

Greg Gibson  
Vice President, Regulatory Affairs

750 East Pratt Street, Suite 1600  
Baltimore, Maryland 21201



**This Document Contains Proprietary Information**

10 CFR 50.4  
10 CFR 52.79

January 8, 2010

UN#10-008

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  
RAI No. 133, Part 1: Introduction and Interfaces

Reference: 1) John Rycyna (NRC) to Robert Poche (UniStar Nuclear Energy), RAI No 133  
NARP 3251.doc, email dated August 3, 2009

2) UniStar Nuclear Energy Letter UN#09-528, from Greg Gibson (UniStar  
Nuclear Energy), to Document Control Desk, (NRC), Response to RAI No.  
133, Part 1: Introduction and Interfaces, dated December 29, 2009

The purpose of this letter is to respond to the request for additional information (RAI) identified in the NRC e-mail correspondence to UniStar Nuclear Energy, dated August 3, 2009 (Reference 1). This RAI addresses ownership and corporate organizational structure for Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3, as discussed in Part 1 of the CCNPP Unit 3 Combined License Application (COLA), Revision 6.

Reference 2 stated that a response to RAI 133, Question 01-4, would be provided by January 8, 2010. Enclosures 1 through 3 provide our response to Question 01-4, and include revised COLA content. A Licensing Basis Document Change Request has been initiated to incorporate these changes into a future revision of the COLA.

Our response to Question 01-4 does not include any new regulatory commitments or sensitive information. The information provided in Enclosure 3 has been identified as proprietary. We request that it be withheld from public disclosure in accordance with 10 CFR 2.390(a)(4). An affidavit providing the basis for this request for withholding is provided in Enclosure 4.

DOG  
NRO

UN#10-208  
January 8, 2010  
Page 2

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

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

Executed on January 8, 2010



Greg Gibson

- Enclosures:
- 1) Response to NRC Request for Additional Information 133, Question 01-4, Calvert Cliffs Nuclear Power Plant, Unit 3, COLA Part 1, General Information
  - 2) Calvert Cliffs Nuclear Power Plant, Unit 3, COLA Part 1, General Information, Page Markup (NON-PROPRIETARY)
  - 3) Calvert Cliffs Nuclear Power Plant, Unit 3, COLA Part 1, General Information, Page Markup (PROPRIETARY)
  - 4) Affidavit

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

UN#10-008

**Enclosure 1**

**Response to NRC Request for Additional Information 133, Question 01-4,  
Calvert Cliffs Nuclear Power Plant, Unit 3,  
COLA Part 1, General Information**

**RAI No. 133**

**Question 01-4**

UniStar letter UN#09-208, dated April 22, 2009 (ML091250439), Enclosure 2 provided "preliminary page markups for Part 1, General Information, of the CCNPP Unit 3 Combined License, Application (COLA) that reflect the anticipated post-transaction ownership and corporate organization structure for Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3." The letter stated that "[t]hese changes are based on best available information, however, the investment transaction has not yet been concluded and this information is therefore subject to change."

The NRC staff is unable to complete its evaluation of the information submitted in the above letter because it is "anticipated" and "subject to change." Please submit a revision to Part 1 of the CCNPP Unit 3 COLA regarding ownership and corporate organizational structure for CCNPP Unit 3 after the transaction closes and the information is no longer subject to change.

**Response**

The investment transaction between Constellation Energy Group, Inc (CEG) and Électricité de France (SA) (EDF) has resulted in some corporate restructuring to facilitate the proposed transaction. These changes, as they relate to CCNPP Unit 3, are as follows:

- EDF Development, Inc. has acquired an ownership interest of 49.99% in Constellation Energy Nuclear Group, LLC (CENG). Constellation Energy Group, Inc. holds its 50.01% ownership interest in CENG through its subsidiaries Constellation Nuclear, LLC (approximately 49.08%) and Constellation Energy Nuclear, LLC (approximately 0.93%). CEG will control 50.01% of the voting rights of CENG. Following the restructuring, CENG will be associated only with the five currently licensed units at the Calvert Cliffs, the Nine Mile Point, and the R.E. Ginna sites: CENG will no longer be associated with COL applicants and applications for new nuclear projects.
- Constellation Energy Group, Inc. has formed a new intermediate holding company, Constellation Nuclear, LLC, as the parent company of CENG and Constellation New Nuclear, LLC. The new intermediate holding company has been formed for non-operational purposes. Constellation Energy Group contributes a 100% membership interest in CENG to Constellation Nuclear, LLC in exchange for a 100% membership interest in Constellation Nuclear, LLC.
- The parent entity that was previously titled Constellation Energy Nuclear Group, LLC, and which was previously identified as a key entity in the ownership structure for CCNPP Unit 3, through Constellation New Nuclear, LLC, has been replaced with Constellation Nuclear, LLC. Constellation Nuclear, LLC will lead all of Constellation Energy Group's nuclear efforts (i.e., new and existing). Constellation Nuclear has an indirect 50% interest in UniStar Nuclear Energy, LLC for the new nuclear ventures.
- As a result of the restructuring effort, Calvert Cliffs Nuclear Power Plant, Inc. has been eliminated from the corporate structure for CCNPP Unit 3.

Additional details of the investment transaction involving Constellation Energy Group, LLC and Électricité de France (SA), including simplified pre-transaction and post-transaction organization charts, are provided in the CEG application for license transfers and conforming license amendment request<sup>1,2</sup>. The page markups in Enclosures 2 and 3 include a post-transaction organization chart that is specific to CCNPP Unit 3.

Enclosures 2 and 3 provide updates to Part 1, General Information, of the CCNPP Unit 3 Combined License, Application (COLA) that reflect the post-transaction ownership and corporate organization structure for CCNPP Unit 3. The financial projections provided in COLA Part 1 have also been updated to reflect the most recent update to the CCNPP Unit 3 DOE Loan Guarantee application.

### **COLA Impact**

The changes to CCNPP Unit COLA, Part 1, that are identified in Enclosures 1 and 2 will be incorporated in a future COLA revision.

---

<sup>1</sup> M. J. Wallace (CEG) to Document Control Desk (NRC), Application for an Order Approving License Transfers and Conforming License Amendment Request, dated January 22, 2009.

<sup>2</sup> H. B. Barron (CENG) to Document Control Desk (NRC), Supplemental Information in Support of Application for an Order Approving License Transfers and Conforming License Amendment Request, dated April 8, 2009.