

September 28, 2009

Mr. Greg Gibson, Vice President, Regulatory Affairs
UniStar Nuclear Energy
750 East Pratt Street, Suite 1600
Baltimore, Maryland 21202

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. Subsequent to that, on March 31, 2009, UniStar Nuclear Energy (UNE) submitted Revision 1 of the COL application.

By letter dated February 9, 2009, to the NRC, UNE requested that portions of the NMP3NPP COL review be sequenced to occur in September 2009 in order to allow UNE's desired schedule spacing with the review of Calvert Cliffs Unit 3 COL application.

In response to UNE's request of February 9, 2009, the NRC agreed that the NMP3NPP review schedule could be sequenced to commence no earlier than September 2009. However, the NRC determined, and UNE agreed, that it would be beneficial to continue with limited scope review activities associated with (1) Hydrologic Engineering - ice and in-lake tsunami flooding on the safety-related structures; (2) Electric Power - through development of draft Requests for Additional Information (RAIs); (3) Department of Homeland Security audit; (4) Federal Emergency Management Agency's (FEMA's) review of offsite (State and local) emergency planning (EP) information.

On August 17, 2009, UNE submitted a letter to the NRC requesting again that the review of the application be sequenced with a new start date for the Phase 1 review to start in September 2010.

The NRC has agreed that the NMP3NPP review schedule can be sequenced to commence no earlier than September 2010 and has suspended most review activities. UNE agreed with the NRC on August 27, 2009, that the following tasks will be continued up to a logical point where they can be picked up in 2010:

1. Environmental Review related activities involving delineation and binning of the comments received during the public scoping period; limited coordination with the New York State (NYS) Department of Environmental Conservation and Army Corps of Engineers on joint permitting and NYS Draft Environmental Impact Statement (EIS) activities; and limited maintenance of environmental files and records;

2. In-depth, site-specific research and analysis on the impact of a Lake Ontario tsunami effect and of Lake Ontario ice effect on NMP3. The goal of the research is to make available adequate technical information for the review of applicable Final Safety Analysis Report (FSAR) sections. The results of these studies will be captured in a technical report which will be made publicly available. Completing these two tasks in a timely manner will reduce the number of potential RAIs and NRC review time, once the COL application review is resumed;
3. FEMA's review of offsite (State and local) EP information, through completion of Advance Safety Evaluation Report (SER) input, with full support from the applicant. FEMA's Advance SER input will serve as an integral part of the overall SER for FSAR Chapter 13.

The NRC will preserve the work that has been conducted to date. The Nine Mile Point 3 COL application remains docketed and, pursuant to 10 CFR 52.3(b)(6) and 10 CFR 50.71(e), UNE will be required to submit to the NRC updates to the FSAR annually.

Should you have any questions or comments concerning this matter, please contact the NMP3NPP COL application Project Manager Mr. Prosanta Chowdhury at 301-415-1647 or via e-mail at Prosanta.Chowdhury@nrc.gov.

Sincerely,

/RA/

Frank M. Akstulewicz, Deputy Director
Division of New Reactor Licensing
Office of New Reactors

Docket No. 52-038

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

2. In-depth, site-specific research and analysis on the impact of a Lake Ontario tsunami effect and of Lake Ontario ice effect on NMP3. The goal of the research is to make available adequate technical information for the review of applicable Final Safety Analysis Report (FSAR) sections. The results of these studies will be captured in a technical report which will be made publicly available. Completing these two tasks in a timely manner will reduce the number of potential RAIs and NRC review time, once the COL application review is resumed;
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/RA/

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(Revised 07/16/2009)

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