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February 9, 2009

52-038

UN#09-110

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

Subject: Nine Mile Point Unit 3 Combined Operating License Application Review Schedule

This past week, UniStar Nuclear Energy (UNE) discussed our internal project schedule information with the Nuclear Regulatory Commission (NRC) Staff as they develop the Combined Licensing application (COLA) review schedule for the Nine Mile Point Unit 3 (NMP3) project near Scriba, NY. The purpose of this letter is to confirm the information discussed with the Staff regarding the sequence optimization of the NMP3 COLA review schedule and resources.

As you are aware, UNE's Calvert Cliffs Unit 3 (CC3) and NMP3 projects submitted their COLAs to the NRC in March 2008 and September 2008, respectively. The CC3 project remains on track with respect to detailed design engineering, procurement, and Federal, State and Local permitting activities necessary to support the start of pre-construction activities in late 2009. UNE appreciates that the NRC has been meeting the review schedule milestones for the CC3 COLA. UNE will continue to work cooperatively with the NRC to maintain or accelerate the CC3 review schedule.

In the NRC NMP3 COLA docketing acceptance letter dated December 12, 2008, the NRC Staff stated that additional supplemental information on COLA Part 2, Chapter 2.5.2, was required before the NRC Staff could complete and publish the NMP3 COLA review schedule. This past week, we confirmed with our contractors that we should be able to submit the supplemental information on or by March 10, 2009.

We have always planned to stagger the CC3 and NMP3 construction schedules to maintain at least a one-year difference in commercial operation dates while meeting DOE eligibility requirements for Loan Guarantee and Production Tax Credits. Maintaining the spacing between the schedules is important to allow for optimal allocation of available resources.

Accordingly, we ask the NRC to consider our schedule data when optimizing the NMP3 COLA review schedule sequence. For example, some activities will be prudent to schedule in the first half of 2009, such as activities associated with the Department of Homeland Security audit, Emergency Preparedness (Federal Emergency Management Agency), the Environmental Scoping Summary Report (and attendant Identification Information Needs), and the Physical Security Plan.

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However, many of the remaining portions of the COLA could be sequenced for initiating Phase 1 evaluations commencing in September 2009. This plan will support our schedule for the construction of NMP3. In addition, we believe this schedule sequencing plan could allow available resources to be reallocated to meet or exceed review schedule milestones, including the EPR Design Certification application and/or CC3 COLA. Development and submittal of other federal, state and local permitting will be sequenced in accordance with the initial NRC NMP3 COLA review schedule.

We appreciate the NRC's open, transparent processes, and for the opportunity to provide input at the planning stage to ensure our project schedule and the NRC review schedule are both optimized.

Please contact me at 410-470-4205 if you require any additional information.

Sincerely,

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

Greg Gibson

cc: Gary Holohan, Deputy Director, Office of New Reactors
Scott Flanders, Director, Division of Site and Environmental Reviews
David Matthews, Director, Division of New Reactor Licensing
Joe Colaccino, Chief, EPR Licensing Branch