

Greg Gibson  
Vice President, Regulatory Affairs

750 East Pratt Street, Suite 1600  
Baltimore, Maryland 21202



10 CFR 52.75  
10 CFR 2.390

June 30, 2009

UN#09-308

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

Reference: 1) Greg Gibson (UniStar Nuclear Energy) to Document Control Desk (NRC)  
"Submittal of Revision 4 to the Combined License Application for the Calvert  
Cliffs Nuclear Power Plant, Unit 3; and Application for Withholding of  
Documents," dated March 9, 2009.

2) Greg Gibson (UniStar Nuclear Energy) to Document Control Desk (NRC),  
"Intake Structure Relocation Changes for Environmental Report," dated  
January 14, 2009.

Provided herein is Revision 5 to the Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3  
Combined License Application (COLA). As submitted, Revision 5 is a "red-line" revision of the  
COLA previously submitted as Revision 4 (Reference 1).

Revision 5 of the CCNPP Unit 3 COLA incorporates the proposed changes to the design and  
location of the Ultimate Heat Sink Makeup Water Intake Structure as previously discussed with  
your staff (Reference 2).

Revision 5 also incorporates UniStar Nuclear Energy responses to NRC Requests for Additional  
Information submitted to NRC through April 10, 2009.

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

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NRC to withhold from public disclosure in accordance with the requirements of 10 CFR 2.390. An appropriate affidavit (Enclosure 3) is included with this letter supporting proprietary treatment of UniStar Nuclear Energy financial information pursuant to 10 CFR 2.390.

An updated set of COLA documents is being provided in electronic format on the two enclosed discs (Enclosures 1 and 2). Enclosure 1 contains information UniStar Nuclear Energy believes can be made publicly available. Enclosure 2 contains information that UniStar Nuclear Energy requests to be withheld from public disclosure.

The submittal contains PDF files, one or more of which may contain hyperlinks. These hyperlinks are either inoperable or are not essential to the use of the filing. Any material referenced by hyperlinks to the Internet that are essential for the use of this filing have 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.

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 Yox of my staff at 410-495-2436.

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

Executed on June 30, 2009

A handwritten signature in black ink, appearing to read 'Greg Gibson', with a stylized, cursive script.

Greg Gibson

- Enclosures:
- 1) Calvert Cliffs Nuclear Power Plant, Unit 3 COL Application Revision 5, Public DVD
  - 2) Calvert Cliffs Nuclear Power Plant, Unit 3 COL Application Revision 5, Proprietary and Security-Related DVD
  - 3) Affidavit for Withholding of Proprietary Information in Accordance with 10 CFR 2.390.

cc: John Rycyna, NRC Project Manager, U.S. EPR COL Application  
Laura Quinn, NRC Environmental Project Manager, U.S. EPR COL Application  
Getachew, Tesfaye, NRC Project Manager, U.S. EPR DC Application (w/o enclosures)  
Loren Plisco, Deputy Regional Administrator, NRC Region II (w/o enclosures)  
Silas Kennedy, U.S. NRC Resident Inspector, CCNPP, Units 1 and 2  
U.S. NRC Region I Office

**Enclosure 1**

**Calvert Cliffs Nuclear Power Plant, Unit 3  
COL Application Revision 5  
PUBLIC DVD**

**Enclosure 2**

**Calvert Cliffs Nuclear Power Plant, Unit 3  
COL Application Revision 5  
Proprietary and Security-Related DVD**

**Enclosure 3**

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

ENCLOSURE 3

**Affidavit of Gregory T. Gibson**  
(Page 1 of 2)

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#09-308, "UniStar Nuclear Energy, Docket No. 52-016, "Submittal of Revision 5 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 (NRC) regulations appearing at 10 CFR 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 #09-308 from Greg Gibson to the NRC 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 the 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.

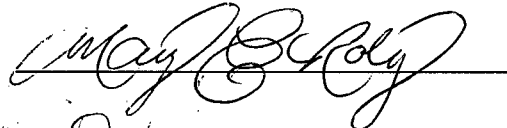
8. A redacted version of the Proprietary Information has been provided. This version is for public disclosure.
9. The Proprietary Information is being submitted to the NRC in confidence. This Proprietary Information is of a sort customarily held in confidence by UniStar, and in fact has been held in 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 30<sup>th</sup> day of June, 2009:

  
July 1, 2010

My Commission expires: