

From: DAVID E ORTMAN [deortman@msn.com]
Sent: Friday, May 22, 2009 12:11 AM
To: Hearing Docket
Cc: dfstenger@hhlaw.com; jmatthews@morganlewis.com
Subject: RE: Nine Mile Point Nuclear Station -Attn: Rulemakings and Adjudications - NRC-2009-0193; Docket Nos. 50-220 and 50-410 [74 FR 21015 - May 6, 2009]

May 22, 2009

Attn: Rulemakings and Adjudications Staff
Secretary
Nuclear Regulatory Commission
WA D.C. 20555-0001

RE: NRC-2009-0193; Docket Nos. 50-220 and 50-410, 74 FR 21015 (May 6, 2005)

Dear NRC:

I have reviewed a copy of the above referenced notice regarding the Nine Mile Point Nuclear Station, LLC; Nine Mile Point Nuclear Station, Unit Nos. 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring and of Indirect Transfer of Licenses Pursuant to 10 CFR 50.80 and Opportunity for a Hearing, which appeared in the May 6, 2009, Federal Register.

Deficient Public Notice

Nowhere in the public notice is the location of these nuclear power plants given. In the future, please provide a location for these nuclear power plants in your public notices so that the public does not have search independently to determine that they are located near Oswego, New York on the shore of Lake Ontario.

Background on Nine Mile Point Nuclear Station

According to other sources, Unit 1, a BWR-2 (boiling water reactor), went online in 1969 and is one of the oldest nuclear reactors in service in the United States. Unit 2, a BWR-5, has been in operation since 1988. In 2006, the NRC granted 20-year license extensions to both units. Unit 1 is now licensed to operate until 2029 and Unit 2 is licensed until 2046.

Because of the old age of these reactors, particularly Unit 1, it is virtually certain that accidents and plant failures will occur. It is of deep concern that the newer Unit 2 was the subject of a "site area emergency" (a classification only one level down from the "general emergency" that occurred at Three Mile Island) on August 13, 1991, shortly after its 1988 licensing.

Corporate Shells

According to the public notice, the Renewed Facility Operating Licenses, Nos. DPR-63 and NPF-69 are currently held by:

- * Nine Mile Point Nuclear Station, LLC, as owner and licensed operator.
- * Nine Mile Point Nuclear Station, LLC, is currently owned by Constellation Nuclear Power Plants, Inc.
- * Constellation Nuclear Power Plants, Inc. is owned by Constellation Energy Nuclear Group, LLC (CENG).
- * CENG is a wholly-owned subsidiary of Constellation Energy Group, Inc. (CEG).

Thus, there are four listed entities with some type of operating licensing/ownership responsibility for the Nine Mile Point Nuclear Station.

Proposed Corporate Shell Expansion

According to the public notice, the Applicants, Nine Mile Point Nuclear Station, LLC, and EDF Development, Inc. (EDF Development), propose the following corporate restructuring:

- * EDF Development would acquire 49.99% ownership interest in GENG. The Public Notice does not disclose why or what advantage EDF Development would gain by acquiring a minority ownership in GENG, rather than CEG. EDF Development is a U.S. corporation organized under the laws of the State of Delaware.
- * EDF Development is a wholly-owned subsidiary of E.D.F. International S.A., a public limited company organized under the laws of France.
- * E.D.F. International S.A. is in turn a wholly-owned subsidiary of [Eacute]lectricit[eacute] de France S.A., a French limited company.

Approval of this restructuring would add three more corporate entities to the licensing/ownership responsibility for the Nine Mile Point Nuclear Station, including two foreign corporations.

Comment and Request

In summary, no further consideration of the proposed corporate restructuring and indirect transfer of licenses should be undertaken until the NRC has reviewed its facility operation license requirements and determines whether licenses involving multiple levels of wholly-owned subsidiaries provides adequate institutional and corporate control, responsibility, accountability and liability for aging nuclear power plants.

Sincerely,

| signature

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cc: The Honorable Charles Schumer
The Honorable Henry Waxman

E-mail Properties

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