

March 23, 2009

Mr. Greg Gibson  
Vice President, Regulatory Affairs  
UniStar Nuclear Energy  
250 West Pratt Street, Suite 2000  
Baltimore, Maryland 21201

SUBJECT: STATUS OF REVIEW SCHEDULE FOR NINE MILE POINT 3 NUCLEAR  
POWER PLANT COMBINED LICENSE APPLICATION

Dear Mr. Gibson:

By letter dated September 30, 2008, as supplemented by letters dated October 24, 2008 and November 18, 2008, Nine Mile Point 3 Nuclear Project, LLC, and UniStar Nuclear Operating Services, LLC (UniStar), submitted an application to the U.S. Nuclear Regulatory Commission (NRC) for a combined license (COL) for Nine Mile Point 3 Nuclear Power Plant (NMP3NPP). The application was docketed on December 12, 2008.

On February 9, 2009, UniStar Nuclear Energy (UNE) submitted a letter to the NRC requesting that the NRC consider UNE's interest in maintaining some schedule spacing between the NRC's review of the Calvert Cliffs Unit 3 and NMP3NPP COL applications. Specifically, UNE requested that portions of the NMP3NPP COL review be sequenced to occur in September 2009.

Although a schedule cannot be published until the applicant satisfactorily addresses the issues related to Section 2.5.2 of the Final Safety Analysis Report (FSAR), as identified in the COL acceptance letter of December 12, 2008, the NRC has generally agreed that the NMP3NPP review schedule can be sequenced to commence no earlier than September 2009, and has implemented, in response to UNE's request, the following actions:

1. Staff will continue, with outside expert assistance and without involving the applicant, certain technical review activities associated with the areas of ice and in-lake tsunami flooding on the safety-related structures (FSAR Section 2.4 - Hydrologic Engineering), while postponing other activities, such as, site audit, development of Requests for Additional Information (RAIs) and Preliminary Safety Evaluation Report, for this FSAR Section;
2. Staff will continue certain technical review activities associated with FSAR Chapter 8 (Electric Power), through developing draft RAIs without involving the applicant;
3. Staff will continue the activities associated with the Department of Homeland Security audit with full support from the applicant;

G. Gibson

- 2 -

4. With respect to FSAR Section 13.3, the Federal Emergency Management Agency will continue the review of offsite (State and local) emergency planning (EP) information, with full support from the applicant to develop and process RAIs; however, the NRC will not commence the review of onsite EP information, including EP Inspections, Tests, Analyses, and Acceptance Criteria (EP-ITAAC) (FSAR Section 14.3.10), before September 2009.

By letter dated March 6, 2009, UNE informed the NRC that instead of separately submitting a supplement with information to address the issues related to FSAR Section 2.5.2, it would incorporate the information in Revision 1 of the COL application, and submit this revision on or before March 31, 2009. As stated above, development of a schedule will depend on the applicant's satisfactory response to the FSAR Section 2.5.2 issues.

Should you have any questions or comments concerning this matter, I can be reached at 301-415-1647 or e-mail address of Prosanta.Chowdhury@nrc.gov.

Sincerely,

*/RA/*

Prosanta Chowdhury, Project Manager  
US EPR Projects Branch  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-038

cc: See next page (for COL – Nine Mile Point Mailing List)

G. Gibson

- 2 -

- 4. With respect to FSAR Section 13.3, the Federal Emergency Management Agency will continue the review of offsite (State and local) emergency planning (EP) information, with full support from the applicant to develop and process RAIs; however, the NRC will not commence the review of onsite EP information, including EP Inspections, Tests, Analyses, and Acceptance Criteria (EP-ITAAC) (FSAR Section 14.3.10), before September 2009.

By letter dated March 6, 2009, UNE informed the NRC that instead of separately submitting a supplement with information to address the issues related to FSAR Section 2.5.2, it would incorporate the information in Revision 1 of the COL application, and submit this revision on or before March 31, 2009. As stated above, development of a schedule will depend on the applicant's satisfactory response to the FSAR Section 2.5.2 issues.

Should you have any questions or comments concerning this matter, I can be reached at 301-415-1647 or e-mail address of Prosanta.Chowdhury@nrc.gov.

Sincerely,

*/RA/*

Prosanta Chowdhury, Project Manager  
 US EPR Projects Branch  
 Division of New Reactor Licensing  
 Office of New Reactors

Docket No. 52-038

cc: See next page (for COL – Nine Mile Point Mailing List)

**DISTRIBUTION:**

PUBLIC	RidsNroDNRL/NARPRResource
Branch R/F	RidsNroDNRLResource
LA	PRidsOgcMailCenterResource
SBurnell, OPA	RidsAcrsAcnwMailCenterResource
	RidsRgnXMailCenterResource

**ADAMS Accession Number: ML090570810** \*Previous concurrences

<b>OFFICE</b>	DNRL/NARP:PM	DNRL/NARP:LA	DSER/RAP2	DE/EEB
<b>NAME</b>	*PChowdhury	*JMcLellan	*RRaione	*PKang for RJenkins
<b>DATE</b>	02/27/09	03/03/09	03/03/09	03/03/09
<b>OFFICE</b>	NSIR/DPR/DDEP/ONRLB	OGC	DNRL/NARP:BC	
<b>NAME</b>	*KWilliams	*MSpencer	*JColaccino	
<b>DATE</b>	03/03/09	03/16/09	03/23/09	

**OFFICIAL RECORD COPY**

COL - Nine Mile Point Mailing List

(Revised 03/02/2009)

cc:

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

Mr. Greg Gibson  
Vice President, Regulatory Affairs  
UniStar Nuclear Energy  
250 West Pratt Street, Suite 2000  
Baltimore, MD 21202-3106

Mr. Michael Balboni  
Deputy Secretary for Public Safety  
State Capitol, Room 229  
Albany, NY 12224

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

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

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

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

Charles Peterson  
Pillsbury, Winthrop, Shaw & Pittman, LLP  
2300 "N" Street, NW  
Washington, DC 20037

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

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

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

Resident Inspector  
U. S. Nuclear Regulatory Commission  
Nine Mile Point  
Oswego, NY 13126

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

Mr. Tom Sliva  
7207 IBM Drive  
Charlotte, NC 28262

Mr. John P. Spath  
New York State Energy Research  
and Development Authority  
17 Columbia Circle  
Albany, NY 12203-6399

COL - Nine Mile Point Mailing List

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

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

## COL - Nine Mile Point Mailing List

### Email

ALP@nyserda.org (Alyse L. Peterson)  
APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
barbara.perdue@unistarnuclear.com (Barbara Perdue)  
bob.brown@ge.com (Robert E. Brown)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
carey.fleming@constellation.com (Carey Fleming)  
chris.maslak@ge.com (Chris Maslak)  
cwaltman@roe.com (C. Waltman)  
david.lewis@pillsburylaw.com (David Lewis)  
dlochbaum@UCSUSA.org (David Lochbaum)  
ecullington@earthlink.net (E. Cullington)  
george.wrobel@unistarnuclear.com (George Wrobel)  
greg.gibson@unistarnuclear.com (Greg Gibson)  
greshaja@westinghouse.com (James Gresham)  
gzinke@entergy.com (George Alan Zinke)  
jgutierrez@morganlewis.com (Jay M. Gutierrez)  
jim.riccio@wdc.greenpeace.org (James Riccio)  
JJNesrsta@cpsenergy.com (James J. Nesrsta)  
John.O'Neill@pillsburylaw.com (John O'Neill)  
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)  
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)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul@beyondnuclear.org (Paul Gunter)  
peter.petrone@parsons.com (Peter Petrone)  
pshastings@duke-energy.com (Peter Hastings)  
RJB@NEI.org (Russell Bell)  
RKTemple@cpsenergy.com (R.K. Temple)  
sabinski@suddenlink.net (Steve A. Bennett)  
sandra.sloan@areva.com (Sandra Sloan)  
sfrantz@morganlewis.com (Stephen P. Frantz)  
tkkibler@scana.com (Tria Kibler)

COL - Nine Mile Point Mailing List

trsmith@winston.com (Tyson Smith)

Vanessa.quinn@dhs.gov (Vanessa Quinn)

VictorB@bv.com (Bill Victor)

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