



Greg Gibson
Vice President, Regulatory Affairs

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Baltimore, Maryland 21202



10 CFR 50.4
10 CFR 52.80
10 CFR 2.390

July 09, 2010

UN#10-176

ATTN: Document Control Desk
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: UniStar Nuclear Energy, NRC Docket No. 52-016
Quarterly and Ongoing Construction Schedule Information and Request for
Withholding, for the Calvert Cliffs Nuclear Power Plant, Unit 3

UniStar Nuclear Energy hereby submits the enclosed schedule information in support of periodic updates to U. S. Nuclear Regulatory Commission (NRC) Headquarters and Region II regarding the Construction Inspection Program for Calvert Cliffs Nuclear Power Plant (CCNPP) Unit 3. This information was developed by UniStar Nuclear Energy (UniStar), AREVA NP (AREVA), and Bechtel Power Corporation (Bechtel), and includes the following key topics:

1. project dates;
2. equipment procurement;
3. inspections, tests, analyses and acceptance criteria (ITAAC) implementation;
4. modules;
5. emergent issues;
6. surveillance activities; and
7. electronic scheduling data.

Enclosure 1 contains a PROPRIETARY pilot study of CCNPP Unit 3 project status, with schedule information.

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As discussed with NRC staff on November 10, 2009, UNE has completed the pilot study to incorporate a sample of near term ITAAC "completion dates" into the CCNPP Unit 3 engineering, procurement and construction (EPC) Schedule. For this pilot study, we selected a series of vendor related ITAAC for the primary vessels in the Reactor Coolant System. The selected ITAAC included a specific measurement for the Reactor Vessel, vendor welding for the primary vessels, and vendor hydrodynamic testing of the primary vessels. The pilot study is provided as a .csv export file from Primavera for your trial run to test the import of these milestone activities into your schedule. Once you have validated that this approach meets your needs, we can discuss the approach to including the remaining near term ITAAC.

Enclosure 1 provides schedule information that will be periodically updated for the life of the CCNPP Unit 3 project.

The information in Enclosure 1 is considered proprietary (i.e., trade secrets) to both AREVA and Bechtel, owners of the information. An AREVA Affidavit for Request for Withholding Proprietary Information from Public Disclosure with Regard to Periodic Transmittal of Schedule Information to the NRC is contained in Enclosure 2. A Bechtel Affidavit to Withhold Confidential Information from Public Disclosure is contained in Enclosure 3.

The AREVA and Bechtel affidavits set forth the bases on which future updates to scheduling information may be withheld from public disclosure by the NRC and address with specificity the considerations listed in paragraph (b) (4) of regulation 10 CFR 2.390.

It is requested that the enclosed schedule information, including future updates, which are proprietary to AREVA and Bechtel, be withheld from public disclosure (i.e., non-publicly available), in accordance with 10 CFR 2.390(a)(4).

Correspondence with respect to the copyright or proprietary aspects of the AREVA scope items listed above or the supporting Application for Withholding or affidavits should reference AREVA letter EPR #10-271 and be addressed to Mr. Dan Magnarelli, Manager, Construction and Commissioning Group, AREVA NP, 7207 IBM Drive, Charlotte, NC 28262.

Correspondence with respect to the copyright or proprietary aspects of the Bechtel scope items listed above or the supporting Application for Withholding or affidavits should reference Bechtel letter 25465-000-TC-GAMC-00102 and 25470-000-TC-GAMC-00086 and be addressed to Mr. Nar Goel, Project Manager, Bechtel Power Corporation, 5275 Westview Drive, Frederick, MD 21703-8306.

Schedule information contained in Enclosure 1 is proprietary in its entirety; non-proprietary versions are not provided.

Our response does not include any new regulatory commitments. This letter does not contain any sensitive information.

If there are any questions regarding this transmittal, please contact me at (410) 470-4205, or Mr. Wayne A. Massie at (410) 470-5503.

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

Executed on July 09, 2010



Greg Gibson

- Enclosures:
- 1) Pilot study of CCNPP3 project status, .csv file, Calvert Cliffs Nuclear Power Plant, Unit 3 (One Compact Disc) (Proprietary)
 - 2) AREVA Withholding Affidavit Attesting to Proprietary Nature of the Pilot study of CCNPP3 project status .csv file, Calvert Cliffs Nuclear Power Plant, Unit 3
 - 3) Bechtel Withholding Affidavit Attesting to Proprietary Nature of the Pilot study of CCNPP3 project status .csv file, Calvert Cliffs Nuclear Power Plant, Unit 3

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 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

**Pilot study of CCNPP3 project status
.csv file**

Calvert Cliffs Nuclear Power Plant, Unit 3

(One Compact Disc)



Enclosure 2

**AREVA Withholding Affidavit Attesting to Proprietary Nature of the
Pilot study of CCNPP3 project status .csv file**

Calvert Cliffs Nuclear Power Plant, Unit 3

be withheld from public disclosure. The request for withholding of proprietary information is made in accordance with 10 CFR 2.390. The information for which withholding from disclosure is requested qualifies under 10 CFR 2.390(a)(4) "Trade secrets and commercial or financial information."

6. The following criteria are customarily applied by AREVA NP to determine whether information should be classified as proprietary:

- (a) The information reveals details of AREVA NP's research and development plans and programs or their results.
- (b) Use of the information by a competitor would permit the competitor to significantly reduce its expenditures, in time or resources, to design, produce, or market a similar product or service.
- (c) The information includes test data or analytical techniques concerning a process, methodology, or component, the application of which results in a competitive advantage for AREVA NP.
- (d) The information reveals certain distinguishing aspects of a process, methodology, or component, the exclusive use of which provides a competitive advantage for AREVA NP in product optimization or marketability.
- (e) The information is vital to a competitive advantage held by AREVA NP, would be helpful to competitors to AREVA NP, and would likely cause substantial harm to the competitive position of AREVA NP.

The information in these Documents is considered proprietary for the reasons set forth in paragraphs 6(c), 6(d) and 6(e) above.

7. In accordance with AREVA NP's policies governing the protection and control of information, proprietary information contained in these Documents has been made available, on a limited basis, to others outside AREVA NP only as required and under suitable agreement providing for nondisclosure and limited use of the information.

8. AREVA NP policy requires that proprietary information be kept in a secured file or area and distributed on a need-to-know basis.

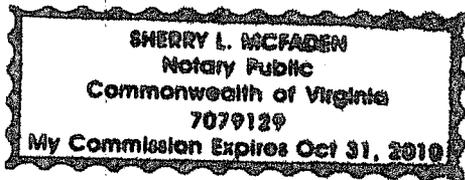
9. The foregoing statements are true and correct to the best of my knowledge, information, and belief.

Ronnie Z. Gardner

SUBSCRIBED before me this 9th
day of April, 2010.

Sherry L. McFaden

Sherry L. McFaden
NOTARY PUBLIC, COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES: 10/31/2010
Registration # 7079129



UN#10-176

Enclosure 3

**Bechtel Withholding Affidavit Attesting to Proprietary Nature of the
Pilot study of CCNPP3 project status .csv file**

Calvert Cliffs Nuclear Power Plant, Unit 3

10 CFR 2.390
AFFIDAVIT OF BRIAN P. REILLY
SUPPORTING APPLICATION TO WITHHOLD
FROM PUBLIC DISCLOSURE
PROJECT SCHEDULE INFORMATION RELATING TO THE
CONSTRUCTION INSPECTION PROGRAM FOR
CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT 3

I, Brian P. Reilly, Manager of Nuclear Operations, of Bechtel Power Corporation (Bechtel), having been duly sworn, do hereby affirm and state:

1. I have been authorized by Bechtel to (a) review the information owned by Bechtel which is referenced herein relating to Project Schedule Information relating to the Construction Inspection Program for Calvert Cliffs Nuclear Power Plant, Unit 3, which Bechtel seeks to have withheld from public disclosure pursuant to 10 CFR 2.390(a)(4), and (b) apply for the withholding of such information from public disclosure by the Nuclear Regulatory Commission (NRC) on behalf of Bechtel.
2. Pursuant to the provisions of 10 CFR 2.390(b)(3), the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure should be withheld.
 - i. The information sought to be withheld from public disclosure is owned and has been held in confidence by Bechtel.
 - ii. The information is of a type customarily held in confidence by Bechtel and not customarily disclosed to the public. Bechtel has a rational basis for determining the types of information customarily held in confidence by it and, in that connection, utilizes a system to determine when and whether to hold certain types of information in confidence. The application of that system and the substance of that system constitute Bechtel policy and provide the rational basis required.

Under that system, information is held in confidence if it falls in one or more of several types, the release of which might result in the loss of an existing or potential competitive advantage, as follows:

- a) The information reveals the distinguishing aspects of a process (or component, structure, tool, method, etc.) where presentation of its use by any of Bechtel's competitors without license from Bechtel constitutes a competitive economic advantage.
- b) It consists of supporting data, including test data, relative to a process (or component, structure, tool, method, etc.), the application of which data secures a competitive economic advantage (e.g., by optimization or improved marketability).
- c) Its use by a competitor would reduce their expenditure of resources or improve their competitive position in the design, manufacture, shipment, installation, assurance of quality, or licensing a similar product.

- d) It reveals cost or price information, production capacities, budget levels, or commercial strategies of Bechtel, its customers, or suppliers.
- e) It reveals aspects of past, present, or future Bechtel or customer funded development plans and programs of potential commercial value to Bechtel.
- f) It contains patentable ideas, for which patent protection may be desirable.

There are sound policy reasons behind the Bechtel system which include the following:

- a) The use of such information by Bechtel gives Bechtel a competitive advantage over its competitors. It is, therefore, withheld from disclosure to protect the Bechtel competitive position.
 - b) It is information, which is marketable in many ways. The extent to which such information is available to competitors diminishes Bechtel's ability to sell products and services involving the use of the information.
 - c) Use by our competitors would put Bechtel at a competitive disadvantage by reducing their expenditure of resources at Bechtel expense.
 - d) Each component of proprietary information pertinent to a particular competitive advantage is potentially as valuable as the total competitive advantage. If competitors acquire components or proprietary information, any one component may be the key to the entire puzzle, thereby depriving Bechtel of a competitive advantage.
 - e) Unrestricted disclosure would jeopardize the position of prominence of Bechtel in the world market, and thereby give a market advantage to the competition.
 - f) The Bechtel capacity to invest corporate assets in research and development depends upon the success in obtaining and maintaining a competitive advantage.
- iii. The information is being transmitted to the Commission in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the Commission.
 - iv. The information sought to be protected is not available in public sources or available information has not been previously employed in the same original manner or method to the best of our knowledge and belief.
 - v. The proprietary information specifically sought to be withheld is project schedule information developed for use by UniStar Nuclear Energy, LLC (UniStar) in support of periodic updates with NRC Headquarters and NRC Region II regarding the Construction Inspection Program for Calvert Cliffs Nuclear Power Plant, Unit 3. The files contain and will contain data that can be used to reproduce schedules for engineering, procurement, construction, and testing.

Public disclosure of this proprietary information is likely to cause substantial harm to the competitive position of Bechtel because it would enhance the ability of competitors to

plan, price, and execute related services for commercial power reactors without commensurate expenses.

The information requested to be withheld is the result of applying the results of many years of engineering and construction experience. Its development required significant engineering, planning, and construction hours and the expenditure of a considerable sum of money.

In order for competitors of Bechtel to duplicate this information, similar technical programs would have to be performed and a significant manpower effort, having the requisite talent and experience, would have to be expended.

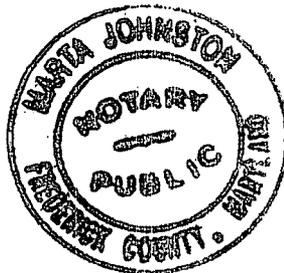
Further affiant sayeth not.

Brian P. Reilly, having been duly sworn, hereby confirms that I am the Manager of Nuclear Operations, of Bechtel Power Corporation, that I am authorized on behalf of Bechtel to review the information attached hereto and to sign and file with the Nuclear Regulatory Commission this affidavit and the attachments hereto, and that the statements made and matters set forth herein are true and correct to the best of my knowledge, information, and belief.



Brian P. Reilly

On this 23 day of March, 2010, the individual signing above personally appeared before me, is known by me to be the person whose name is subscribed to within the instrument, and acknowledged that he executed the same for the purposes therein contained. In witness hereof I hereunto set my hand and official seal.



Maria Johnston

Notary Public
State of Maryland, Frederick County
My commission expires April 1, 2011