



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 30, 2012

Mr. Kenneth Langdon
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 1 - ISSUANCE OF
AMENDMENT REGARDING REVISION TO LICENSE CONDITION 2.B.(2) TO
DELETE OUTDATED REFERENCE (TAC NO. ME6329)

Dear Mr. Langdon:

The Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 213 to Renewed Facility Operating License No. DPR-63 for the Nine Mile Point Nuclear Station, Unit No. 1 (NMP1), in response to your application dated May 25, 2011, (Agencywide Documents and Management System (ADAMS) Accession No. ML11154A098), as supplemented by letter dated June 29, 2012 (ADAMS Accession No. ML121840080).

This amendment deletes an outdated reference to a specific date delineated in License Condition 2.B.(2) to be consistent with the wording found in the corresponding license condition at multiple stations including Nine Mile Point, Unit No. 2 and Calvert Cliffs, Unit Nos. 1 and 2. The license condition authorizes Nine Mile Point Nuclear Station, LLC (NMPNS, the licensee) to "...receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report as supplemented and amended as of February 4, 1976." The amendment removes the words "as of February 4, 1976."

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly *Federal Register* notice.

Sincerely,

A handwritten signature in black ink, reading "Bhalchandra K. Vaidya", is positioned above the typed name.

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-220

Enclosures:

1. Amendment No. 213 to DPR-63
2. Safety Evaluation

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

NINE MILE POINT NUCLEAR STATION, LLC (NMPNS)

DOCKET NO. 50-220

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

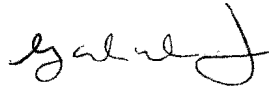
AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 213
Renewed License No. DPR-63

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated May 25, 2011, as supplemented by letter dated June 29, 2012, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the Facility Operating License is amended as indicated in the attachment to this amendment.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 90 days of the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION



George A. Wilson, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License

Date of Issuance: July 30, 2012

ATTACHMENT TO LICENSE AMENDMENT NO. 213
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-63
DOCKET NO. 50-220

Replace the following pages of the Renewed Facility Operating License with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Page

2
3

Insert Page

2
3

- G. The licensee has satisfied the applicable provisions of 10 CFR Part 140 "Financial Protection Requirements and Indemnity Agreements" of the Commission's regulations;
 - H. The issuance of this full-term renewed operating license will not be inimical to the common defense and security or to the health and safety of the public;
 - I. After weighing the environmental, economic, technical, and other benefits of the facility against environmental and other costs and considering available alternatives, the adverse environmental impacts of license renewal are not so great that preserving the option of license renewal would be unreasonable and the issuance of the full-term Renewed Facility Operating License No. DPR-63 (subject to the conditions for protection of the environment set forth herein) is in accordance with Appendix D, 10 CFR Part 50 of the Commission's regulations and all applicable requirements have been satisfied; and
 - J. The receipt, possession, and use of source, byproduct and special nuclear material as authorized by this license will be in accordance with the Commission's regulations in 10 CFR Parts 30, 40 and 70 including Section 30.33, 40.32, 70.23 and 70.31.
2. Renewed Facility Operating License No. DPR-63 is hereby issued to Nine Mile Point Nuclear Station, LLC to read as follows:
- A. This license applies to the Nine Mile Point Nuclear Station Unit No. 1, a single cycle, force circulation, boiling light water reactor, and associated equipment (the facility), owned by Nine Mile Point Nuclear Station, LLC. The facility is located on the Nine Mile Point site on the southeast shore of Lake Ontario in Oswego County, New York and is described in the "Final Safety Analysis Report" (with its Amendments Nos. 3 through 13 and its Supplements Nos. 1 through 10) and the "Environmental Report" (with its Supplements Nos. 1 through 3).
 - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Nine Mile Point Nuclear Station, LLC:
 - (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," to possess, use, and operate the facility at the designated location in Oswego County, New York, in accordance with the procedures and limitations set forth in this amended license;
 - (2) Pursuant to the Act and 10 CFR Part 70, to receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report, as supplemented and amended;

- (3) Pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess and use at any time any byproduct, source and special nuclear material as sealed neutron sources for reactor startup, sealed sources for reactor instrumentation and radiation monitoring equipment calibration, and as fission detectors in amounts as required;
- (4) Pursuant to the Act and 10 CFR Parts 30, 40 and 70, to receive, possess and use in amounts as required any byproduct, source or special nuclear material without restriction to chemical or physical form, for sample analysis or instrument and equipment calibration or associated with radioactive apparatus or components.
- (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.

C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I:

Part 20, Section 30.34 of Part 30; Section 40.41 of Part 40; Section 50.54 and 50.59 of Part 50; and Section 70.32 of Part 70. This renewed license is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect and is also subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 1850 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, which is attached hereto, as revised through Amendment No. 212, is hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications.

(3) Deleted



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 213

TO RENEWED FACILITY OPERATING LICENSE NO. DPR-63

NINE MILE POINT NUCLEAR STATION, LLC

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

DOCKET NO. 50-220

1.0 INTRODUCTION

By letter dated May 25, 2011, (Agencywide Documents and Management System (ADAMS) Accession No. ML11154A098), as supplemented by letter dated June 29, 2012 (ADAMS Accession No. ML121840080), Nine Mile Point Nuclear Station, LLC (NMPNS or the licensee) submitted a license amendment request (LAR) for changes to the Renewed Facility Operating License for Nine Mile Point, Unit No. 1 (NMP1). The supplement dated June 29, 2012, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the Nuclear Regulatory Commission (NRC) staff's initial proposed no significant hazards consideration determination noticed in the *Federal Register* on June 28, 2011, (76 FR 37849).

The proposed change would delete an outdated reference to a specific date delineated in License Condition 2.B.(2) to be consistent with the wording found in the corresponding license condition at multiple Constellation Energy Nuclear Group, LLC stations including Nine Mile Point, Unit No. 2 and Calvert Cliffs, Unit Nos. 1 and 2. This license condition authorizes NMPNS to "...receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report as supplemented and amended as of February 4, 1976." The proposed change would remove the words: "as of February 4, 1976."

2.0 REGULATORY EVALUATION

Pursuant to Section 50.54, "Conditions of licenses," of 10 CFR, operation of a nuclear power plants is authorized by the Commission subject to conditions of operation identified as a result of Commission's evaluation of applications for operating licenses. Such conditions were placed on the operating license for NMP1 requiring the licensee to address outstanding licensing issues and facilitate issuance of the original operating license. The original issuance of the NMP1 operating license was subject to several additional requirements (license conditions). Additional requirements were incorporated in the license as required as a result of ongoing reviews via the license amendment process pursuant to 10 CFR 50.90. In some cases, subsequent license amendments removed certain license conditions, when they were no longer

applicable. The licensee is proposing a change to the NMP1 operating license to remove a specific date referenced in a license condition that no longer applies.

The NRC staff reviewed the licensee's application for changes to License Condition 2.B.(2). The staff's evaluations and conclusions are summarized below.

3.0 TECHNICAL EVALUATION

3.1 Background

As stated in its May 25, 2011, submittal, the current wording in License Condition 2.B.(2) was incorporated by License Amendment No. 11 issued on July 7, 1976 (ADAMS Accession No. ML010990004). This amendment was based on the associated NMP1 LAR dated February 4, 1976. This date was incorporated into License Condition 2.B.(2).

Since February 4, 1976, several LARs to increase the NMP1 spent fuel pool (SFP) storage capacity have been submitted to and approved by the Commission. These amendments resulted in changes to the NMP1 Technical Specification (TSs) Section 5.0, "Design Features," and Subsection 5.5, "Storage of Unirradiated and Spent Fuel." The amendments resulted in changes to the NMP1 updated final safety analysis report (UFSAR). Specific license amendments include:

- License Amendment No. 21, issued January 27, 1978, increased the SFP capacity from 1140 to 1984 fuel assemblies;
- License Amendment No. 54, issued February 1, 1984, increased the SFP capacity from 1984 to 2776 fuel assemblies;
- License Amendment No. 167, issued June 17, 1999, increased the SFP capacity from 2776 to 4086 fuel assemblies.

As stated by the licensee in its May 25, 2011, application, in each of the above instances, the reference to February 4, 1976, should have been updated (or deleted) as the increases in the allowed spent fuel storage capacity were greater than the limitations described in the UFSAR as of February 4, 1976.

3.2 Description of Proposed Change

License Condition 2.B.(2) authorizes NMPNS to "...receive, possess and use at any time special nuclear material as reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation, as described in the Final Safety Analysis Report as supplemented and amended as of February 4, 1976." The licensee proposes to change this license condition to remove the words: "as of February 4, 1976."

3.3 Evaluation of Proposed TS Changes

TS Section 5.5, "Storage of Unirradiated and Spent Fuel," and UFSAR Section X, "Reactor Auxiliary and Emergency Systems," Part J, "Fuel and Reactor Components Handling System," provide the specific limitations on the storage of fuel assemblies in the NMP1 SFP as well as assemblies in the fresh fuel storage vault. Changes to the SFP storage capacity, as provided in TS Section 5.5, have been evaluated and approved by the NRC through the LAR process and then captured in the UFSAR. The current fuel pool storage capacity stated in the UFSAR is consistent with TS Section 5.5 and is based on Amendment No. 167, issued June 17, 1999 (ADAMS Accession No. ML011030037). This amendment increased the pool capacity from 2776 to 4086 fuel assemblies. The number of assemblies allowed in the fresh fuel storage vault as stated in the UFSAR is also consistent with TS Section 5.5. Removing the outdated reference to February 4, 1976, from License Condition 2.B.(2) would have no effect on this requirement, the contents of the existing TSs, NMP1 design, or on the supporting evaluations.

In addition to storage, License Condition 2.B.(2) also discusses the limitations of special nuclear material required for reactor operation. The number of fuel assemblies allowed in the reactor core is specified in TS Section 5.2, "Reactor," and is consistent with the current NMP1 UFSAR description. Removing the outdated reference to February 4, 1976, from License Condition 2.B.(2) would have no effect on this TS requirement or on the supporting evaluations.

Based on its review of the licensee's submittal, the NRC staff finds that the proposed change to License Condition 2.B.(2) is administrative in nature and will have no impact on plant safety. The change makes the operating license more clear, and does not pose an undue risk to public health and safety. There is no change to the contents of the existing TSs, NMP1 design, and/or analysis. Therefore, NRC staff finds that the proposed revision as requested in the licensee's May 25, 2011, application is acceptable.

3.4 Conclusion

Based on the considerations above, the NRC staff concludes that the deletion of the referenced date of February 4, 1976, from License Condition 2.B.(2) is acceptable.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding published in the *Federal Register* on June 28, 2011 (76 FR 37849). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10)(v). Pursuant to 10 CFR 51.22(b), no environmental impact statement or

environmental assessment need be prepared in connection with the issuance of the amendment.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: R. Guzman

Date: July 30, 2012

July 30, 2012

Mr. Kenneth Langdon
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

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Sincerely,

/ra/

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-220

Enclosures:

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