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10 CFR 52.3
10 CFR 52.79

January 30, 2009

UN#09-103

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

Subject: UniStar Nuclear Energy, NRC Docket No. 52-016
Calvert Cliffs Nuclear Power Plant, Unit 3
Supplemental Response for RAI 21e

Reference: Letter UN#08-060 G. Gibson (UniStar Nuclear Energy) to Document Control Desk (U.S. Nuclear Regulatory Commission), Submittal of Response to Requests for Additional Information, Environmental Impact Statement Issues, dated October 31, 2008

The referenced letter provided UniStar Nuclear Energy's responses to Requests for Additional Information (RAIs) related to the Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Environmental Report (ER). Specifically, the referenced letter stated that a supplemental response providing the draft Unanticipated Discoveries Plan would be provided in the first quarter of 2009.

Enclosed is the draft Unanticipated Discoveries Plan provided to UniStar by the Maryland State Historical Trust, Office of Preservation Services earlier this month. This plan will be included in the Memorandum of Agreement in support of the Certificate of Public Convenience and Necessity (CPCN) to be issued by the State of Maryland for this project.

The regulatory commitment identified in the referenced letter for this RAI is considered closed with this submittal.

If you have any questions, please call Mr. Dimitri Lutchenkov at (410) 470-5524.

D079
HRO

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

Executed on January 30, 2009

A handwritten signature in black ink, appearing to read 'Greg Gibson', with a long horizontal flourish extending to the right.

Greg Gibson

Enclosure: 1. Supplemental Response for RAI 21e

cc: U.S. NRC Region I Office
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 Safety Project Manager, U.S. EPR Combined License Application
NRC Project Manager, U.S. EPR Design Certification Application (w/o enclosures)

Enclosure 1

**Supplemental Response for RAI 21e
CCNPP Unit 3 Environmental Report**

RAI 21e

ER Section 2.53, 4.1.3

Request:

Provide a copy of procedures that identify measures to be taken if cultural or historic resources are inadvertently discovered during construction.

Supplemental Response:

The draft Unanticipated Discoveries Plan was provided to UniStar by the Maryland State Historical Trust, Office of Preservation Services in January 2009. The draft plan states the following:

Unanticipated Discoveries

In the event of any unanticipated discoveries of potential historic properties during construction, [the applicant] will ensure that the MD SHPO and the Corps are notified within 48 hours after the discovery, and all construction involving subsurface disturbance will immediately be halted in the area of the discovered resource and in the area immediately surrounding the resource where further subsurface deposits may reasonably be expected to occur. [The applicant] and the MD SHPO, or an archeologist approved by the MD SHPO, will inspect the work site without unreasonable delay and determine the parameters of the affected archeological site. Construction work may then continue in the project area outside those parameters. Within fifteen (15) working days of first notifying the Corps and MD SHPO, [the applicant], in consultation with the MD SHPO and the Corps, will assess the National Register eligibility of the resource. If the resource is assessed as possessing those qualities of significance identified in the National Register criteria, [the applicant] will ensure that the appropriate avoidance, protection, and treatment measures are implemented pursuant to the terms of this Memorandum of Agreement (MOA).

The plan will be finalized when the MOA is issued in support of the CPCN in 2009.

The Maryland state law supporting this requirement is found under the Maryland Historical Trust Act, Sections 5A-325 and 5A-326 of the State Finance and Procurement Article. Note that the State of Maryland is reviewing this project as a federal undertaking and all state historic preservation requirements will be fulfilled through the Federal review process required by Section 106 of the National Historic Preservation Act, as amended in 2007 (Title 16, United States Code, Part 470). The Federal regulation requiring this plan is 36 CFR 800.13, Protection of Historic Properties, Post-review Discoveries.

ER Impact:

No changes to the ER are required.