

Greg Gibson  
Vice President, Regulatory Affairs

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Baltimore, Maryland 21201



10 CFR 52.75  
10 CFR 2.390

March 9, 2009

UN#09-125

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 Revision 4 to the Combined License Application for the Calvert Cliffs  
Nuclear Power Plant, Unit 3, and Application for Withholding of Documents

- Reference:
- 1) George Vanderheyden (UniStar) to Document Control Desk (NRC) "Submittal of Revision 3 to the Combined License Application for the Calvert Cliffs Nuclear Power Plant, Unit 3; and Application for Withholding of Documents", dated August 1, 2008.
  - 2) Joseph Colaccino (NRC) to Timothy Herrmann (AmerenUE), "Combined License Application Acceptance Review for Callaway Plant Unit 2 Nuclear Power Plant," dated December 12, 2008.
  - 3) Prosanta Chowdhury (NRC) to Greg Gibson (UniStar), "Combined License Application Acceptance Review for Nine Mile Point 3 Nuclear Power Plant," dated December 12, 2008.
  - 4) Michael Canova (NRC) to Terry Harpster (PPL Bell Bend), "Combined License Application Acceptance Review for Bell Bend Nuclear Power Plant," dated December 19, 2008.
  - 5) Greg Gibson (UniStar) to Document Control Desk (NRC), "Intake Structure Relocation Changes for Environmental Report," dated January 14, 2009.

Provided herein is Revision 4 to the Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3 Combined License application (COLA). As submitted, Revision 4 is a "red-line" revision of the COL application previously submitted as Revision 3 (Reference 1).

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In References 2 through 4, the NRC documented completion of their acceptance review for the three U.S. Evolutionary Power Reactor (U.S. EPR) S-COLAs, and determined the respective combined license applications were acceptable for docketing. In these letters the NRC recommended that the respective S-COLAs be amended to provide standard language identical to that in the R-COLA for content that is located outside of braces "{ }". The purpose of this COLA revision is to adopt the USNRC recommendation to standardize COLA content located outside of braces and achieve alignment between R-COLA and S-COLAs. In order to complete the COLA revision, it was necessary to revise all of the COLAs associated with the U.S. EPR Design Centered Working Group (DCWG). This concept was presented to the NRC staff on January 16, 2009 at the U.S. EPR DCWG meeting held in Rockville, Maryland.

In addition to changes to standardized language outside of braces, UniStar Nuclear Energy made additional corrections to site-specific language inside the braces noted since submittal of the original application. Enclosure 1 provides a description of changes made in this COLA Revision.

UniStar had previously stated its intent to update the Environmental Report in Revision 4 to include changes related to relocation of the Ultimate Heat Sink Makeup Water Intake Structure (Reference 5). In keeping with the limited scope of this COLA revision, this information will be submitted with COLA Revision 5.

This COLA revision contains no Restricted Data or other defense information requiring separation in accordance with 10 CFR 50.33 (j). Part 9 of this COLA revision contains certain financial, SUNSI and security-related information that UniStar Nuclear Energy is requesting the NRC to withhold from public disclosure in accordance with the requirements of 10 CFR 2.390. An appropriate affidavit (Enclosure 4) is included with this letter supporting proprietary treatment of UniStar Nuclear Energy financial information pursuant to 10 CFR 2.390.

An updated set of the COLA documents is being provided in electronic file format on the two enclosed disks (Enclosures 2 and 3). Enclosure 2 contains information UniStar Nuclear Energy believes can be made publicly available. Enclosure 3 contains information that UniStar requests to be withheld from public disclosure.

The submittal contains PDF files, one or more of which contains hyperlinks to other files or to the Internet. These hyperlinks are either inoperable or are not essential to the use of the filing. Any material referenced by hyperlinks to the internet that was essential for the use of this filing has been submitted as part of the filing. Any material referenced by a hyperlink to another PDF that was essential for the use of this filing has either been included by reference or submitted as part of this filing.

Appropriate pre-submission checks have been successfully performed on the files for both disks to ensure compliance with the electronic filing guidelines provided on the NRC website. A "packing slip" describing the COLA contents, pursuant to NRC instructions for electronic filing is provided.

There are no new regulatory commitments in this correspondence.

If there are any questions regarding this transmittal, please contact me at 410-470-4205, or Mr. Michael J. Yox at (410) 495-2436.

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

Executed on March 9, 2009



Greg Gibson

- Enclosures:
- 1) Description of Changes Included in the Calvert Cliffs Nuclear Power Plant, Unit 3 COLA Application, Revision 4
  - 2) Calvert Cliffs Nuclear Power Plant, Unit 3 COL Application Revision 4, Volume 1, Public DVD
  - 3) Calvert Cliffs Nuclear Power Plant, Unit 3 COL Application Revision 4, Volume 2, Non-Public DVD
  - 4) Affidavit for Withholding of Proprietary Information in Accordance with 10 CFR 2.390

cc: John Rycyna, NRC Project Manager, U.S. EPR COL Application  
Getachew Tesfaye, NRC Project Manager, U.S. EPR DC Application  
Thomas Fredrichs, NRC Environmental Project Manager, U.S. EPR COL Application  
Loren Plisco, Deputy Regional Administrator, NRC Region II  
Silas Kennedy, U.S. NRC Resident Inspector, CCNPP, Units 1 and 2  
U.S. NRC Region I Office

**Enclosure 1**

**Description of Changes Included in the Calvert Cliffs Nuclear Power Plant, Unit 3  
COL Application, Revision 4**

<u>Part 1:</u>	General Information:	This COLA Part is now completely site specific.
<u>Part 2:</u>	Final Safety Analysis Report:	Generic text (i.e. text outside braces) is now consistent between the four U.S. EPR COLAs. The text inside braces is site specific.  Additional site specific changes to the FSAR are described below: <ul style="list-style-type: none"><li>• Improved quality figures have been provided.</li></ul>
<u>Part 3:</u>	Environmental Report:	This COLA Part is now completely site specific.  Additional site specific changes to the Environmental Report are described below: <ul style="list-style-type: none"><li>• Improved quality figures have been provided.</li></ul>
<u>Part 4:</u>	Technical Specifications:	All four U.S. EPR COL Applications have been changed to incorporate the US EPR Generic Technical Specifications by reference. Part 4 has been modified to provide information required by the U.S. EPR Generic Technical Specifications as reviewer notes. This part contains generic and site specific information.  To support this change, Technical Specification departures were removed from FSAR Chapter 1 and from COLA Part 7. A proposed license condition has been added to COLA Part 10 to submit a license amendment following completion of a plant-specific set point study following selection of the plant-specific instrumentation.
<u>Part 5:</u>	Emergency Plan:	The braces and generic text have been made consistent between the Calvert Cliffs Nuclear Power Plant Unit 3, Bell Bend Nuclear Power Plant, and Nine Mile Point Unit 3 Nuclear Power Plant COLA submittals.
<u>Part 6:</u>	LWA:	Not Applicable
<u>Part 7:</u>	DCD Departures:	This COLA Part is now completely site specific.
<u>Part 8:</u>	Security Plan:	No Changes
<u>Part 9:</u>	Proprietary and SUNSI:	This COLA Part is now completely site specific.

Part 10:        ITAAC:                    Generic text (i.e. text outside braces) is now consistent between the four U.S. EPR COLAs. The text inside braces is site specific.

Part 11:        Supporting Documents:        No Changes

**Enclosure 2**

**Calvert Cliffs Nuclear Power Plant, Unit 3**

**COL Application Revision 4, Volume 1**

**PUBLIC DVD**

**Enclosure 3**

**Calvert Cliffs Nuclear Power Plant, Unit 3**

**COL Application Revision 4, Volume 2**

**NON-PUBLIC DVD**



**Enclosure 4**

**Affidavit for Withholding of Proprietary Information  
in Accordance with 10 CFR 2.390**

ENCLOSURE 4

**Affidavit of Gregory T. Gibson**  
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Gregory T. Gibson, being duly sworn, hereby deposes and states as follows:

1. My name is Gregory T. Gibson. I am the Vice President, Regulatory Affairs for UniStar Nuclear Energy, LLC (UniStar).
2. I have been authorized by UniStar to execute this affidavit in support of UniStar's request to withhold proprietary information identified in UniStar's letter to the NRC UN#09-125, "UniStar Nuclear Energy, Docket No. 52-016, "Submittal of Revision 4 to the Combined License Application for the 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's letter UN #09-125 from Greg Gibson 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 Nuclear Power Plant, Unit 3 Site (i.e. CCNPP 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 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 and Constellation Energy would suffer irreparable and incalculable harm. Specifically, UniStar'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's competitors would obtain an unfair commercial advantage that would significantly affect UniStar's ability to compete. In addition, the success of the UniStar'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.
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 Gregory T. Gibson**  
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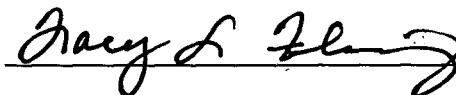
8. A redacted version of the Proprietary Information has been provided. This version is for public disclosure.
9. The proprietary Information is being submitted to the NRC in confidence. The Proprietary Information is of a sort customarily held in confidence by UniStar, and in fact has been held in confidence and not otherwise previously publicly released.

Further Affiant sayeth not.



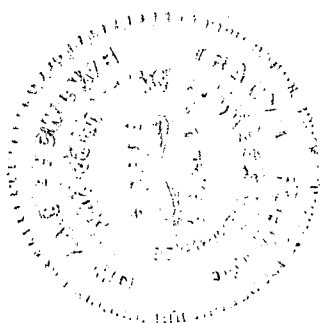
Gregory T. Gibson  
Vice President, Regulatory Affairs  
UniStar Nuclear Energy, LLC

Subscribed and sworn to before me,  
Notary Public, this 9<sup>th</sup> day of March, 2009:



My Commission expires:

March 22, 2011



TRACY L. FLEMING  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 22, 2011