing decision.

For the above reasons, the Commission should grant the motion and apply the 25-day deadlines for appeals and answers filed under 10 C.F.R. §§ 2.341(b)(1) and (3).

Respectfully submitted,

/s/ signed electronically by
David A. Repka
Tyson R. Smith
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

Debbie L. Hendell
UniStar Nuclear Energy
750 E. Pratt Street, 14th Floor
Baltimore, MD 21202

COUNSEL FOR CALVERT CLIFFS 3
NUCLEAR PROJECT, LLC AND
UNISTAR NUCLEAR OPERATING
SERVICES, LLC

Dated at Washington, District of Columbia
this 31st day of August 2012

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of:)
)
CALVERT CLIFFS 3 NUCLEAR)
PROJECT, LLC AND UNISTAR)
NUCLEAR OPERATING SERVICES,) Docket No. 52-016
LLC)
)
(Calvert Cliffs Nuclear Power Plant, Unit 3))

CERTIFICATE OF SERVICE

I hereby certify that copies of “MOTION TO APPLY NEW PART 2 RULE DEADLINES” have been served upon the following persons via the Electronic Information Exchange (“EIE”) this 31st day of August 2012.

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
E-mail: hearingdocket@nrc.gov

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

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

Ronald M. Spritzer, Chair
Administrative Judge
E-mail: rms4@nrc.gov

Marian Zobler, Esq.
Susan Vrahoretis, Esq.
Marcia J. Simon, Esq.
Anthony Wilson, Esq.
Adam Gendelman, Esq.
Joseph Gilman, Paralegal
E-mail: Marian.Zobler@nrc.gov
Susan.Vrahoretis@nrc.gov
Marcia.Simon@nrc.gov
Anthony.Wilson@nrc.gov
Adam.Gendelman@nrc.gov
Joseph.Gilman@nrc.gov

Gary S. Arnold - Administrative Judge
E-mail: gxa1@nrc.gov

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

Megan Wright - Law Clerk
E-mail: mxw6@nrc.gov

OGC Mail Center: ogcmailcenter@nrc.gov

Michael Mariotte, Executive Director
Diane D'Arrigo
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

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

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

William Johnston
3458 Holland Cliffs Road
Huntingtown, MD 20639
E-mail: wj3@comcast.net

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
Bret A. Bolea, Assistant Attorney General
M. Brent Hare, Assistant Attorney General
E-mail: BBolea@energy.state.md.us
bhare@energy.state.md.us

Harmon, Curran, Spielberg, & Eisenberg
1726 M Street N.W., Suite 600
Washington, D.C. 20036
Diane Curran
Mathew D. Fraser
E-mail: dcurran@harmoncurran.com
mfraser@harmoncurran.com

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

Cathy Garger
10602 Ashford Way
Woodstock, MD 21163
E-mail: savorsuccesslady3@yahoo.com

_____/s/ signed electronically by

Tyson R. Smith
Winston & Strawn LLP
1700 K Street, NW
Washington, DC 20006

COUNSEL FOR CALVERT CLIFFS 3
NUCLEAR PROJECT, LLC AND
UNISTAR NUCLEAR OPERATING
SERVICES, LLC