

May 12, 2011

Mr. Greg Gibson
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UniStar Nuclear Energy
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SUBJECT: ITEMS TO BE COMPLETED AFTER THE FINAL ENVIRONMENTAL IMPACT STATEMENT ISSUANCE FOR CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT 3 COMBINED LICENSE APPLICATION

Dear Mr. Gibson:

The purpose of this letter is to inform Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Development, LLC (collectively referred to as UniStar), of items related to environmental regulatory compliance to be addressed after the completion of the final environmental impact statement (FEIS) for the combined license (COL) application for the Calvert Cliffs Nuclear Power Plant, Unit 3.

The U.S. Nuclear Regulatory Commission (NRC) staff, in cooperation with the U.S. Army Corps of Engineers (USACE or Corps), have completed NUREG – 1936, “Environmental Impact Statement for the Combined License (COL) for Calvert Cliffs Nuclear Power Plant, Unit 3: Final Report”. A Notice of Availability” regarding the issuance of this report will be published in the Federal Register on May 20, 2011. The items that the NRC is aware of, as of the date of this letter that remain open after the FEIS issuance are outlined in the enclosure. The NRC staff will be completing its Air Conformity Determination which is required under the Clean Air Act (42 U.S.C. 7401 et seq.) outside of the National Environmental Policy Act (NEPA) process. The NRC cannot make a decision on the COL until the air conformity determination is completed. In addition, the NRC staff will need to be informed of any new and significant information relevant to environmental concerns so the staff can determine if a supplement to the final environmental impact statement is warranted under the requirements of Title 10 of the *Code of Federal Regulations*, Part 51.92. More details on these items and any actions required to complete them are also outlined in the enclosure.

If requested, the NRC staff will schedule meetings with UniStar, the Corps, and State agencies to review and discuss the open items and the steps necessary to resolve the issues, as needed.

G. Gibson

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If you have any questions or comments regarding this matter, please contact the environmental project manager at 301-415-2220, or via e-mail to Laura.Quinn@nrc.gov.

Sincerely,

/RA/

Allen H. Fetter, Acting Branch Chief
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors

Docket No.: 52-016

Enclosure:
As stated

cc: See next page

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Docket No.: 52-016

Enclosure:
As stated

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UNITED STATES NUCLEAR REGULATORY COMMISSION
CALVERT CLIFFS 3 NUCLEAR PROJECT, LLC, AND UNISTAR NUCLEAR
DEVELOPMENT, LLC, OPEN ISSUES FOR THE ENVIRONMENTAL REVIEW
OF THE COMBINED LICENSE APPLICATION FOR
CALVERT CLIFFS NUCLEAR POWER PLANT, UNIT 3
DOCKET NO. 52-016

The following items do not affect the final environmental impact statement (FEIS) schedule but the U.S. Nuclear Regulatory Commission (NRC) staff considers the following items as open issues with regard to issuance of the combined license, if issued, and as such the NRC is providing guidance:

1. Submittal of New Information for the Project after Issuance of the FEIS

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 51.92(a) states that, "If the proposed action has not been taken, the NRC staff will prepare a supplement to a final environmental impact statement for which a notice of availability has been published in the *Federal Register* as provided in § 51.118, if:

- (1) There are substantial changes in the proposed action that are relevant to environmental concerns; or
- (2) There are new and significant circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts."

10 CFR Part 51.92(c) states that, "[t]he NRC staff may prepare a supplement to a final environmental impact statement when, in its opinion, preparation of a supplement will further the purposes of the National Environmental Policy Act."

Actions Needed: The NRC is requesting that the environmental project manager continue to be copied on correspondence for all information regarding the Calvert Cliffs Unit 3 project. This correspondence includes but is not limited to correspondence between Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Development, LLC (collectively referred to as UniStar) and the NRC safety review, the U.S. Army Corps of Engineers (Corps), and the State of Maryland. The NRC will then review the correspondence to determine if a supplement to the FEIS is warranted per the requirements in 10 CFR Part 51.92(a) and 51.92(c).

In addition, the NRC staff must be notified when a determination of the Federal consistency is made by the State of Maryland under the Coastal Zone Management Act. The NRC staff must also be notified when a decision on the Section 401b Certification is made under the Clean Water Act by the State of Maryland. The NRC staff cannot move forward on its Federal action until these certifications are obtained by the applicant.