

November 30, 2001

Mr. Paul C. Wilkens
Senior Vice President,
Rochester Gas and Electric Corporation
89 East Avenue
Rochester, NY 14649

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 - NOTICE OF
WITHDRAWAL OF APPLICATION FOR APPROVAL OF INDIRECT TRANSFER
OF FACILITY OPERATING LICENSE (TAC NO. MB2290)

Dear Mr. Wilkens:

By letter dated June 22, 2001, Rochester Gas and Electric Corporation (RG&E) submitted an application seeking approval under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80 for, among other things, the indirect transfer of Facility Operating License No. NPF-69 for Nine Mile Point Nuclear Station, Unit No. 2 (NMP-2) to the extent held by RG&E. The indirect transfer would have resulted from the planned acquisition of RG&E's parent company, RGS Energy Group, Inc. by Energy East Corporation (Energy East). RG&E's letter acknowledged that an application for approval of the direct transfer of the NMP-2 license as held by RG&E to Nine Mile Point Nuclear Station, LLC (NMP LLC) was pending before the NRC and that "if approved, would render unnecessary the request in this application for indirect transfer of RG&E's ownership interest in NMP-2."

NRC approved the direct transfer by an Order on June 22, 2001, as modified by a Supplemental Order on October 30, 2001. On November 7, 2001, the NMP-2 license, as held by RG&E and others, was transferred to NMP LLC. By letter dated November 14, 2001, RG&E withdrew that portion of the June 22, 2001, application relating to NMP-2. The NRC has prepared the attached Notice of Withdrawal which is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-410

Enclosure: Notice of Withdrawal for NMP-2

cc w/encl: See next page

November 30, 2001

Mr. Paul C. Wilkens
Senior Vice President,
Rochester Gas and Electric Corporation
89 East Avenue
Rochester, NY 14649

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 2 - NOTICE OF
WITHDRAWAL OF APPLICATION FOR APPROVAL OF INDIRECT TRANSFER
OF FACILITY OPERATING LICENSE (TAC NO. MB2290)

Dear Mr. Wilkens:

By letter dated June 22, 2001, Rochester Gas and Electric Corporation (RG&E) submitted an application seeking approval under Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.80 for, among other things, the indirect transfer of Facility Operating License No. NPF-69 for Nine Mile Point Nuclear Station, Unit No. 2 (NMP-2) to the extent held by RG&E. The indirect transfer would have resulted from the planned acquisition of RG&E's parent company, RGS Energy Group, Inc. by Energy East Corporation (Energy East). RG&E's letter acknowledged that an application for approval of the direct transfer of the NMP-2 license as held by RG&E to Nine Mile Point Nuclear Station, LLC (NMP LLC) was pending before the NRC and that "if approved, would render unnecessary the request in this application for indirect transfer of RG&E's ownership interest in NMP-2."

NRC approved the direct transfer by an Order on June 22, 2001, as modified by a Supplemental Order on October 30, 2001. On November 7, 2001, the NMP-2 license, as held by RG&E and others, was transferred to NMP LLC. By letter dated November 14, 2001, RG&E withdrew that portion of the June 22, 2001, application relating to NMP-2. The NRC has prepared the attached Notice of Withdrawal which is being forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-410

Enclosure: Notice of Withdrawal for NMP-2

cc w/encl: See next page

DISTRIBUTION:

PUBLIC	BPlatchek	PDI-1 Reading	OGC	PSekerak
PTam	EAdensam	SLittle	LRaghavan	ACRS

*See previous concurrence

ACCESSION NO. **ML013300115**

OFFICE	PD1-1/PM	PD1-1/LA	OGC*	PDI-1/(A)SC	
NAME	PTam	SLittle	SHom	LRaghavan	
DATE	11/28/01	11/28/01	11/28/01	11/30/01	

OFFICIAL RECORD COPY

Nine Mile Point 2

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

Resident Inspector
Nine Mile Point Nuclear Station
P.O. Box 126
Lycoming, NY 13093

Mr. John V. Vinquist, MATS Inc.
P.O. Box 63
Lycoming, NY 13093

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

C. Adrienne Rhodes
Chairman and Executive Director
State Consumer Protection Board
5 Empire State Plaza, Suite 2101
Albany, NY 12223-1556

Mark J. Wetterhahn, Esquire
Winston & Strawn
1400 L Street, NW.
Washington, DC 20005-3502

Gary D. Wilson, Esquire
Niagara Mohawk Power Corporation
300 Erie Boulevard West
Syracuse, NY 13202

Mr. William M. Flynn, President
New York State Energy, Research,
and Development Authority
Corporate Plaza West
286 Washington Avenue Extension
Albany, NY 12203-6399

Mr. Paul D. Eddy
Electric Division
NYS Department of Public Service
Agency Building 3
Empire State Plaza
Albany, NY 12223

Mr. Raymond J. Wenderlich
Senior Constellation Nuclear Officer
Responsible for Nine Mile Point
Nine Mile Point Nuclear Station
P.O. Box 63
Lycoming, NY 13093

UNITED STATES NUCLEAR REGULATORY COMMISSION

ROCHESTER GAS AND ELECTRIC CORPORATION

NINE MILE POINT NUCLEAR STATION, UNIT NO. 2

DOCKET NO. 50-410

NOTICE OF WITHDRAWAL OF APPLICATION FOR APPROVAL OF
INDIRECT TRANSFER OF FACILITY OPERATING LICENSE

The U.S. Nuclear Regulatory Commission (the Commission) was considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating License No. NPF-69 for Nine Mile Nuclear Station, Unit No. 2 (NMP-2), to the extent held by Rochester Gas and Electric Corporation (RG&E). The indirect transfer would have resulted from the planned acquisition of RG&E's parent company, RGS Energy Group, Inc. (RGS), by Energy East Corporation (Energy East).

On November 7, 2001, the NMP-2 license, as held by RG&E and others, was transferred to Nine Mile Point Nuclear Station, LLC, as authorized by an NRC Order dated June 22, 2001, as modified by a Supplemental Order dated October 30, 2001. By letter dated November 14, 2001, RG&E withdrew its request for NRC approval of the indirect transfer of the NMP-2 license since RG&E no longer holds the NMP-2 license. The NRC has permitted the withdrawal.

The Commission previously published a Notice of Consideration of Approval of Application Regarding Proposed Merger and Opportunity for a Hearing (66 FR 42687, dated August 14, 2001). No hearing requests or written comments were filed.

For further details with respect to this withdrawal, see RG&E's letter dated June 22, and November 14, 2001, available for public inspection at the Commission's Public Document

Room (PDR), at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC website (<http://www.nrc.gov/ADAMS/index.htm>). If you do not have access to ADAMS or if there are problems accessing the documents located in ADAMS, contact the NRC PDR reference staff at 1-800-397-4209, 301-415-4737 or by email to pdr@nrc.gov.

Dated at Rockville, Maryland, this 30th day of November.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Peter S. Tam, Senior Project Manager, Section 1
Project Directorate I
Division of Licensing Project Management
Office of Nuclear Reactor Regulation