

November 24, 2010

Mr. Greg Gibson
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SUBJECT: STATUS OF THE ENVIRONMENTAL REVIEW FOR CALVERT CLIFFS
NUCLEAR POWER PLANT, UNIT 3, COMBINED LICENSE APPLICATION

Dear Mr. Gibson:

The purpose of this letter is to inform Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Development, LLC (collectively referred to as UniStar), of the current status of the environmental review for the combined license (COL) application for the Calvert Cliffs Nuclear Power Plant, Unit 3. This letter identifies outstanding information items that are needed by the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers (Corps or USACE) staff to complete our review. These issues must be promptly resolved in order for the NRC and Corps staff to complete preparation of the final environmental impact statement (FEIS).

The NRC staff, in cooperation with the Corps, is working to complete the FEIS in accordance with the published schedule. While significant progress has been made in preparing the FEIS, some key informational items have not yet been submitted to support its completion. The NRC and Corps have been working with UniStar on these issues for some time; however, the NRC and Corps staff are concerned that further delay in resolving these issues could jeopardize the current FEIS schedule.

The following items are outstanding as of the date of this letter:

- On October 8, 2010, UniStar submitted a letter to the Maryland Historic Trust (MHT) requesting consultation on changes to the water intake facility, outfall pipe, fish return system, and restoration of the barge dock. This letter described changes to these components and previous surveys completed in the area, and recommended to MHT that no further cultural resource investigations would be needed. The NRC and Corps staff do not know to what extent these changes, and possible MHT consultation requirements that could result from the changes, could affect the projected schedule for completion of the FEIS. It is important to note that a Federal agency cannot make a decision on the proposed action until all required consultation is completed. As of the date of this letter, MHT has not responded to the October 8, 2010, letter with its recommendation. NRC and the Corps understand that MHT is actively working on this issue, although the timeframe for completion of this review is unknown.

- The Corps has requested air emission estimates from UniStar for developing the Corps' air conformity determination. The Corps needs to know projected emissions during construction activities associated with work under Corps jurisdiction within wetlands, streams, and waterways, and during future maintenance dredging. If the work results in emissions that exceed the 100 tons per year threshold, what is the proposed offset and mitigation? This information is needed for the Corps' National Environmental Policy Act (NEPA) review. As of the date of this letter this information has not been submitted to the Corps and NRC.
- The Corps has not received Unistar's reply to comments and recommendations from the National Marine Fisheries Service concerning tidal mitigation, although this was discussed at the November 17, 2010, Joint Evaluation (JE) meeting. NRC and the Corps understand that UniStar is in the process of addressing this further as a result of the JE meeting, however the timeframe for this submission is unknown.
- The Phase II Mitigation Plan for Nontidal Wetlands and Streams has received preliminary final Corps approval. UniStar is in the process of addressing the information needed for the summary document for the Phase II Mitigation Plan for Nontidal Wetlands and Streams, which was also discussed at the November 17, 2010, JE meeting. The NRC staff understands that the Corps and UniStar have developed a path forward to address the nontidal wetland and stream mitigation summary document, however the timeframe for UniStar's submission is unknown. Timely receipt of this information will facilitate the NRC and Corps staffs' efforts to maintain the projected schedule for completion of the FEIS.
- The Corps has not received Unistar's reply to comments dated July 9, 2010, from Ms. June Sevilla, Southern Maryland CARES.

The NRC, as the lead Federal agency for the environmental review, is working toward addressing these issues to ensure that both agencies can make timely and informed decisions for their respective Federal actions. If requested, the NRC staff will schedule meetings with UniStar, the Corps, and State agencies to review and discuss the outstanding items and determine the steps necessary to resolve these issues. All issues must be adequately resolved and outstanding information be submitted to the NRC and Corps staff no later than December 15, 2010, in order to avoid jeopardizing the current projected schedule for publication of the FEIS. If information submitted by UniStar does not adequately address the issues and the new information is comprised of greater than anticipated complexity, or other issues develop from NRC and the Corps' further review and coordination, then the projected FEIS schedule for publication could be extended.

The NRC and Corps staff request that UniStar inform the staff as soon as possible of any other issues or changes in the project that could potentially affect the environmental review, so those changes can also be taken into account to evaluate the impact to the current environmental review schedule. In the meantime, the NRC and Corps staff will continue to complete those sections of the FEIS that are not impacted by the issues discussed above to facilitate timely issuance of the FEIS.

G. Gibson

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For actions involving USACE, the NRC will coordinate with Mr. Woody Francis, USACE Baltimore District's Regulatory Office. Mr. Francis can be contacted by phone at 410-962-5689, and via e-mail to Woody.Francis@usace.army.mil.

The NRC and Corps look forward to working with UniStar to address these remaining issues. If you have any questions or comments regarding this matter please contact Laura Quinn, the environmental project manager, at 301-415-2220, or via e-mail to Laura.Quinn@nrc.gov.

Sincerely,

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Docket No.: 52-016

cc: See next page

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The NRC and Corps look forward to working with UniStar to address these remaining issues. If you have any questions or comments regarding this matter please contact Laura Quinn, the environmental project manager, at 301-415-2220, or via e-mail to Laura.Quinn@nrc.gov.

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Docket No.: 52-016

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