September 18, 2009

Mr. Greg Gibson
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SUBJECT: REQUEST FOR ADDITIONAL INFORMATION RELATED TO THE ENVIRONMENTAL REVIEW FOR THE CALVERT CLIFFS COMBINED LICENSE APPLICATION – REVISED ALTERNATIVE SITES

Dear Mr. Gibson:

During its review of your revised environmental report section 9.3 and alternative site selection process, submitted for the Calvert Cliffs Unit 3 combined license application (COLA), the U.S. Nuclear Regulatory Commission (NRC) staff determined that additional information is needed to complete its review. The NRC staff's request is provided in Enclosure 1. Please provide the Request for Additional Information (RAI) responses to the NRC under oath or affirmation.

Drafts of the RAIs were provided to you on September 14, 2009, September 16, 2009, and September 18, 2009. The draft RAIs were discussed with UniStar and CH2MHill staff on September 15, 2009 and September 16, 2009. No changes were made to the RAIs as a result of these discussions.

The schedule the NRC has established for review of your application assumes technically correct and complete responses within 30 days of receipt of the RAIs. If you cannot respond in 30 days, it is expected that a date for receipt of this information will be provided to the staff within the 30 day period so that the staff can assess how this will impact its resources. In addition, any new and significant changes or additions to information that you have already submitted could impact the time necessary to complete the review. We understand that UniStar intends to respond to these RAIs in approximately seven days.

If you have any questions or comments concerning this matter, I can be reached at 301-415-2220 or by e-mail at Laura.Quinn@nrc.gov.

Sincerely,

/RA/

Laura Quinn
Environmental Project Manager
Environmental Projects Branch 2
Division of Site and Environmental Reviews
Office of New Reactors

Docket No. 52-016

cc: w/enclosure See next page

Enclosure: As stated

If you have any questions or comments concerning this matter, I can be reached at 301-415-2220 or by e-mail at Laura.Quinn@nrc.gov.

Sincerely,

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cc: w/enclosure See next page

Enclosure: As stated

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DATE	09/9/2009	09/2/2009	09/10/2009	09/18/2009

OFFICIAL OFFICE USE

Request for Additional Information No. 1015
UniStar Calvert Cliffs Unit 3
Docket No. 52-016

Reference 10 CFR 51.45(b) applies for all RAIs.

Alternative Site Selection

Question 1: ESRP 9.3 and RG 4.2

In UniStar's August 29, 2009, submittal the score for criteria 1d (Distance to dedicated land) in Table 6-1 of the Alternative Site Evaluation Report (ASER), was revised from the July 17, 2009 submittal for the Bainbridge alternative site from 1 to 2.8. However, Appendix C of the ASER states that Deer Creek Park is 6.9 miles from the Bainbridge site. This appears to match the criterion for a score of 3 in ER Table 9.3-2, which is for dedicated land >5 miles from the site but less than 10. Explain why the Bainbridge site was scored 2.8 instead of 3 (or higher if scaling by use of decimals). [Site Audit Information Need 9]

Question 2: ESRP 9.3 and RG 4.2

In UniStar's August 29, 2009, submittal the ranking score values for criteria 1b (hazardous waste or spoils areas) in Table 6-1 of the ASER for the Bainbridge and EASTALCO alternative sites have been modified from the values in the July 17, 2009 submittal. The justification text in Appendix C of the ASER did not change for either site. Explain the basis for the modified scores. [Site Audit Information Need 9]

Question 3: ESRP 9.3 and RG 4.2.

In UniStar's August 29, 2009, submittal the score for criteria 1c (Zoning) changed from the July 17, 2009 score of 5 to 2 in Table 6-1 of the ASER for the Bainbridge alternative site. The staff notes that (1) the Port Deposit website says that industrial uses are permitted at the Bainbridge site http://www.portdeposit.org/?a=bainbridge1, and (2) an area zoned for industrial facilities should be scored 5 according to Environmental Report (ER) Table 9.3-2. Explain the basis for the modified score. [Site Audit Information Need 9]

Question 4: ESRP 9.3 and RG 4.2

In UniStar's August 29, 2009, submittal the score for criteria 1e (Topography) for the Thiokol alternative site is 4.4. The justification for the Thiokol site in Appendix C of the ASER reads exactly the same as EASTALCO, which is scored 5. Why is the Thiokol site scored differently than the EASTALCO site? [Site Audit Information Need 9]

Question 5: ESRP 9.3 and RG 4.2

The staff requests additional explanatory information for the items below regarding the scores in Table 7-1 of the ASER for the proposed Calvert Cliffs site for ranking criteria 1b, 1d, and 1e. Site Audit Information Need 9]

A. For criterion 1b (Hazardous waste or spoils areas), the justification text in Appendix C of the ASER clearly states that no remediation is expected. This seems to align with a score of 5 in ER Table 9.3-2 rather than 4.8 shown in Table 7-1.

B. For criterion 1d (Distance to dedicated land), Appendix C of the ASER states that there is dedicated land (Calvert Cliffs State Park) less than 1 mile from the site, which seems to correspond to a score of 1 in ER Table 9.3-2. Why was the site scored 1.4 in Table 7-1, and what was the purpose of changing the score from the previous value in the July 17, 2009 submittal of 1.3?

C. For criterion 1e (Topography), relief of 98 feet (Appendix C of the ASER) seems to correspond with the range defined for a value of 3 (between 50 and 100 feet of relief) according to ER Table 9.3-2. Why is it scored 4.4 in Table 7-1 and what was the purpose of changing the score from the previous value in the July 17, 2009 submittal of 4.8?

Question 6: ESRP 9.3.2.2.3-8, 9.3.2.3.3 and 9.3.3

In the selection of alternative sites from the list of candidate sites in ER Table 9.3-4, the Bainbridge and Eastalco sites are scored 42 and 39, respectively for hydrology. The proposed Calvert Cliffs site is shown with a score of 36. Explain why the Bainbridge and Eastalco sites rate higher in ER Table 9.3-4 for hydrology than the proposed Calvert Cliffs site, but in ER Table 9.3-8 they are shown with higher impact levels than the Calvert Cliffs site for water. [Site Audit Information Need 11]

Question 7: ESRP 9.3

Regarding the criteria used to score and rank the candidate sites and to compare the alternative sites to the proposed site in the August 29, 2009 submittal of the Alternative Site Evaluation report, explain the rationale used when scoring sites according to criteria 3a and 4a (listed species). It appears that, with the exception of the Bainbridge site, the sites do not have the endangered/threatened terrestrial habitats (August 29, 2009 ER Rev 5 Sections 9.3.2.3.4, 9.3.2.4.4) or aquatic habitats (August 29, 2009 ER Rev 5 Sections 9.3.2.3.4, 9.3.2.3.5, 9.3.2.4.5) but are scored as having such habitat. For example, the Thiokol site has a score of 1 for criterion 3a (the entire site falls within a known location of a Federally listed species), but the August 29, 2009 Revision 5 of ER Section 9.3.2.3.5 states that there is no suitable habitat on the Thiokol site for Federally listed terrestrial species. Similarly, criterion 4a is scored 1, but the revised ER text, in the August 29, 2009 submittal, states that a federally listed species occurs downstream of the Thiokol site. Clarify the application of criteria 3a and 4a for each candidate site, and state which Federally and State-listed species are considered at each candidate site, including the Conowingo site.

Explain how a State-listed terrestrial and a State-listed aquatic species can be known to occur one mile south of the Eastalco site if the species cannot be identified (Appendix C of the August 29, 2009 Alternative Site Evaluation Report, Page C-6, criteria 3a and 4a).

The Eastalco aquatic ecology section (August 29, 2009 Revision 5 of ER Section 9.3.2.3.5) discusses the occurrence of the Federally listed shortnose sturgeon in the Potomac River. Provide the reasoning for the discussion, especially since the text mentions that one was recorded 10 miles from the Thiokol site and not at the site itself. Is this species likely to occur in the stretch of the river near the Eastalco site?

Identify which Federally listed aquatic species at the Bainbridge site may have habitat encompassing wetlands as stated in Appendix C of the August 29, 2009 Alternative Site Evaluation report. The August 29, 2009 ER Revision 5 Section 9.3.2.3.5 does not mention any Federally listed species that use wetlands. Rectify the apparent discrepancy between the Appendix C statement about wetlands habitat on the site and the statement in Table 9.3-12 in Revision 5 of 9.3 that the Bainbridge site does not contain any wetlands.

Request for Additional Information No. 1016
UniStar Calvert Cliffs Unit 3
Docket No. 52-016

Terrestrial Ecology

Question 1: ESRP 9.3.2.2.4-3 and 9.3.2.3.4

Accessing a water supply for reactor cooling would require a pipeline at Bainbridge that drops down the Port Deposit bluffs to the Susquehanna River. A 5.8-mi pipeline would be needed to supply water from the Potomac River to the Eastalco site. Provide the total area (length, width, total acreage) that would be temporarily and permanently impacted by the cooling water pipeline and intake from construction/upgrade at each alternative site. Would wetlands or streams be impacted by this construction? If so, describe the extent of wetlands/streams that would be impacted at each site.

Question 2: ESRP 9.3.2.2.4-4 and 9.3.2.3.4

Identify any other activities associated with construction and operation that would occur outside the proposed 420-ac footprint on the Bainbridge and Eastalco sites, such as landfill use, transportation infrastructure upgrades, laydown yards, etc. that would impact terrestrial resources. Provide a list and quantify impacts to habitats, wetlands, and streams that would occur outside each 420-ac site.

Question 3: ESRP 9.3.2.2.4-4 and 9.3.2.3.4

Provide a list of data sources used to estimate impacts to terrestrial resources at the Bainbridge and Eastalco sites and identify the assumptions made when estimating impacts at each site

Request for Additional Information No. 1017
UniStar Calvert Cliffs Unit 3
Docket No. 52-016

Aquatic Ecology

Question 1: ESRP 9.3.2.2.5-2 and 9.3.2.3.5

No discussion was provided in the revised ER alternative site text about any Federally or state listed aquatic species. In particular, the possible occurrence of listed freshwater mussels in the Susquehanna River or Potomac River was not discussed. The environmental report prepared by the State of Maryland for the Catoctin Power Plant that was proposed for the Eastalco site in 2004 stated that the State of Maryland thought that Tuscarora Creek, which runs through the site, could be occupied by listed freshwater mussels.

State-listed freshwater mussels have been found within Cecil and Frederick Counties and a Federally listed mussel is listed from Cecil County (see revised ER Tables 9.3.5 and 9.3.6). Is it likely that Federally or State-listed freshwater mussels occur in the Susquehanna River near the Bainbridge site; in the Potomac River near the Eastalco site and/or in Tuscarora Creek on or near the Eastalco site? Provide the bases for the conclusions. [Site Audit Information Need 36]

Question 2: ESRP 9.3.2.2.5-3 and 9.3.2.3.5

During the site tour on August 18, 2009, Eastalco staff mentioned that Tuscarora Creek was a designated trout stream but there was uncertainty about whether this designation applied to the section of stream that is on the site. Identify the entity that designates trout streams? Is Tuscarora Creek a designated trout stream? If so, what portions of the creek are so designated and how does this affect any potential impacts to the creek or wetlands associated with it? [Site Audit Information Need 36]

Question 3: ESRP 9.3.2.2.5-4 and 9.3.2.3.5

What is the importance of commercial and recreational fishing in the stretch of both the Potomac and Susquehanna rivers that would most likely to be affected by the installation and operation of the proposed cooling water intake and discharge system at the Eastalco and Bainbridge sites compared to other regions of the rivers? [Site Audit Information Need 38]

Question 4: ESRP 9.3.2.2.5-5 and 9.3.2.3.5

The installation of intake/discharge facilities could differ substantially depending on the substrate present in the water bodies affected and methods required for the installation. The ER alternative site text for the Eastalco site, Section 9.3.2.2.5, states that dredging in the Potomac River would be necessary without considering whether the substrate in that stretch of the river is sediment or rock. Should the substrate be primarily rocky, excavation, which could include blasting, might be required. The aquatic ecology section 9.3.2.2.5 also does not consider the potential use of horizontal directional drilling (HDD), which is mentioned in the revised ER text (Section 9.3.2.3.8) as possibly being necessary to construct the Eastalco pipeline through the C&O Canal National Historic Place. Use of HDD (or similar methodology) also could require drilling into the Potomac River. The text of ER section 9.3.2.2.5 describes the

same dredging process and impacts for the Bainbridge site. Based on observations made during the site visit, dredging may be a reasonable presumption for the Bainbridge site, but not necessarily for the Eastalco site, which likely could occupy a somewhat rocky part of the Potomac River. Describe the potential differences in impacts from the installation at each site.

What are the potential impacts, including the potential for blasting and impacts associated with HDD or similar methodology, to aquatic resources within the Potomac River from the installation of the intake/discharge pipeline(s) and facilities for the Eastalco site?

Question 5: ESRP 9.3.2.2.5-7, 9.3.2.3.5 and ESRP 9.3.2.2.4-1

Clarify the description of the numbers, sizes, and potential impacts to streams, ponds, and wetlands on the Bainbridge and Eastalco sites. For example, the ER text states (p. 19) that the Bainbridge site "contains several small ponds and no streams or other wetlands …." However, during the visit the staff observed a pond, two streams, and a large stand of *Phragmites*, which is likely indicative of a wetland, on the site. Additionally, Tables 9.3-12 through 9.3-14 indicate that there are wetlands and streams on the Bainbridge and Eastalco properties. The total acreage of wetlands and linear feet of streams at the alternative sites does not appear to be calculated consistently. There are similar inconsistencies between the text and tables regarding the numbers of streams on the Eastalco site. Please clarify these discrepancies regarding the presence of ponds, streams, and wetlands at the Bainbridge and Eastalco sites.

Question 6: ESRP 9.3.2.3.5-1

The ER alternative sites text did not discuss potential impacts to the Potomac river from siting a reactor and its associated structures at the Eastalco site. In the resolution table (enclosure 1 of the 8/29/2009 submittal) it states a report was prepared to address potential impacts to any Virginia State-listed species that could occur in the Potomac River near the Eastalco site, but it was not attached. Provide the topical report referred to in the resolution table. [Information Needs 36]

Question 7: ESRP 9.3

The August 29, 2009, submittal of ER section 9.3 provided some textual description of the intake and discharge pipelines, transmission line(s), and the intake and discharge locations for the Bainbridge and Eastalco sites. In order to do a comparison among all the alternative sites and the proposed site, provide a more detailed textual description of the intake and discharge pipeline(s), transmission line(s), and the intake and discharge locations that includes a compass direction in which the pipelines will travel from the site to the water source (intake and discharge locations), transmission line right-of-way width and length (in feet or miles) with the compass direction in which the transmission lines will travel from the site to the substation, and location of the intake and discharge structures. Also provide a map or textual description of the 420 ac site with the major plant components such as the substation, the nuclear footprint, cooling towers, etc. Describe the numbers and sizes of the streams and wetlands that would be affected (such as was provided for Thiokol) and describe the potential impacts to aquatic resources from construction onsite and within the pipeline routes and transmission corridors. Describe any methods or procedures that will be used to avoid sensitive habitat or Federally or state listed threatened and endangered species. [Related to Site Audit Information Need 37 and 39]

Request for Additional Information No. 1018
UniStar Calvert Cliffs Unit 3
Docket No. 52-016

Socioeconomics (Previous Requested Information which is not related to Alternative Sites)

Question 1: ESRP 2.5.2.2-1 and 5.8.2

Because millage rates go up and down, evaluation of taxes as part of the community characteristics requires more historical tax information than can be obtained from the single year (2005) previously furnished.

Provide the following tax-related information:

1. Property tax payments that Constellation has made to Calvert County over the 1999-2008 period.
2. Proportion of Calvert County's tax revenues attributed to Units 1 and 2.
3. Reasonable estimates of the expected annual tax benefits (specifically, property taxes) expected to be paid during constructing and operations.
4. Submit on the docket so it can be referenced, estimates of the approximate percentage of Calvert County tax revenues that would be attributed to Unit 3.

Request for Additional Information No. 1019
UniStar Calvert Cliffs Unit 3
Docket No. 52-016

US Army Corps of Engineers (Corps) RAIs

Question 1

Delete the permit application, cultural resources report and mitigation plan from the Alternatives Evaluation Report Appendix F.

Question 2:

Provide any work description and plan changes that differ from the proposed project that the Corps adverstised by public notice on September 3, 2008, linked here: http://www.nab.usace.army.mil/Regulatory/PublicNotice/Calvert/07-08123.pdf

Question 3:

For each alternate site, provide maps of the locations of potential transmission/pipe line routes, intakes and discharges for each of the alternative sites. The maps should include a notation that the locations are speculative based on mapping only and are required to provide potential impact information. For each corridor, indicate the potenital width and length, as well as the dominant land use/vegetative cover within the corridor. For each alternative site, provide a map with the locations of wetlands, streams, and ponds.

Question 4:

State which type of potential impacts would occur with transmission/pipe line corridors such as wetland conversion, temporary matting, grading, substation/switchyard, work areas, etceteras. Also, state the potential width of each corridor type.

Question 5:

Provide a Corps-focused alternative site analysis which must include a text description of the wetland and stream impact analysis outcome for the offsite and onsite alternatives. Based on potential/proposed wetland and stream impact information, provide a statement indicating which site location would be the Least Environmentally Damaging Practicable Alternative (LEDPA). If not the selected project, explain the reasons the LEDPA site was not selected.

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