



Asset Servicing

*Anthony Polka*  
Vice President  
Service Director

*May 9, 2017*  
Date

Mr. William M. Dean  
Director, Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Subject: Nine Mile Point Nuclear Station, Units 1 and 2  
Pre-Notice of Disbursement from Decommissioning Trust

In accordance with the Renewed Facility Operating License No. DPR-63 for Nine Mile Point Unit 1, Docket 50-220, Condition 2(D)(10), and Renewed Facility Operating License No. NPF-69, Docket No. 50-410, Condition 2(D)(13), the decommissioning trust agreements for Units 1 and 2 must contain a requirement that "no disbursements or payments from the trusts, other than for ordinary administrative expenses, shall be made by the trustee unless the trustee has first given the NRC 30 days prior written notice of the payment." In addition, the trust agreements for NMP Units 1 and 2 must further provide that "no disbursements or payments from the trusts shall be made if the trustee receives prior written notice of objection from the Director of the Office of Nuclear Reactor Regulation."

Article 6 "Distributions," Section 6.5 "Notice to NRC," of the Master Decommissioning Trust Agreement by and between Nine Mile Point Nuclear Station, LLC and The Bank of New York Mellon, successor by operation of law to Mellon Bank, N.A. as Trustee, provides that except for payment of administrative costs and other incidental expenses as provided in Section 6.2, "no disbursement or payments from the Master Trust shall be made by the Trustee . . . unless the Trustee has given the NRC 30-days prior written notice of the payment or disbursement" or if the Trustee receives "prior written notice of objection from the NRC Director, Office of Nuclear Reactor Regulation."

This letter provides the Director of the Office of Nuclear Reactor Regulation written notification of The Bank of New York Mellon's intent to make disbursements from the nuclear decommissioning trusts of Nine Mile Point Nuclear Station, Units 1 and 2. The disbursement of funds will reimburse Exelon Generation Company, LLC, the licensed operator of Nine Mile Point

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BNY Mellon

*Designated as Original*  
*Michael Marshall*

*ADD 1*  
*NRR*



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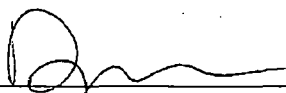
Units 1 and 2 and co-owner of Nine Mile Point Nuclear Station, LLC for Decommissioning Costs for decommissioning planning of \$108,300 incurred at Nine Mile Point Unit 1 and of \$108,300 incurred at Nine Mile Point Unit 2 (based on ownership share). Nine Mile Point Nuclear Station, LLC has confirmed to us in a Disbursement Certificate from Nine Mile Point Nuclear Station, LLC that the costs to be disbursed are for legitimate decommissioning expenses for decommissioning planning.

We plan to begin making disbursements from the nuclear decommissioning trusts for Nine Mile Point Nuclear Station Units 1 and 2, in the amounts described above, 30 working days following the date of this letter, in the absence of any written notice of objection from your office. We note that the Trust Agreement requires 30 days notice. However, the NRC's regulations at 10 C.F.R. 50.75(h)(1)(iv) refer to notice of thirty (30) *working* days. To address this discrepancy, the Trustee has been asked not to make the requested disbursements from the Nine Mile Point trusts for the Decommissioning Costs requested herein until after thirty (30) working days from the date of this notice.

If you have any questions about this letter, please contact Tony Polka at (412) 236-0747.

Respectfully,

The Bank of New York Mellon, successor by operation of law  
To Mellon Bank NA, as trustee for Nine Mile Point Nuclear  
Station, LLC Master Decommissioning Trust for Nine Mile Point  
Nuclear Station Unit One and Two

  
\_\_\_\_\_  
David Ryan  
Managing Director  
The Bank of New York Mellon

CC: NRC Document Control Desk  
Beth Mizuno, NRC Office of General Counsel (via email at [beth.mizuno@nrc.gov](mailto:beth.mizuno@nrc.gov))  
Brian Andersen (Exelon)

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