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10 CFR 52.3
10 CFR 50.71

December 1, 2009

UN#09-491

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

Subject: UniStar Nuclear Energy, NRC Docket No. 52-038
Nine Mile Point 3 Nuclear Power Plant – COLA Review

As you are aware, the Nine Mile Point 3 Nuclear Power Plant (NMP3NPP) was not selected as one of the four finalists for federal loan guarantees. Without a clearer path to financing, which federal loan guarantees would provide, we cannot continue to invest in new nuclear energy projects at the same pace. We are hopeful that advocates of clean air and nuclear energy will continue to push for an additional round of federal loan guarantee funding, and we will continue to monitor those efforts as part of our ongoing project evaluation process. We are still committed to our NMP3NPP project as one of our first four projects; however, we need to wait for a line of sight to future financing.

Therefore, UniStar Nuclear Energy requests the NRC temporarily suspend the COLA review, including any supporting reviews by external agencies, in a timely and orderly manner to preserve work that has been accomplished, until further notice.

If there are any questions regarding this transmittal, please contact me at (410) 470-4205.

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

Executed on December 1, 2009

A handwritten signature in black ink, appearing to read "Greg Gibson", is written over a horizontal line.

Greg Gibson

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NRC

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cc: Prosanta Chowdhury, NRC Project Manager, U.S. EPR Projects Branch
Bruce Olson, NRC Environmental Project Manager, U.S. EPR COL Application
Joseph, Colaccino, Chief, EPR Projects Branch, Division of New Reactor Licensing
Getachew Tesfaye, NRC Project Manager, U.S. EPR DC Application
Loren Plisco, Deputy Regional Administrator, NRC Region II
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