

Greg Gibson
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10 CFR 50.4
10 CFR 52.79

October 31, 2008

UN#08-060

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

Subject: UniStar Nuclear Energy, NRC Docket No. 52-016
Calvert Cliffs Nuclear Power Plant, Unit 3
Submittal of Response to Requests for Additional Information
Environmental Impact Statement (EIS) Issues

Reference: Requests for Additional Information concerning SER Issues and EIS Issues for
the Calvert Cliffs Nuclear Power Plant Unit 3, dated October 14, 2008

The purpose of this letter is to provide the NRC staff with responses to the subject EIS Issues provided by Joe Colancino (NRC) on October 14, 2008 (Reference). The UniStar response is provided for each request in the enclosure.

If there are any questions regarding this transmittal, please contact me at (585) 771-3535.

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

Executed on October 31, 2008

A handwritten signature in black ink, appearing to read "Greg Gibson".

for Greg Gibson

D079
NRC

Enclosure: Responses to NRC Requests for Additional Information, Environmental Impact Statement Issues, October 14, 2008

Attachments: 1) February 20, 2008 Email from Barbara Munford (GAI Consultants, Inc.) to Mervin Savoy (Tribal Chairperson), Piscataway Conoy Confederacy
2) Entrainment Characterization Data Report for Calvert Cliffs Nuclear Power Plant, 2008, Final

cc: U.S. NRC Region I
U.S. NRC Resident Inspector, Calvert Cliffs Nuclear Power Plant, Units 1 and 2
NRC Environmental Project Manager, U.S. EPR Combined License Application
NRC Project Manager, U.S. EPR Combined License Application
NRC Project Manager, U.S. EPR Design Certification Application (w/o enclosure)

Enclosure

**Calvert Cliffs Nuclear Power Plant, Unit 3
Responses to NRC Requests for Additional Information
Environmental Impact Statement Issues**

October 14, 2008

EIS Item 1 from Colaccino Drop-in Visit

Provide copy of February 20, 2008, Email: Barbara Munford (GAI) to Mervin Savoy (Tribal Chairperson), Piscataway and Convoy Confederacy and Subtribes, Inc.

UniStar Response (Supplemental Response for RAI 21a):

A copy of the February 20, 2008 Email from Barbara Munford (GAI Consultants, Inc.) to Mervin Savoy (Tribal Chairperson), Piscataway Conoy Confederacy is provided in Attachment 1.

COLA Impact:

No changes to the Environmental Report are required.

EIS Item 2 from Colaccino Drop-in Visit

Provide copies of the preservation plan and the unanticipated discoveries plan developed for the best management practices for cultural/historical resources. If these plans have been submitted to the U.S. Army Corps of Engineers (USACE) and the Maryland State Historic Preservation Officer (SHPO) but not yet finalized, provide the proposal submitted to these agencies.

UniStar Response (Supplemental Response for RAI 21e):

Cultural and historical resources that are outside of the construction footprint will continue to be preserved. Any preservation measures of cultural/historical resources within the disturbed area for CCNPP Unit No. 3 will be contained in a mitigation plan that has yet to be drafted. Once concurrence is received from the Maryland SHPO on the findings of the Phase I/II (Archaeology) and Criteria and Effects Evaluation (Architecture) reports, UniStar will draft a mitigation plan and submit it to the Maryland SHPO for review. We expect to receive a response from the Maryland SHPO on the Archeology and Architecture reports by December 31, 2008. A mitigation plan will be submitted to the Maryland SHPO for review and approval in the first quarter of 2009.

The draft Unanticipated Discoveries Plan is under review by the Maryland SHPO. UniStar will be working with the Maryland SHPO to ensure that the plan meets state expectations and is in full compliance with State and Federal regulations. The Memorandum of Agreement to be prepared by the State of Maryland in support of the CPCN will include a clause covering Unanticipated Discoveries. The draft MOA is expected to be issued for public comment in the first quarter of 2009.

COLA Impact:

No changes to the Environmental Report are required.

EIS Item 3 from Colaccino Drop-in Visit

Provide a copy of procedures that identify measures to be taken if cultural or historic resources are inadvertently discovered during pre-construction, and operation. Describe measures for avoidance, minimization, or mitigation of any adverse effects on cultural or historic resources that have been identified.

UniStar Response (Supplemental Response for RAI 21f):

The draft Unanticipated Discoveries Plan is discussed in the response to EIS Item 2. This plan is expected to remain in effect during pre-construction, construction and operation.

Once concurrence is received from the Maryland SHPO on the findings of the Phase I/II (Archaeology) and Criteria and Effects Evaluation (Architecture) reports, UniStar will draft a mitigation plan and submit it to the Maryland SHPO for review. The plan will describe measures for avoidance, minimization, or mitigation of any adverse effects on identified cultural or historic resources. We expect to receive a response from the Maryland SHPO on the Archeology and Architecture reports by December 31, 2008. A mitigation plan will be submitted to the Maryland SHPO for review and approval in the first quarter of 2009.

COLA Impact:

No changes to the Environmental Report are required.

EIS Item 4 from Colaccino Drop-in Visit

Provide (1) a mitigation plan for historic properties; and (2) the basis for concluding that the impacts to historical properties during construction will be MODERATE.

UniStar Response (Supplemental Response for RAI 21g):

(1) Once concurrence is received from the Maryland SHPO on the findings of the Phase I/II (Archaeology) and Criteria and Effects Evaluation (Architecture) reports, UniStar will draft a mitigation plan and submit it to the Maryland SHPO for review. The plan will describe measures for avoidance, minimization, or mitigation of any adverse effects on identified cultural or historic resources. We expect to receive a response from the Maryland SHPO on the Archeology and Architecture reports by December 31, 2008. A mitigation plan will be submitted to the Maryland SHPO for review and approval in the first quarter of 2009.

(2) The basis for concluding that the impacts to historical properties during construction will be MODERATE is as follows:

As discussed in Sections 2.5.3 and 4.1.3 of the Environmental Report, the results of Phase I investigations identified four of the 14 archeological sites within the project's area of potential effect (APE) to be potentially eligible for listing in the National Register of Historic Places (NRHP) and would likely be impacted by construction of CCNPP Unit No. 3. These four archeological sites (18CV474, 18CV480, 18CV481 and 18CV482), are listed in Table 2.5-41 of the Environmental Report and represent historic period domestic sites. Five architectural and historical resources were also identified within the APE. As presented in Table 2.5-42, four of these architectural and historical resources were determined to be eligible for listing in the NRHP and would likely be affected by proposed construction activities. These four resources include portions of the Baltimore and Drum Point Railroad prism that traverse the APE; the abandoned YMCA Camp Conoy, situated within the footprint of proposed construction; Preston's Cliffs, located north of the existing facility, and the Parran's Park abandoned farmstead south of the main site access road.

Because the four potentially eligible archeological sites could not be avoided by proposed construction activities, Phase II National Register evaluations were conducted to conclusively determine their NRHP eligibility. Based on the results of Phase II investigations, completed on May 12, 2008, only Site 18CV474 (Site 1) is recommended eligible for listing in the NRHP. The three other sites are recommended as not eligible to the NRHP. Because this site is located within the proposed construction footprint of CCNPP Unit No. 3, a Phase III Data Recovery investigation of Site 18CV474 is recommended prior to disturbing this area for site preparation and construction in order to mitigate proposed project impacts.

Of the four NRHP eligible historic properties, three properties (the Baltimore and Drum Point Railroad, Camp Conoy and Parran's Park) may be impacted by proposed construction activities; no impacts are anticipated at Preston's Cliffs. While the Baltimore and Drum Point Railroad may be affected, there are other portions of the railroad prism that exist on and offsite which will not be affected by the project. Parran's Park would likely be affected by road construction of the new main access road for Unit No. 3 which runs along the northern border of this resource. Effects to Camp Conoy by proposed site preparation and construction activities would likely be adverse.

The impact to historical properties is MODERATE because the environmental effects are sufficient to alter noticeably one NRHP eligible archeological site, and three NRH - eligible architectural historic properties. These effects can be mitigated by recommended Phase III Data Recovery investigations at Site 18CV474 and by creative mitigation plans for the three architectural historic properties (Baltimore and Drum Point Railroad, Camp Conoy and Parran's Park).

COLA Impact:

Changes to Sections 2.5.3, 4.1.3, 5.1.3 and 10.5 are required to reflect the results of the Phase II investigation and the subsequent review by the Maryland SHPO. These changes will be included in Revision 4 to the COLA.

EIS Issue No. 5 from Colaccino Drop-in Visit

Provide a table summarizing the construction and preconstruction related impacts of activities defined in 10 CFR 50.10(a)(1) and (a)(2)(i) through (vii). The columns of the table should list the activity; the potential impacts; the significance of the potential impacts; the estimated percentage of the impacts caused by construction and preconstruction, and the basis for the estimated percentages. If activities are aggregated, explain how the aggregation was made.

UniStar Response:

Table 4.6-2 summarizing the construction and preconstruction related impacts of activities will be submitted by November 21, 2008.

COLA Impact:

Table 4.6-2 will be included in Revision 4 to the Environmental Report.

EIS Issue No. 6 from Colaccino Drop-in Visit (Aquatic Ecology RAI)

Pages 70 and 71 of the RAI Response to Supplemental Aquatic RAIs, dated September 29, 2008, referred to Appendix A, "Pile Driving Impacts to Estuarine Species in Chesapeake Bay near the CCNPP Site." However, no Appendix A was included in the submittal. Provide a copy of Appendix A.

UniStar Response:

Appendix A was provided to the NRC staff in UniStar letter UN#08-53, dated October 27, 2008.

COLA Impact:

No changes to the Environmental Report are required.

EIS Issue No. 7 from Colaccino Drop-in Visit (Aquatic Ecology RAI)

The RAI response to Supplemental Aquatic RAIs dated September 29, 2008, stated in Item 10 that fish entrainment sampling was conducted from March 2006 through September 2007. However, the Entrainment Characterization Data Report submitted with the response is dated July 2007 and covers only the period from March 2006 to March 2007. Item Number 10 also contains other data that is not included in the report. Provide sampling data for the entire March 2006 through September 2007 period and other data contained in Item Number 10 that is not included in the Entrainment Characterization Data Report dated July 2007.

UniStar Response:

Attachment 2 to this letter contains a report entitled "Entrainment Characterization Data Report for Calvert Cliffs Nuclear Power Plant, June 2008, Final", which provides the information requested by the NRC staff.

COLA Impact:

No changes to the Environmental Report are required.

EIS Issue No. 8 from Colaccino Drop-in Visit (Terrestrial Ecology RAI)

Provide a figure (e.g., a map) illustrating the 500' buffer of the Chesapeake Bay bluff habitat that is utilized by tiger beetles, and any encroachment within the buffer due to activities associated with proposed Unit 3.

UniStar Response:

A figure illustrating the 500' buffer of the Chesapeake Bay bluff habitat and any encroachments was provided to the NRC staff in UniStar letter UN#08-47, dated October 17, 2008.

Attachment 3 in the above referenced letter provides a map illustrating the 500' buffer (shaded area) to the shoreline area documented as suitable Chesapeake Bay bluff habitat for the two species of tiger beetles. To provide protection for the beetles, there are no planned construction activities within the 500 foot buffer except for (1) north of the buffer, adjacent to the existing dock in the designated "Intensely Developed Area", by development of the heavy haul road and barge slip that will extend up to 100 feet into the buffer but will not impact the beetle habitat, (2) the Camp Conoy area (not shown on figure) demolition of the Eagle's Den building and removal of related impervious surfaces using construction practices to minimize any potential impacts on the cliff face that might impact tiger beetles and (3) activities associated with developing the "Proposed Forested Wetland Mitigation Area" to provide forest interior dwelling species habitat restoration away from the cliff face.

COLA Impact:

No changes to the Environmental Report are required.

EIS Issue No. 9 from Colaccino Drop-in Visit (Terrestrial Ecology RAI)

Provide a report including methods/locations/results of any wildlife surveys that have been conducted since the Calvert Cliffs Site Audit conducted on May 19, 2008.

UniStar Response:

Additional wildlife survey information was provided to the NRC staff in UniStar letter UN#08-047, dated October 17, 2008.

COLA Impact:

No changes to the Environmental Report are required.

EIS Issue No. 10 from Colaccino Drop-in Visit (Terrestrial Ecology RAI)

Estimate the impacts caused by ground clearing activities on nests of bird species protected under the Migratory Bird Treaty Act (MBTA) and describe the measures and controls the applicant will use to limit the adverse impacts of ground clearing activities on direct mortality and nest destruction of bird species protected under the MBTA.

UniStar Response:

UniStar will consult with the U.S. Fish and Wildlife Service (FWS) to ensure that the issue of direct mortality and nest destruction of bird species covered under the Migratory Bird Treaty Act is adequately addressed prior to the initiation of clearing. UniStar will plan construction activities with consideration of breeding seasons for avifauna subject to the Act.

COLA Impact:

No changes to the Environmental Report are required.

EIS Item 11 from Colaccino Drop-in Visit

Describe any proposed changes in the wetland mitigation plan since it was first submitted in the Draft Report: Conceptual Wetland/Stream Compensatory Mitigation Plan, by MACTEC, dated June 16, 2008.

UniStar Response (Supplemental Response to RAI TE-15):

Comments are expected from the USACE and State of Maryland on the draft report in November 2008. Any proposed changes to the Conceptual Wetland/Stream Compensatory Mitigation Plan will be submitted by December 19, 2008.

COLA Impact:

No changes to the Environmental Report are required.

Attachment 1

**February 20, 2008 Email from Barbara Munford (GAI Consultants, Inc.)
to Mervin Savoy (Tribal Chairperson), Piscataway Conoy Confederacy**

Barbara A Munford

From: Barbara A Munford
Sent: Wednesday, February 20, 2008 12:10 PM
To: 'msavoy9836@aol.com'
Cc: 'Wrobel, George'; 'Price, John'; Benjamin Resnick; 'MELukey@mactec.com'
Subject: Piscataway Conoy Confederacy Consultation--Calvert Cliffs Nuclear Power Plant project
Attachments: FIG.1. CCNPP PROJECT AREA.pdf

Ms. Savoy-

On behalf of UniStar Nuclear Development, LLC (UniStar), GAI Consultants Inc. (GAI) would like to request consultation with the Piscataway Conoy Confederacy and Subtribes, Inc. on the possible construction of a new nuclear power generating unit at Constellation Energy's existing Calvert Cliffs Nuclear Power Plant (CCNPP) in Lusby Maryland. Because of the application for a license from the U.S. Nuclear Regulatory Commission (NRC) this project is required to meet the obligations of Section 106 of the National Historic Preservation Act of 1966, as amended, and the amended Procedures for the Protection of Historic and Cultural Properties as set forth in 36CFR800. The NRC, as the lead agency, has authorized applicants to initiate consultation with appropriate tribal entities. GAI Consultants is assisting UniStar in conducting cultural resources investigations for this proposed project.

As illustrated on the attached map, the proposed project area consists of a 600-acre parcel located within the current CCNPP site. GAI conducted Phase I cultural resources investigations of the project area between November 2006 and January 2007 and presented the results in a Draft Interim Report. Subsequent Phase II investigations have been recommended and are expected to occur in 2008.

Phase I investigations identified 14 archaeological sites (12 historic, 1 historic/prehistoric and 1 prehistoric) and 25 isolated finds (21 historic and 4 prehistoric) within the project area. Four of these historic sites have been recommended as potentially eligible for listing in the National Register of Historic Places (NRHP) and either avoidance by proposed construction or additional Phase II archaeological investigations are recommended for these localities. Within the project viewshed, this study also identified five architectural resources over 50 years of age, including three that have been determined NRHP-eligible.

I have been unable to reach you by phone but would be happy to discuss the project with you and provide any additional information that you may require. In addition, we would be pleased to send you a copy of GAI's Draft Interim Report for your use. Please feel free to contact me at (412) 476-2000x1203 or by email (b.munford@gaiconsultants.com) to discuss how we can proceed on consultation.

Thank you--

Barb Munford

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GAI CONSULTANTS



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YEARS OF SERVICE

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