

## CCNPP3COLA PEmails

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**From:** D Henry [DHenry@mdp.state.md.us]  
**Sent:** Wednesday, January 12, 2011 3:48 PM  
**To:** Abernethy, Yvonne  
**Cc:** Lutchenkov, Dimitri; Francis, Woody NAB; Anderson, Kathy NAB  
**Subject:** RE: CC3 follow up from conf call on 3 Jan. (UNCLASSIFIED)

MD SHPO (MHT) staff concur that all historic preservation concerns related to the Calvert Cliffs Nuclear Power Plant expansion (CC3) project are covered by the existing Memorandum of Agreement (MOA). Any unanticipated discoveries and/or additional cultural resources investigations generated by changes to the project design are covered under Stipulation III -- see below...

### III. PROJECT MODIFICATIONS AND ANCILLARY ACTIVITIES

Related ancillary activities including, but not limited to, environmental stewardship opportunities, wetland mitigation sites, reforestation areas, or other modifications to the previously reviewed Project may be added to the Project in the future. Should such activities be added for which cultural resources studies have not been completed, the Corps and UniStar shall ensure that consultation ensues with the MD SHPO and other relevant consulting parties and that all required cultural resources studies are implemented in accordance with the applicable performance standards in Stipulation VI and with the following coordination procedures:

#### A. IDENTIFICATION

1. The Corps, the MD SHPO and UniStar shall review any additions or changes to the Project, and UniStar shall ensure that identification investigations are implemented as necessary to identify any historic properties that may be impacted by the proposed ancillary activity or modification. UniStar shall provide all completed information to the MD SHPO and the Corps for review and comment.
2. UniStar shall complete and report survey efforts to identify resources potentially eligible for inclusion in the National Register that may be impacted by the Project in archeologically sensitive areas not subject to prior archeological identification investigations.
3. UniStar shall ensure that the work is accomplished in accordance with the relevant performance standards in Stipulation VI and in consultation with the MD SHPO and the Corps. UniStar will conduct the work as soon as possible after it has obtained access to these areas and prior to construction in these areas.
4. UniStar will document the results of the survey in report form, and provide copies to the Corps and the MD SHPO for review and comment.
5. If the MD SHPO does not provide comments within 30 calendar days of receipt, the Corps and UniStar may assume MD SHPO acceptance of the results.

#### B. EVALUATION

1. If the Corps determines that it is infeasible to avoid impacting archeological sites identified by completion of the survey efforts in Stipulation II.A, the Corps, in consultation with the MD SHPO and in accordance with the Performance Standards in Stipulation V of this MOA, will evaluate each of the identified sites for their eligibility for listing in the National Register by applying the National Register criteria for evaluation (36 CFR 60.4 [a-d]), and in accordance with 36 CFR 600.4 (c). The Corps will ensure that UniStar completes Phase II archeological site evaluations which will include documentary research, field investigation, analyses, and reporting.
2. UniStar shall provide the results of any such evaluation studies to the Corps and the MD SHPO for review, comment, and formal determinations of eligibility.
3. If the MD SHPO does not provide comments within 30 calendar days of receipt, the Corps and UniStar may assume MD SHPO acceptance of the results.

#### C. TREATMENT

1. Should any property eligible for inclusion in the National Register be identified under Stipulations III.A and III.B, UniStar shall make a reasonable and good-faith effort to avoid adversely affecting the resources by relocating or modifying the proposed action. If adverse effects are unavoidable, UniStar, the Corps and the MD SHPO shall consult in accordance with 36 CFR § 800.6 to develop and implement appropriate treatment options.

2. UniStar shall ensure that any resulting cultural resources work is accomplished in accordance with the relevant performance standards in Stipulation VI.

If you have any questions or require further information, please do not hesitate to contact me at 410-514-7638.

- Dixie Henry, MHT

-----Original Message-----

From: Abernethy, Yvonne [mailto:Yvonne.Abernethy@constellation.com]

Sent: Wednesday, January 12, 2011 1:20 PM

To: D Henry

Cc: Lutchenkov, Dimitri; Francis, Woody NAB; 'Anderson, Kathy NAB02'

Subject: FW: CC3 follow up from conf call on 3 Jan. (UNCLASSIFIED)

Dixie,

It is my understanding that the MOA that was executed in March 2010 has provisions for dealing with the submerged resource issues that were raised in our October 8, 2010 letter to your agency and your agency's October 29, 2010

response. UniStar has received confirmation from the Corps that they are in agreement with that position (see below). As UniStar is actively engaged with the MHT on these matters and proceeding in accordance with the MOA, do you concur that there are no further unresolved Section 106 compliance issues?

Thanks for your time and consideration,

Yvonne F. Abernethy  
Senior Environmental Specialist  
Constellation Power Generation  
(803) 644-0146 x 225  
(803) 617-9379 (mobile)

----- Original Message -----

From: Francis, Woody NAB <WOODY.FRANCIS@usace.army.mil>

To: Francis, Woody NAB <WOODY.FRANCIS@usace.army.mil>; Quinn, Laura <Laura.Quinn@nrc.gov>; Lutchenkov, Dimitri

Cc: Anderson, Kathy NAB <Kathy.Anderson@usace.army.mil>

Sent: Fri Jan 07 17:19:58 2011

Subject: RE: CC3 follow up from conf call on 3 Jan. (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Sorry I am resending with a correction in #3

7 Jan 2011

Subject: Status of items for CC3 FEIS

In follow up to our phone con on 3 Jan. I can provide the following in the way of updates to those items we discussed during our call:

1. Tidal Wetland Mitigation- after follow up w/ NMFS I confirmed that there was agreement by NMFS to Unistar's concept of providing tidal mitigation at a 1:1 ratio for the 4.5 acres of dredging impacts by placing clean material sand etc in areas (yet to be identified as suitable), but concept is acceptable for 4.5 acres. NMFS is of the understanding that EA(consultant) is to develop a schedule for completing the mitigation, to be circulated in the near future for review and comment. For purposes of the FEIS, we can now state what the tidal wetland component consists of and we will identify when we make our permit decision the specifics.
2. Non Tidal Wetland Mitigation- as I advised the Corps has already agreed with the Unistar proposal concerning NTW mitigation. What remains to be completed is the summary table. Our goal is to have that wrapped up by 14 Jan.
3. MHT 29 Nov 2010 letter- The Corps is of the opinion that the previously executed MOA between the parties (Unistar, MHT, and Corps) concerning Cultural Resources etc. provides certain stipulations for purposes of addressing these items raised by MHT. Therefore, the statutory requirement has been met and the MOA governs the remainder of the process.
4. Ms. June Sevilla comments- the responses in the draft FEIS concerning those items raised by Ms Sevilla that are within the Corps regulatory purview have been addressed, therefore the Corps has no further comments for purposes of the FEIS. We will address Ms. Sevilla's comments in the Corps' ROD.
5. Air Conformity- we do not yet have closure on this item and we do not at present have a timeline for resolution.

-----Original Message-----

From: Francis, Woody NAB  
Sent: Friday, January 07, 2011 5:10 PM  
To: Quinn, Laura; Lutchenkov, Dimitri  
Cc: Anderson, Kathy NAB  
Subject: CC3 follow up from conf call on 3 Jan. (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

All: pls forward as necessary to those that participated in our 3 Jan call, (I do not have email addresses)

7 Jan 2011

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Woody Francis  
Corps, Balto.  
410-962-5689

Classification: UNCLASSIFIED  
Caveats: FOUO

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**Mail Envelope Properties** (9EE28E44C118F64A832AEF78B091D6D10815058475)

**Subject:** RE: CC3 follow up from conf call on 3 Jan. (UNCLASSIFIED)  
**Sent Date:** 1/12/2011 3:47:52 PM  
**Received Date:** 1/12/2011 3:48:11 PM  
**From:** D Henry

**Created By:** DHenry@mdp.state.md.us

**Recipients:**

"Lutchenkov, Dimitri" <dimitri.lutchenkov@unistarnuclear.com>  
Tracking Status: None  
"Francis, Woody NAB" <WOODY.FRANCIS@usace.army.mil>  
Tracking Status: None  
"Anderson, Kathy NAB" <Kathy.Anderson@usace.army.mil>  
Tracking Status: None  
"Abernethy, Yvonne" <Yvonne.Abernethy@constellation.com>  
Tracking Status: None

**Post Office:** MDPSTORE01.mdp.state.md.us

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MESSAGE	10132	1/12/2011 3:48:11 PM

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**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
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**Recipients Received:**