

March 26, 2010

Mr. Greg Gibson, Vice President, Regulatory Affairs
UniStar Nuclear Energy, LLC
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 (Agencywide Documents Access and Management System Accession Number [ADAMS] ML090420500), 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 a March 23, 2009, response (ADAMS Accession Number ML090570810), the NRC agreed that the NMP3NPP review schedule could be sequenced to commence no earlier than September 2009, and suspended most review activities, except for limited scope activities associated with Hydrologic Engineering, Electric Power, Department of Homeland Security (DHS) audit, and Federal Emergency Management Agency (FEMA) review of State and local emergency planning information.

On August 17, 2009, UNE submitted a letter (ADAMS Accession Number ML092310231) 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. In a September 28, 2009, response (ADAMS Accession Number ML092450063), the NRC, once again agreed in principle, that the schedule of the Phase 1 review could be sequenced to commence no earlier than September 2010, and continued to suspend most review activities. However, the NRC determined, and UNE agreed, that the following tasks needed to be continued up to a logical point where they could be picked up in 2010: (1) Delineation and binning of the Environmental Review related 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 NMP3NPP; and (3) FEMA's review of State and local emergency planning information, through completion of Advance Safety Evaluation Report input, with full support from the applicant.

On December 1, 2009, UNE submitted a letter (ADAMS Accession Number ML093430638) requesting that the NRC temporarily suspend the NMP3NPP COL application review, including any supporting reviews by external agencies, until further notice. UNE informed the NRC that its decision to request the suspension was because NMP3NPP was not selected for federal loan guarantees. The NRC decided to discontinue all review activities in an orderly manner, and preserve the work that has been accomplished.

The NMP3NPP COL application remains docketed and, pursuant to Title 10 of the *Code of Federal Regulations* (CFR) 52.3(b)(6) and 10 CFR 50.71(e), UNE will be required to submit to the NRC updates to the Final Safety Analysis Report 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)

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ADAMS Accession Number: ML100620759

NRO-002

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(Revised 03/03/2010)

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