

George Vanderheyden
President and CEO

750 E. Pratt Street
14th Floor
Baltimore, Maryland 21202-3106
410.470.4455



10 CFR 52.3
10 CFR 2.390

March 14, 2008

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

UN#08-003

Subject: UniStar Nuclear, NRC Docket No. 52-016
Submittal of Revision 2 to the Partial Combined License Application for
the Calvert Cliffs Nuclear Power Plant, Unit 3 and
Application for Withholding of Documents

- References:
- 1) Letter UN#07-008, from R. M. Krich (UniStar Nuclear) to U.S. Nuclear Regulatory Commission, "UniStar Nuclear, NRC Project No. 746, Submittal of a Partial Combined License Application for the Calvert Cliffs Nuclear Power Plant, Unit 3, Application for Withholding of Documents and Request for Exemption," dated July 13, 2007
 - 2) Letter from Sandra M. Sloan (AREVA NP) to U.S. Nuclear Regulatory Commission, "Application for Standard Design Certification of the U.S. EPR (Project No. 733)," dated December 11, 2007
 - 3) Letter from Ronnie L. Gardner (AREVA NP) to U.S. Nuclear Regulatory Commission, "U.S. EPR Final Safety Analysis Report, Supplement 1," dated February 7, 2008
 - 4) Letter from Ronnie L. Gardner (AREVA NP) to U.S. Nuclear Regulatory Commission, "U.S. EPR Final Safety Analysis Report, Supplement 2," dated February 18, 2008
 - 5) Letter UN#07-016, from R. M. Krich (UniStar Nuclear) to U.S. Nuclear Regulatory Commission, "UniStar Nuclear, NRC Project No. 746, Submittal of a Revision 1 to the Partial Combined License Application," dated December 14, 2007

1079
NRC

- 6) Letter from David B. Matthews (NRC) to R. M. Krich (UniStar Nuclear), "Docketing of the Partial Combined License Application for Calvert Cliffs Nuclear Power Plant, Unit 3," dated January 25, 2008
- 7) Letter UN#07-005, from R. M. Krich (UniStar Nuclear) to the U.S. Nuclear Regulatory Commission, "UniStar Nuclear Project Nos. 733 (AREVA NP), 746 (UniStar Nuclear), 750 (AmerenUE), and 752 (Amarillo Power) Response to Regulatory Issue Summary 2007-08, Updated Licensing Submittal Information to Support the Design-Centered Licensing Review Approach," dated May 31, 2007

By letter dated July 13, 2007 (Reference 1), UniStar Nuclear submitted a partial Combined License (i.e., COL) application to the NRC for the proposed Calvert Cliffs Nuclear Power Plant (CCNPP), Unit 3. The plant type referenced in this partial application is a U.S. EPR. The application for a Standard Design Certification for the U.S. EPR was submitted to the NRC by AREVA NP on December 11, 2007 (Reference 2). The U.S. EPR Final Safety Analysis Report (FSAR) portion of the application for a Standard Design Certification was supplemented by AREVA on February 7, 2008 (Reference 3) and February 18, 2008 (Reference 4). On December 14, 2007, UniStar Nuclear submitted Revision 1 to its partial COL application for CCNPP, Unit 3 (Reference 5). The NRC accepted the UniStar Nuclear partial COL application for further processing and review as specified in its letter of January 25, 2008 (Reference 6).

This letter transmits Revision 2 of our partial COL application for CCNPP, Unit 3. Revision 2 contains the remaining, i.e., second, portion of the COL application as well as the first portion submitted on July 13, 2007, and therefore complies with the applicable provisions of 10 CFR 52.77, "Contents of applications; general information," 10 CFR 52.79, "Contents of applications; technical information in final safety analysis report," and 10 CFR 52.80, "Contents of applications; additional technical information," except as described below with respect to the Security Plan and Security Assessment. As stated in our response to Regulatory Issue Summary (RIS) 2007-08 (Reference 7), this complete COL application is the "Reference COL Application" (R-COLA) for the U.S. EPR Design-Centered Working Group (DCWG). By this transmittal of the complete COL application for CCNPP, Unit 3, we also apply for such other licenses as would be required to possess and use source, special nuclear, and byproduct material, as defined in NRC regulations, 10 CFR 30, "Rules of General Applicability to Domestic Licensing of Byproduct Material," 10 CFR 40, "Domestic Licensing of Source Material," and 10 CFR 70, "Domestic Licensing of Special Nuclear Material," in connection with the operation of CCNPP, Unit 3.

A set of DVDs containing the following COL application parts is provided in Enclosure 1. The COL application parts below are consistent with the "Proposed U.S. EPR COL

Application Standardization Matrix," that was submitted in response to RIS 2007-08 (Reference 7).

- Part 1 – General Information
- Part 2 – FSAR
- Part 3 – Environmental Report
- Part 4 – Technical Specifications
- Part 5 – Emergency Plan
- Part 7 – Departures and Exemption Requests
- Part 9 – Proprietary and Sensitive Unclassified Non-Safeguards Information (SUNSI)
- Part 10 – Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) and ITAAC closure

Part 6, reserved for a Limited Work Authorization (LWA) request, is not being used at this time. Part 8, Safeguards/Security Plans, which includes the Security Plan and Security Assessment that contain Safeguards Information (SGI), is being submitted separately. In addition, Part 11, COLA Enclosures, is provided and includes information that is incorporated by reference into the COL application. The DVDs in Enclosure 1 is properly marked to indicate that it contains proprietary and sensitive information.

A second set of DVDs containing the parts specified above, except Part 9, is provided in Enclosure 2. We are requesting that the proprietary information in Part 9 be withheld from public disclosure in accordance with 10 CFR 2.390, "Public inspections, exemptions, request for withholding," paragraph (a)(4). This proprietary information is appropriately marked and an affidavit providing the basis for this request is provided in Enclosure 3. The COL application also contains sensitive, unclassified, non-safeguards information (SUNSI) that could be an aid to a potential adversary. As such, we are also requesting that the SUNSI in Part 9 be withheld from public disclosure in accordance with 10 CFR 2.390(d)(1). This SUNSI is appropriately marked.


Note that the partial COL application, i.e., the first portion of the application as modified by Revision 1, included in this transmittal does not include any changes to the "General Information" and "Environmental Report" parts, but does include conforming changes to FSAR Chapter 2, "Site Characteristics," to make it consistent with the information in the Standard Design Certification application. While there have been changes made to the corporate structure of UniStar Nuclear, the ultimate structure of the CCNPP, Unit 3, project company is not yet finalized. Accordingly, we have left the information in Part 1, "General Information," unchanged from that provided in the partial COL application submitted on July 13, 2007. Once the corporate structure is set, we will include the necessary changes in the subsequent revision to the COL application. Also, in response to requests from the NRC, we expect to submit additional core boring results by August 29, 2008, and the associated soil testing results by September 30, 2008. This information will then be included in a subsequent revision to the COL application.

UniStar Nuclear considers that the enclosed COL application is of high quality and requests that the NRC undertake its acceptance review of the second portion of the application as soon as is practicable. Appropriate pre-submission checks have been successfully performed on the COL application DVD files to ensure conformance with the guidelines provided on the NRC web site. The files have been found acceptable for electronic submittal. Each DVD includes a "packing slip" describing its contents in accordance with NRC instructions for electronic submittals. Note also that information in the enclosed COL application that is specific to CCNPP, Unit 3 and its site is provided in brackets (i.e., { }). Information that is not in brackets is considered generic in that it will be repeated in subsequent COL applications.

If you have any questions or need additional information, contact John Price at (410) 470-5531.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 14, 2008



George Vanderheyden

Enclosures: 1) CCNPP, Unit 3 COL Application DVD
 2) Redacted CCNPP, Unit 3 COL Application DVD
 3) Affidavit

cc: U.S. NRC Region I (2 copies)
 U.S. NRC Resident Inspector, CCNPP, Units 1 and 2
 NRC Project Manager, U.S. EPR Combined License Application
 NRC Project Manager, U.S. EPR Design Certification Application (w/o enclosures)

ENCLOSURE 1

CCNPP, Unit 3 COL Application DVDs

ENCLOSURE 2

Redacted CCNPP, Unit 3 COL Application DVDs

ENCLOSURE 3

Affidavit

ENCLOSURE 3
Affidavit of Rod M. Krich
(Page 1 of 2)

Rod M. Krich, being duly sworn, hereby deposes and states as follows:

1. My name is Rod M. Krich. I am the Senior Vice President, Regulatory Affairs for UniStar Nuclear.
2. I have been authorized by UniStar Nuclear to execute this affidavit in support of UniStar Nuclear's request to withhold proprietary information identified in UniStar Nuclear letter to the NRC UN#08-003, "UniStar Nuclear, Docket No. 52-016, Submittal of Revision 2 to the Partial Combined License Application for Calvert Cliffs Nuclear Power Plant, Unit 3 and Application for Withholding of Documents," hereafter referred to as the "Proprietary Information," from public disclosure in accordance with the Nuclear Regulatory Commission's (NRC's) regulations appearing at 10 C.F.R. § 2.390(a)(4).
3. The Proprietary Information is being submitted as proprietary and confidential information as part of an enclosure to UniStar Nuclear's letter UN#08-003 from George Vanderheyden to NRC's Document Control Desk.
4. The Proprietary Information includes detailed financial information regarding costs and taxes associated with the construction and operation of the proposed U.S. EPR nuclear power plant at the Calvert Cliffs sites (i.e., Unit 3).
5. The Proprietary Information was prepared with the explicit understanding that the information itself would be treated as proprietary and confidential. The information should therefore be withheld from public disclosure. Indeed, UniStar Nuclear has refrained from publicly disclosing this information. To the best of my knowledge and belief, the Proprietary Information has not otherwise been knowingly made available in any public source.
6. If the Proprietary Information was publicly disclosed, UniStar Nuclear and Constellation Generation would suffer irreparable and incalculable harm. Specifically, UniStar Nuclear's competitors would gain valuable insight into otherwise unavailable business strategies, plans, and financial details. By knowing the details included in the Proprietary Information, UniStar Nuclear's competitors would obtain an unfair commercial advantage that would significantly affect UniStar Nuclear's ability to compete. In addition, the success of the UniStar Nuclear's future plans is governed in large part by the cost and tax information, and thus to publicly disclose this information as reflected in Proprietary Information would result in substantial harm to the competitive position of UniStar Nuclear.
7. Financial information by its nature is treated as confidential. The specific financial details in the Proprietary Information have not been publicly released for the reasons set forth above. Accordingly, withholding the Proprietary Information from disclosure will not adversely affect the public.

Affidavit of Rod M. Krich
(Page 2 of 2)

8. A redacted version of the Proprietary Information has been provided. This version is for public disclosure.
9. The Proprietary Information is being submitted to the NRC in confidence. The Proprietary Information is of a sort customarily held in confidence by UniStar Nuclear, and in fact has been held in confidence and not otherwise previously publicly released.

Further Affiant sayeth not.



Rod M. Krich
Senior Vice President, Regulatory Affairs,
UniStar Nuclear

Subscribed and sworn to before me,
Notary Public, this 15th day of February, 2008:



My Commission expires:

