

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

Before Administrative Judges:

Ronald M. Spritzer, Chairman  
Dr. Gary S. Arnold  
Dr. William W. Sager

In the Matter of

CALVERT CLIFFS 3 NUCLEAR PROJECT,  
LLC. AND UNISTAR NUCLEAR OPERATING  
SERVICES, LLC

(Calvert Cliffs 3 Nuclear Project, LLC)  
(Combined License) )

Docket No. 52-016 (COL)

THE STATE OF MARYLAND'S RESPONSE  
TO THE BOARD'S ORDERS OF JANUARY 13 AND FEBRAURY 10, 2009

By Order dated January 13, 2009, the Administrative Board (the "Board") directed the Petitioners, Applicants, NRC Staff and State of Maryland to identify by electronic mail to the Board and others on the service list the identification of their representatives at the oral argument scheduled for February 20, 2009. Also, by Order dated February 10, 2009, the Board requested that the State of Maryland (the "State") advise the Board and others on the service list whether it intends to participate in the arguments and if so, whether it intends to present arguments on specific issues, or make a general statement of its views. In addition, the Board posed specific questions to the State concerning aspects of a risk assessment done on behalf of the Maryland Department of Natural Resources' Power Plant Research Program ("PPRP") to verify assessments performed by the Staff of the Federal Energy Regulatory Commission and Dominion Cove Point LLC as part of the licensing process for the expansion of the liquid natural gas terminal and pipeline at Cove Point, Maryland. (115 FERC ¶61,337) This constitutes the State's response to both of the Board's above referenced Orders.

Participation

The State hereby advises the Board and others on the service list that it does not intend to participate in the arguments on specific contentions or issues at this time, but reserves its right to participate in future hearings on any contentions or issues that may be admitted. As a matter of record, it should be noted that the Applicants for the COL have also applied for a

Certificate of Public Convenience and Necessity (CPCN) from the Maryland Public Service Commission (the “PSC”) pursuant to the Maryland Power Plant Siting Act. The case is docketed at the Commission as PSC Case 9127, and the case file is available on the PSC’s website ([www.psc.state.md.us](http://www.psc.state.md.us)). A decision on the application is pending. As part of the proceeding in PSC Case 9127 and based on an environmental review of the proposed project by PPRP and other State reviewing agencies, the Secretaries of the Maryland Departments of Agriculture, Business and Economic Development, Environment, Natural Resources, Planning, and Transportation, and Director of the Maryland Energy Administration filed a letter of recommendation to the Commission recommending that the CPCN be issued subject to conditions incorporated into the letter of recommendation. The letter, and in particular, the recommendations of the Secretaries of Environment and Natural Resources, represent the State’s assessment that the proposed facility can meet the environmental and socioeconomic requirements of applicable State and Federal laws if constructed and operated in accordance with the recommended conditions. The Commission determines whether or not to grant a CPCN, and in doing so, must consider the recommendations of the reviewing State agencies.

#### Identification of Representatives for February 20, 2009 Argument

The State of Maryland does not intend to participate in the arguments on any specific contentions or issues at the February 20, 2009 hearing, but has provided responses, below, to the Board’s questions related to the PPRP Risk Assessment. The State of Maryland’s legal representative at the hearing will be Brent A. Bolea, Assistant Attorney General. The State will also have either Rob Sawyer or Gary Walters, consultants for PPRP, available at the hearing to answer general technical questions on the PPRP Risk Assessment if the Board should have any further questions.

#### Responses to Substantive Questions on the PPRP Study

In response to the substantive questions posed by the Board concerning the PPRP study, the State provides the following responses:

- 1. What is the pedigree of the PPRP study? To what extent has it undergone expert participation, peer review, public input, etc? To what extent can the adequacy of the PPRP study be challenged in evaluation of the present application?**

Answer: The *Cove Point LNG Terminal Expansion Project Risk Study* was prepared in response to the Cove Point LNG terminal expansion project approved by FERC in

April 2006. It was prepared by Environmental Resources Management, Inc. (ERM) under the direction of PPRP. ERM has over 30 years of extensive experience in risk assessment of LNG facilities and of assisting with planning consent and preparing Safety Reports and Quantitative Risk Analyses. The primary ERM authors have advanced degrees in Chemical Engineering and over 25 cumulative years experience with LNG Risk. The study was performed as an independent risk study to evaluate risk to the Calvert Cliffs Nuclear Power Plant (CCNPP) (Units 1 and 2) and nearby residential communities as a result of the expanded Cove Point LNG on-shore facility. The report was reviewed internally by PPRP Staff, the Department of Natural Resources (DNR) and externally by both Constellation Energy and Dominion Cove Point prior to publication. The independent risk study concluded that the risks to public health and safety to CCNPP were inconsequential and the Cove Point Expansion project was consistent with FERC acceptance criteria.

- 2. The PPRP study refers to “total loss of an LNG tanker” (Section 4.4), “Total loss of a ship’s tank (Scenarios SH-ER-T, SH-ER-TP,SH-AB-L)” and “Catastrophic loss of a tanker” as SH-ER-T in Table 5.6. What is the difference? Was there a study of the effects of loss of all tanks on a tanker? Is the probability of such an event too low to evaluate?**

Answer: The specific scenarios performed as part of the *Cove Point LNG Terminal Expansion Project Risk Study* are outlined in Table 5.1. Of 12 water-based scenarios evaluated, the worst-case scenarios evaluated with respect to a tanker ship were: (1) total loss to a ship’s tank while en route (SH-ER-T); (2) total loss to a ship’s tank while en route, off CCNPP (SH-ER-TP); and (3) total loss of a ship’s tank while at berth (SH-AB-T). The “total loss of an LNG tanker” in Section 4.4 refers to any of these potential scenarios. The reference to a “catastrophic loss of a tanker” in Table 5.6 is consistent with a total loss of a ship’s tank en route (SH-ER-T). The study did not consider the loss of all tanks on an LNG tanker because of the very low probability of such an event. For the purpose of this Risk Study, any reference to the loss of a “tanker” is equivalent to the total loss of a single tank.

- 3. The discussion of toxic gases states that there is no toxicity limit for natural gas. The contention mentions both natural gas and combustion products. Can natural gas combustion products be toxic?**

Answer: This question appears to be directed toward the Petitioners’ Contention, and not the *Cove Point LNG Terminal Expansion Project Risk Study*. The Risk Study did not address toxicity. The scope of the Risk Study is limited to assessment of major hazard scenarios involving LNG that may have the potential to cause property damage or adverse impacts on human health offsite.

Respectfully submitted,



Brent A. Bolea  
Assistant Attorney General