

Greg Gibson  
Vice President, Regulatory Affairs

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10 CFR 52.75  
10 CFR 2.390

September 30, 2008

UN#08-041

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

Subject: UniStar Nuclear Energy, NRC Project No. 759  
Submittal of a Combined License Application  
for the Nine Mile Point 3 Nuclear Power Plant; and  
Application for Withholding of Documents

- References:
- 1) Letter from Sandra M. Sloan (AREVA NP) to U.S. Nuclear Regulatory Commission, "Application for Standard Design Certification of the U.S. EPR Project No. 733," dated December 11, 2007
  - 2) Letter from Ronnie L. Gardner (AREVA NP) to U.S. Nuclear Regulatory Commission, "U.S. EPR Final Safety Analysis Report, Supplement 1," dated February 7, 2008
  - 3) Letter from Ronnie L. Gardner (AREVA NP) to U.S. Nuclear Regulatory Commission, "U.S. EPR Final Safety Analysis Report, Supplement 2," dated February 18, 2008
  - 4) Letter from George Vanderheyden (UniStar Nuclear Energy) to U.S. Nuclear Regulatory Commission, "Submittal of Revision 2 to the Partial Combined License Application for the Calvert Cliffs Nuclear Power Plant, Unit 3," dated March 14, 2008
  - 5) Letter from Greg Gibson (UniStar Nuclear Energy) to U.S. Nuclear Regulatory Commission, "Submittal of the Combined License Application for the Nine Mile Point 3 Nuclear Power Plant, Safeguards/Security Plan Part," dated September 30, 2008

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In accordance with 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," Nine Mile Point Nuclear Project, LLC and UniStar Nuclear Operating Services, LLC (UniStar) submit to the U.S. Nuclear Regulatory Commission (NRC) an application for a combined license (COL) for an AREVA NP U.S. Evolutionary Power Reactor (U.S. EPR) to be located adjacent to the current Nine Mile Point Nuclear Station, Unit 1 and Unit 2. This new advanced reactor unit is to be designated Nine Mile Point 3 Nuclear Power Plant (NMP3NPP). In addition, these entities are requesting special nuclear material licenses, by-product licenses, and source material licenses as required under 10 CFR Parts 30, 40, and 70.

This COL application includes the information required by 10 CFR 52.77 to 52.80 and incorporates by reference the application for a Standard Design Certification for the U.S. EPR that was submitted to the NRC by AREVA NP on December 11, 2007 (Reference 1). The U.S. EPR Final Safety Analysis Report (FSAR) portion of the application for a Standard Design Certification was supplemented by AREVA on February 7, 2008 (Reference 2); and February 18, 2008 (Reference 3).

The enclosed COL application is based upon, as explained in the application documents, the U.S. EPR reference COL application for UniStar's Calvert Cliffs Nuclear Power Plant, Unit 3 (Reference 4). The NMP3NPP COL application utilizes, to the maximum practical extent, the standard content contained and designated as such in the Calvert Cliffs Nuclear Power Plant, Unit 3 COL application. Standard content is identified as such, primarily in the FSAR of this application as outlined in FSAR Section 1.1, "Introduction." Information that is specific to NMP3NPP is set forth in brackets ({ }).

This COL application comprises the following parts:

- Part 1 – General, Administrative and Financial Information
- Part 2 – Final Safety Analysis Report (FSAR)
- Part 3 – Environmental Report
- Part 4 – Technical Specifications
- Part 5 – Emergency Plan
- Part 6 – *[Not Used – Reserved for applications requesting Limited Work Authorization]*
- Part 7 – Departures and Exemption Requests
- Part 8 – Safeguards/Security Plans (contains Safeguards Information, provided under separate cover letter (Reference 5))
- Part 9 – Proprietary and Sensitive Unclassified Non-Safeguards Information (SUNSI)
- Part 10 – Proposed License Conditions, including Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC)
- Part 11 – COLA Enclosures (e.g., Quality Assurance Program Description)

This application contains no Restricted Data or other defense information requiring separation in accordance with 10 CFR 50.33(j). Part 8 of this application contains Safeguards Information, which is provided under separate cover (Reference 5) and is controlled pursuant to 10 CFR 73.21(c). Part 9 of this application contains certain financial and security-related information that UniStar is requesting the NRC to withhold from public disclosure in accordance with the

requirements of 10 CFR 2.390. An appropriate affidavit is included with this letter supporting proprietary treatment of NMP3NPP financial information pursuant to 10 CFR 2.390(b).

Consistent with common licensing practice, most of the application text is written in the present tense, including discussion of facilities and programs not yet built or implemented. Exceptions to this approach are the discussions of operating experience and completed studies and evaluations, which are written in the past tense. It should be understood, however, that statements regarding facilities (e.g., structures, systems, and components), and pre-construction, pre-operational, and operational activities (e.g., procedures and programs) typically address activities that have not yet been performed, and will not be performed until it is reasonable and appropriate to do so.

U.S. EPR nuclear power plants that are licensed, constructed, and operated in cooperation with UniStar Nuclear Operating Services, LLC (UniStar Nuclear Operating Services) are standardized to the extent practical. This allows for a standardized Combined License (COL) application. Information that is unique to NMP3NPP is enclosed in braces "{ }." Information not enclosed in braces is generic for all UniStar Nuclear Operating Services facilities. The terms "braces" and "brackets" are used interchangeably in this document. Minor changes are made within the generic text that are not identified as site specific. These include figure and table numbers, which are organized sequentially within sections, and minor grammatical changes necessary to support introduction of site specific text. Tables and figures containing site specific information use the convention of brackets/braces around the table or figure title, not the entire table or figure contents. This convention indicates the entire table or figure is site specific.

A complete set of application documents (identified above) is provided in electronic file format on the two enclosed disks (Enclosures 1 and 2). Enclosure 1 contains a publicly available version of the COL application with the information requested to be withheld from public disclosure redacted; Enclosure 2 contains the COL application with the information requested to be withheld from public disclosure included in Part 9.

Appropriate pre-submission checks have been successfully performed on the files for both disks to ensure compliance with the guidelines provided on the NRC web site and they have been found acceptable for electronic submittals. Each disk includes a "packing slip" describing its contents, pursuant to NRC instructions for electronic filing.

If you have any questions, or need additional information, please contact me at (410) 470-4205.

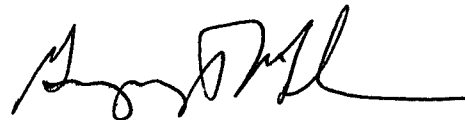
September 30, 2008

UN#08-041

Page 4

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

Executed on September 30, 2008

A handwritten signature in black ink, appearing to read "Greg Gibson", with a long horizontal flourish extending to the right.

Greg Gibson

Enclosures:     1) NMP3NPP COL Application, Public Version DVD  
                  2) NMP3NPP COL Application, Non-Public Version DVD  
                  3) Affidavit

cc:   U.S. NRC Region I (2 copies)  
      U.S. NRC Region II  
      U.S. NRC Resident Inspector, Nine Mile Point Nuclear Power Plant, Units 1 and 2  
      NRC Project Manager, U.S. EPR Combined License Application  
      NRC Project Manager, U.S. EPR Design Certification Application (w/o enclosures)

**ENCLOSURE 1**

**NMP3NPP COL Application, Public Version DVD**

**ENCLOSURE 2**

**NMP3NPP COL Application, Non-Public Version DVD**

ENCLOSURE 3  
**Affidavit of Gregory T. Gibson**  
(Page 1 of 2)

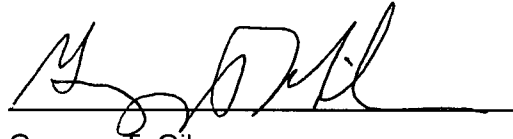
Gregory T. Gibson, being duly sworn, hereby deposes and states as follows:

1. My name is Gregory T. Gibson. I am the Vice President, Regulatory Affairs for UniStar Nuclear Energy, LLC (UniStar).
2. I have been authorized by UniStar to execute this affidavit in support of UniStar's request to withhold proprietary information identified in UniStar's letter to the NRC UN#08-041, "UniStar Nuclear Energy, Project No. 759, Submittal of the Combined License Application for Nine Mile Point 3 Nuclear Power Plant; and Application for Withholding of Documents," hereafter referred to as the "Proprietary Information," from public disclosure in accordance with the Nuclear Regulatory Commission's (NRC's) regulations appearing at 10 C.F.R. § 2.390(a)(4).
3. The Proprietary Information is being submitted as proprietary and confidential information as part of an enclosure to UniStar's letter UN#08-041 from Greg Gibson to NRC's Document Control Desk.
4. The Proprietary Information includes detailed financial information regarding costs and taxes associated with the construction and operation of the proposed U.S. EPR nuclear power plant at the Nine Mile Point site (i.e., NMP3NPP).
5. The Proprietary Information was prepared with the explicit understanding that the information itself would be treated as proprietary and confidential. The information should therefore be withheld from public disclosure. Indeed, UniStar has refrained from publicly disclosing this information. To the best of my knowledge and belief, the Proprietary Information has not otherwise been knowingly made available in any public source.
6. If the Proprietary Information was publicly disclosed, UniStar and Constellation Energy would suffer irreparable and incalculable harm. Specifically, UniStar's competitors would gain valuable insight into otherwise unavailable business strategies, plans, and financial details. By knowing the details included in the Proprietary Information, UniStar's competitors would obtain an unfair commercial advantage that would significantly affect UniStar's ability to compete. In addition, the success of the UniStar's future plans is governed in large part by the cost and tax information, and thus to publicly disclose this information as reflected in Proprietary Information would result in substantial harm to the competitive position of UniStar.
7. Financial information by its nature is treated as confidential. The specific financial details in the Proprietary Information have not been publicly released for the reasons set forth above. Accordingly, withholding the Proprietary Information from disclosure will not adversely affect the public.
8. A redacted version of the Proprietary Information has been provided. This version is for public disclosure.

**Affidavit of Gregory T. Gibson**  
(Page 2 of 2)


9. The Proprietary Information is being submitted to the NRC in confidence. The Proprietary Information is of a sort customarily held in confidence by UniStar, and in fact has been held in confidence and not otherwise previously publicly released.

Further Affiant sayeth not.

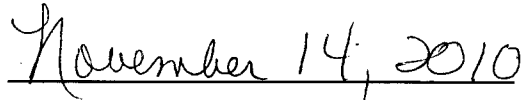


Gregory T. Gibson  
Vice President, Regulatory Affairs  
UniStar Nuclear Energy, LLC

Subscribed and sworn to before me,  
Notary Public, this 30<sup>th</sup> day of September, 2008:



My Commission expires:





**ENCLOSURE 3**

**Affidavit**