

December 3, 2010

Ms. Kathy Anderson, Chief
Maryland Section Southern Regulatory Branch
Operations Division
U.S. Army Corps of Engineers District, Baltimore
City Crescent Building
10 South Howard Street
Baltimore, MD 21201

SUBJECT: U.S. NUCLEAR REGULATORY COMMISSION'S AIR CONFORMITY
DETERMINATION PROCEDURES SUMMARY

Dear Ms. Anderson:

On September 24, 2010, the U.S. Nuclear Regulatory Commission (NRC) and the U.S. Army Corps of Engineers (Corps), Baltimore District, held a teleconference to discuss the NRC's procedure for air conformity and to clarify the NRC's interpretation of the air conformity regulations set forth in Title 40 of the *Code of Federal Regulations* (40 CFR) Part 93, Subpart B.

During this teleconference the NRC staff outlined the guidance for completing an air conformity determination. The guidance was developed in coordination with the Environmental Protection Agency's (EPA), Office of Air Quality Planning and Standards, Air Quality Planning Division. The NRC clarified that in the NRC's air conformity determination the emissions that would be analyzed are those emissions of the criteria pollutant, ozone, and its precursors, that are part of the NRC's Federal action, as defined in 40 CFR 93 as the following:

“[w]here the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion or phase of the non-Federal undertaking that requires the Federal permit, license, or approval”.

The NRC's major steps for completing an air conformity determination are:

- Determine if proposed action is in a nonattainment or maintenance area.
- Receive air emission estimates from applicant and confirm the estimates are reasonable.
- Determine the emissions to consider per the definition of Federal action (look at those emissions that are caused by activities that require an NRC license, including both direct and indirect emissions for those activities).
- Complete applicability analysis to determine if the emissions are over the threshold in 40 CFR 93.153(b) for any year.
- If the emissions are over the threshold then the NRC will complete a conformity determination.

- Issue draft conformity determination for public comment (30-day period).
- Issue final conformity determination (with responses to comments received on the draft conformity determination).

The NRC's procedure is also outlined in a presentation that was given during the public meeting regarding air conformity on November 1, 2010, and can be found in the NRC's Agencywide Document Access Management System (ADAMS) under accession number ML102730445, or is also available at <http://www.nrc.gov/reactors/new-reactors/col/calvert-cliffs/public-meetings/2010.html>.

If you have any questions or comments regarding the Calvert Cliffs environmental review or its air conformity determination analysis, please contact the environmental project manager, Ms. Laura Quinn at 301-415-2220, or via e-mail to Laura.Quinn@nrc.gov. If you have any questions or comments regarding the NRC's air conformity determination guidance or process, please contact Mr. Jack Cushing at 301-415-1424, or via e-mail to Jack.Cushing@nrc.gov.

Sincerely,

/RA/

Robert G. Schaaf, Chief
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors
U.S. Nuclear Regulatory Commission

Docket No.: 52-016

cc: See next page

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Sincerely,

/RA/

Robert G. Schaaf, Chief
Environmental Projects Branch 3
Division of Site and Environmental Reviews
Office of New Reactors
U.S. Nuclear Regulatory Commission

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AWilson, OGC	MParkhurst, PNNL (Maryann.Parkhurst@pnl.gov)
SArora, NRO	EChapman, PNNL (Elaine.Chapman@pnl.gov)
MBrown, NRO	VRamsdell, PNNL (Van.Ramsdell@pnl.gov)

ADAMS Accession No.: ML103130308

NRO-002

OFFICE	NRO/DSER/RAP3:PM	NRO/DSER/RAP3:LA	OGC	NRO/DSER/RAP3:BC
NAME	LQuinn	MBrown	AWilson	RSchaaf
DATE	11/10 /10	11/16 /10	11/ 23 /10	12/ 03 /10

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COL - Calvert Cliffs Mailing List
cc:

(Revised 10/18/2010)

Mr. Richard L. Baker
Bechtel Power Corporation
5275 Westview Drive
Frederick, MD 21703-8306

Ms. Patricia T. Birnie, Esquire
Co-Director
Maryland Safe Energy Coalition
P. O. Box 33111
Baltimore, MD 21218

Ms. Michele Boyd
Legislative Director
Energy Program
Public Citizens Critical Mass Energy
and Environmental Program
215 Pennsylvania Avenue, SE
Washington, DC 20003

Ms. Kristen A. Burger
Maryland People's Counsel
6 St. Paul Centre
Suite 2102
Baltimore, MD 21202-1631

Mr. Carey Fleming, Esquire
Senior Counsel - Nuclear Generation
Constellation Generation Group, LLC
750 East Pratt Street, 17th Floor
Baltimore, MD 21202

Mr. Jay S. Gaines
Director, Licensing
Calvert Cliffs Nuclear Power Plant
1650 Calvert Cliffs Parkway
Lusby, MD 20657-4702

Mr. Brian Hastings
Public Utility Commission
William B. Travis Building
P.O. Box 13326
1701 North Congress Avenue
Austin, TX 78701-3326

Mr. Roy Hickok
NRC Technical Training Center
5700 Brainerd Road
Chattanooga, TN 37411-4017

Mr. Norris McDonald
President
AAEA
9903 Caltor Lane
Ft. Washington, MD 20744

Mr. R. I. McLean
Nuclear Programs
Power Plant Research Program
Maryland Department of Natural Resources
580 Taylor Avenue (B wing, 3rd floor)
Tawes State Office Building
Annapolis, MD 21401

President
Calvert County Board of Commissioners
175 Main Street
Prince Frederick, MD 20678

Regional Administrator
Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
P. O. Box 287
St. Leonard, MD 20685

Mr. Tom Sliva
7207 IBM Drive
Charlotte, NC 28262

Mr. David W. Sutherland
Chesapeake Bay Field Office
U.S. Fish and Wildlife Service
177 Admiral Cochrane Drive
Annapolis, MD 21401

COL - Calvert Cliffs Mailing List

Mr. George Wrobel
UniStar Nuclear Energy
100 Constellation Way, 1400P
Baltimore, MD 21202-3106

COL - Calvert Cliffs Mailing List

Email

APH@NEI.org (Adrian Heymer)
awc@nei.org (Anne W. Cottingham)
BrinkmCB@westinghouse.com (Charles Brinkman)
chris.maslak@ge.com (Chris Maslak)
cwaltman@roe.com (C. Waltman)
david.lewis@pillsburylaw.com (David Lewis)
Derinda.Bailey@chguernsey.com (Derinda Bailey)
ed.burns@earthlink.net (Ed Burns)
eddie.grant@excelservices.com (Eddie Grant)
FAlexander@sha.state.md.us (Felicia Alexander)
george.wrobel@unistarnuclear.com (George Wrobel)
greg.gibson@unistarnuclear.com (Greg Gibson)
gzinke@entergy.com (George Alan Zinke)
jason.parker@pillsburylaw.com (Jason Parker)
jerald.head@ge.com (Jerald G. Head)
jgutierrez@morganlewis.com (Jay M. Gutierrez)
jim.riccio@wdc.greenpeace.org (James Riccio)
Joseph_Hegner@dom.com (Joseph Hegner)
KSutton@morganlewis.com (Kathryn M. Sutton)
kwaugh@impact-net.org (Kenneth O. Waugh)
lchandler@morganlewis.com (Lawrence J. Chandler)
lois@ieer.org (Lois Chalmers)
Marc.Brooks@dhs.gov (Marc Brooks)
maria.webb@pillsburylaw.com (Maria Webb)
mark.beaumont@wsms.com (Mark Beaumont)
Mark.Crisp@chguernsey.com (Mark Crisp)
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)
media@nei.org (Scott Peterson)
mike_moran@fpl.com (Mike Moran)
MSF@nei.org (Marvin Fertel)
nirsnet@nirs.org (Michael Mariotte)
Nuclaw@mindspring.com (Robert Temple)
patriciaL.campbell@ge.com (Patricia L. Campbell)
Paul@beyondnuclear.org (Paul Gunter)
pfree@northwestern.edu (Professor Paul Friesema)
pshastings@duke-energy.com (Peter Hastings)
RJB@NEI.org (Russell Bell)
sabinski@suddenlink.net (Steve A. Bennett)
sandra.sloan@areva.com (Sandra Sloan)
sfrantz@morganlewis.com (Stephen P. Frantz)
sgray@dnr.state.md.us (Susan Gray)
stephan.moen@ge.com (Stephan Moen)
tkkibler@scana.com (Tria Kibler)
trsmith@winston.com (Tyson Smith)

COL - Calvert Cliffs Mailing List

Vanessa.quinn@dhs.gov (Vanessa Quinn)

Wanda.K.Marshall@dom.com (Wanda K. Marshall)

wj3@comcast.net (William Johnston)

Calvert Cliffs Nuclear Power Plant (Environmental)

cc:

Mr. Danny Adams
MD Department of the Environment
1800 Washington Blvd
Baltimore, MD 21250

Ms. Felicia Alexander
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-301
Baltimore, MD 21202

Mr. Vance T. Ayers
Executive Secretary Treasurer
Washington DC Building Trades Council
5829 Allentown Road
Camp Springs, MD 20746

Mr. Phillip Benavides
North America Young Generation
in Nuclear
3591 St. Leonard Road
Port Republic, MD 20676

Ms. Danita Boonchaisri
Calvert County Dept. of Economic
Development
Courthouse, 175 Main Street
Prince Fredrick, MD 20678

Mr. Steven G. Bowman
Commissioner
Virginia Marine Resource Commission
2600 Washington Avenue
3rd Floor
Newport News, VA 23607

Mr Donald Brown
United Association
26205 Yowaiski Mill Road
Mechanicsville, MD 20659

Mr. Bill Burch
MACTEC
21740 Beaumeade Circle
Suite 150
Ashburn, VA 20147

Mr. Timothy Butler
12407 Red Rock Trail
Lusby, MD 20657

Ms. Lori Byrne
Wildlife and Heritage Division
Maryland Dept. of Natural Resources
580 Taylor Avenue
Suite E-1
Annapolis, MD 21401

Ms. Delores Caniglia
13400 Lore Pines Lane
Solomons, MD 20688

Mr. Milo Chaffee
Sheet Metal Worker Local 100
4725 Silver Hill Road
Suitland, MD 20746

Mr. Mark Coles
Business Legislative Rep
Building and Construction Trades Council
5829 Allentown Road
Camp Springs, MD 20746

Ms. Amy Corder
Calvert Cliff Nuclear Power Plant
1955 Parkers Creek Spur
Port Republic, MD 20676

Mr. Keith Crissman
Constellation
23380 Tara Lane
Hollywood, MD 20636

Dr. Gwen DeBois
Physicians for Social Responsibility
1817 Sulgnwe Avenue
Baltimore, MD 21209

Mike Dorsey
BCTD
1601 16th St., NW
Washington, DC 20006

Calvert Cliffs Nuclear Power Plant (Environmental)

cc:

Mr. Robert W. Duncan, Director
Virginia Department of Game
and Inland Fisheries
4010 West Broad St.
Richmond, VA 23230

Mr. John R. Griffin, Secretary
Maryland Department of Natural Resource
Tawes State Office Building
580 Taylor Avenue
Annapolis, MD 21401

Mr. John M. Fowler
Advisory Council on Historic Preservation
Office of Federal Agency Programs
1100 Pennsylvania Ave., NW, Suite 809
Washington, DC 20004

Mr. Bud Henry
I.U.O.E.
4546 Britannia Way
Suitland, MD 20746

Mr. Frank Fox
Sierra Club
27290 Woodburn Hill Road
Mechanicsville, MD 20659

Ms. Tonya Hardy
Executive Director
Commission of Africa History and Culture
Banneker-Douglas Museum
84 Franklin Street
Annapolis, MD 21401

Mr. Woody Francis
U.S. Army Corps of Engineers
Baltimore District
PO Box 1715
Baltimore, MD 21209

Mr. Randy Holter
PO Box 76
Newburg, MD 20664

Prof. Paul Friesema
Environmental Policy and Culture Program
Northwestern University
304 Scott Hall
601 University Place
Evanston, IL 60208

Ms. Theresa Hunter
42566 Anne Court
Hollywood, MD 20636

Mr. Brad Kanbowsky
PO Box 1276
Huntington, PA 20637

Mr. Jay Gaines
12947 Huron Drive
Lusby, MD 20657

Ms. Patricia Kurkul, Regional Administrator
North Regional Office
National Marine Fisheries Service
One Blackburn Drive
Gloucester, MA 01930

Mr. Nick Garrett
Calvert Tourism Commission
378 Cambridge Place
Prince Fredrick, MD 20678

Mr. Ryan Leonard
Iron Workers Local 201
4665 Port Tobacco Road
Nanjemoy, MD 20662

Mr. Joseph Green
29 Francis Street
Annapolis, MD 21401

Mic Gribben
Tetra Tech Inc.
20251 Century Blvd
Germantown, MD 20874

Calvert Cliffs Nuclear Power Plant (Environmental)

cc:

Mr. J. Rodney Little, Director
and State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

Mr. Richard Lloyd
Attorney
135 W. Dares Beach Road
Suite 209A
Prince Frederick, MD 20678

Mr. Michael Lukey
MACTEC
21740 Beaumeade Circle
Suite 150
Ashburn, VA 20147

Mr. Charles E. MacDonald
PO Box 38
Chesapeake Beach, MD 20732

Ms. Brenda MacNair
11010 Mill Bridge Road
Lusby, MD 20657

Mr. Jim McAllister
Director, Regional Planning
Tri-Country Council for Southern Maryland
PO Box 745
Hughesville, MD 20637

Ms. Deborah McClure
Chamber of Commerce
1165 Beacon Way
Lusby, MD 20657

Mr. Norman Meadow
MD Conservation Council
2304 South Road
Baltimore, MD 21209

Mr. Bob Migliaccio
Iron Workers Local 201
1507 Rhode Island Ave., NE
Washington, DC 20008

Mr. Joe Mihalcik
UniStar Nuclear Energy
2264 Birch Road
Port Republic, MD 20676

Lee and April Minin
PO Box 998
Solomons, MD 20688

Mr. Leopoldo Miranda, Field Supervisor
U.S. Fish & Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Dr.
Annapolis, MD 21401

Mr. David Murphy
UniStar Nuclear Energy
750 Pratt St., 14th Floor
Baltimore, MD 21202

Mr. Bob Nelson, Health Physicist
Maryland Dept of the Environment
1800 Washington Blvd
Baltimore, MD 21230

Mr. Michael Prichard
Iron Workers Local Union No. 5
24380 Mervell Dean Road, Apt B
Hollywood, MD 20636

The Honorable Natalie Proctor, Chief
Cederville Band or Piscataway Indians, Inc.
16816 County Lane
Waldorf, MD 20601-3335

Mr. John Rayner
Iron Workers Local Union No. 5
9100 Old Marlboro Pike
Upper Marlboro, MD 20772-3627

Mr. Juan Carlos Recinos
Local Union 201
1507 Rhode Island Avenue, NE
Washington, DC 20018

Calvert Cliffs Nuclear Power Plant (Environmental)

cc:

Mr. Carl Roe
Executive Director
Pennsylvania Game Commission
2001 Elmerton Avenue
Harrisburg, PA 17106-9797

The Honorable Melvin Savoy, Chairman
Piscataway Convoy Confederacy
and Subtribes, Inc.
PO Box 1484
LaPlata, MD 20646

Mr. Bill Scarafia
St. Mary's Chamber of Commerce
44220 Airport Road
California, MD 20619

Ms. June Sevilla
PO Box 354
Solomons, MD 20688

Mr. Harold Sharlin
3401 38th Street, NW
Suite 318
Washington, DC 20016

Mr. James Sinclair
2120 Tamarac Trail
Lusby, MD 20657

Ms. Jacqui Steele-McCall
GS Proctor
9912 Sudan Place
Upper Marlboro, MD 20772

Mr. Alan Summerville
ICF International
9300 Lee Hwy
Fairfax, VA 22031-1207

Mr. Paul Swartz, Executive Director
Susquehanna River Basin Commission
1721 N. Front Street
Harrisburg, PA 17102

The Honorable William "Red Wing" Tayac
Chief
The Piscataway Indians Nation
PO Box 131
Accokeek, MD 20607

Ms. Dawn Tucker
Calvert County Minority Business Alliance
4140 Holbrook Road
Huntington, MD 20639

Mr. Robert Tufts
Maryland Green Party
1308 Fairfax Avenue
Churchton, MD 20733

Mr. David Turner
Constellation
24627 Apple Sauce Lane
Hollywood, MD 20636

Mr. Tyrone Washington
Iron Workers Local 201
3917 29th Street, Apt 214
Washington, DC 20008

Ms. Shari Wilson, Secretary
Maryland Department of the Environment
1800 Washington Blvd
Baltimore, MD 21230

Mr. David Zonderman
252 Drift wood
Solomons, MD 20688

Mr. Brendan Sweeney, Chair
Calvert County Environmental Commission
175 Main Street
Prince Frederick, MD 20678

Mr. John Savich, County Administrator
St. Mary's County Government
41700 Baldrige Street
Leonardtwn, MD 20650

Calvert Cliffs Nuclear Power Plant (Environmental)

cc:

kathy.anderson@usace.army.mil (Kathy Anderson)
woody.francis@usace.army.mil (Woody Francis)
phillip.benavides@comcast.net (Phillip Benavides)
trondelle2002@yahoo.com (Trondelle Brooks)
whbiv@nc.rr.com (William Buchanan)
kcrissman@md.metrocast.net (Brenice Crissman)
afisher@citizen.org (Allison Fisher)
pfree@northwestern.edu (Paul Friesema)
paul@beyondnuclear.org (Paul Gunter)
kevin@beyondnuclear.org (Kevin Kamps)
dimitri.lutchenkov@unistarnuclear.com (Dimitri Lutchenkov)
norrismcdonald@msn.com (Norris McDonald)
smcgarvey@bctd.org (Sean McGarvey)
meadownd@jhu.edu (Norm Meadow)
csavoy@smwlocal100.com (Clifton Savoy)
RCCouncil@aol.com