Ken Landgon
Vice President-Nine Mile Point

P.O. Box 63
Lycoming, New York 13093
315.349.5200
315.349.1321 Fax

CENG
a joint venture of
Constellation Energy · EDF

NINE MILE POINT
NUCLEAR STATION

June 29, 2012

U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTENTION: Document Control Desk

SUBJECT: Nine Mile Point Nuclear Station
Unit Nos. 1; Docket No. 50-220

Revision to License Condition 2.B.(2) to Delete Outdated Reference - Response to NRC Request for Additional Information (TAC No. ME6329)

REFERENCES:

(a) Letter from T. A. Lynch (NMPNS) to Document Control Desk (NRC), dated May 25, 2011, License Amendment Request Pursuant to 10 CFR 50.90: Revision to License Condition 2.B.(2) to Delete Outdated Reference (TAC No. ME6329)

(b) Email from V. Bhalchandra (NRC) to J. J. Dosa (NMPNS), dated May 31, 2012, ME6329 - Request for Additional Information (RAI) RE: Revision to License Condition 2.B.(2) to Delete Outdated Reference

Nine Mile Point Nuclear Station, LLC (NMPNS) hereby transmits supplemental information requested by the NRC in support of a previously submitted request for NRC approval to revise Nine Mile Point Unit 1 (NMP1) License Condition 2.B.(2) to delete an outdated reference (Reference a). The supplemental information, provided in Attachment 1 to this letter, responds to the request for additional information (RAI) documented in the NRC's email dated May 31, 2012 (Reference b).

This letter contains no new regulatory commitments.

Should you have any questions regarding the information in this submittal, please contact John J. Dosa, Director Licensing, at (315) 349-5219.

Very truly yours,

A001
NRR

STATE OF NEW YORK :
: **TO WIT:**
COUNTY OF OSWEGO :

I, Ken Langdon, being duly sworn, state that I am Vice President-Nine Mile Point, and that I am duly authorized to execute and file this submittal on behalf of Nine Mile Point Nuclear Station, LLC. To the best of my knowledge and belief, the statements contained in this document are true and correct. To the extent that these statements are not based on my personal knowledge, they are based upon information provided by other Nine Mile Point employees and/or consultants. Such information has been reviewed in accordance with company practice and I believe it to be reliable.

Subscribed and sworn before me, a Notary Public in and for the State of New York and County of Oswego, this 29 day of June, 2012.

WITNESS my Hand and Notarial Seal:

Notary Public

My Commission Expires:

9/12/2013
Date

Lisa M. Doran
Notary Public in the State of New York
Oswego County Reg. No. 01DO6029220
My Commission Expires 9/12/2013

KL/KJK

Attachments: 1. Response to NRC Request for Additional Information Regarding Revision to License Condition 2.B.(2) to Delete Outdated Reference

cc: Regional Administrator, Region I, NRC
Project Manager, NRC
Resident Inspector, NRC
A. L. Peterson, NYSERDA

ATTACHMENT 1

RESPONSE TO NRC REQUEST FOR ADDITIONAL INFORMATION REGARDING REVISION TO LICENSE CONDITION 2.B.(2) TO DELETE OUTDATED REFERENCE

Nine Mile Point Nuclear Station, LLC
June 29, 2012

ATTACHMENT 1
RESPONSE TO NRC REQUEST FOR ADDITIONAL INFORMATION REGARDING REVISION TO LICENSE CONDITION 2.B.(2) TO DELETE OUTDATED REFERENCE

By letter dated May 25, 2011, Nine Mile Point Nuclear Station, LLC (NMPNS) requested NRC approval to remove an outdated reference in the Nine Mile Point Unit 1 (NMP1) License Condition 2.B.(2).

Condition 2.B.(2) states, "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 as of February 4, 1976." The license amendment to correct this administrative issue with the License Condition statement will remove the words, "as of February 4, 1976." This administrative change will align the license condition with changes approved by the NRC in NMP1 Amendment No. 21, issued January 27, 1978, and most recently in NMP1 Amendment No. 167, issued June 17, 1999. This attachment provides supplemental information in response to the request for additional information documented in the NRC's email dated May 31, 2012. Each individual NRC question is repeated (in italics), followed by the NMPNS response.

1. *Section 3.0 (Technical Evaluation) of the enclosure to the license amendment request (LAR) dated May 25, 2011 states:*

   > *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, which increased the pool capacity from 2776 to 4086 fuel assemblies.*

   The LAR Referenced UFSAR Section X, "Reactor Auxiliary and Emergency Systems," Part J, "Fuel and Reactor Components Handling System," which allows 414 storage locations in the Boraflex racks. The LAR also referenced Technical Specifications 5.5 which allows 1710 storage locations in the Boraflex racks.

   Explain how the Boraflex storage requirements in the UFSAR and the TS are consistent.

   If the above statement is based on an implicit assumption that the Boraflex neutron absorber panels acceptably retain their reactivity suppression capability today and into the future until such time Boraflex is no longer credited or other permanent solution is implemented, demonstrate that the Boraflex racks in the Nine Mile Point 1 spent fuel pool continue to comply with the spent fuel criticality licensing basis.

   Response RAI-1

   To preclude multiple Technical Specification (TS) revisions, TS section 5.5 was worded anticipating the various rack configurations that would be present in the NMP1 spent fuel pool. The numbers in TS Section 5.5 are the upper limits on the number of fuel assemblies allowed to be stored in the spent fuel storage rack locations in the spent fuel pool. The terms "fuel assembly" and "storage location" are equivalent. TS Section 5.5 has limits on fuel assembly U-235 concentrations authorized for storage in the spent fuel pool. The NMP1 Updated Final Safety Analysis Report (UFSAR) Section X and Part J describe the current numbers of storage locations in the north and south half of the NMP1 Spent Fuel Pool.

   TS Section 5.5 states, "1710 spent fuel assemblies...<u>can</u> be stored in Boraflex racks in the south half of the pool." The word can has been underlined to emphasize this is a statement of the upper limit on the number of fuel assemblies allowed to be stored in Boraflex racks in the south half of the pool, not

the actual number stored there. The same wording as TS Section 5.5 related to fuel assembly capacity limit is included in the NRCs Safety Evaluation Report (SER) issued June 17, 1999, in section 3.1, Criticality Evaluation. The details in the NMP1 UFSAR reflect the current rack configuration with 2 Boraflex racks in the south half of the spent fuel pool, providing for 414 storage locations.

The current NMP1 UFSAR described spent fuel pool configuration of 2 Boraflex racks in the south half of the spent fuel pool with 414 storage locations is within the NMP1 TS Section 5.5 limit of 1710 spent fuel assemblies which can be stored in Boraflex racks in the south half of the spent fuel pool. Therefore, the NMP1 UFSAR and TS Section 5.5 are consistent.

The consistency between the NMP1 UFSAR and TS Section 5.5 for Boraflex rack storage is not based on an implicit assumption as noted in the RAI. The installation of Boraflex racks for storage and the associated criticality analysis was approved by the NRC in an SER dated February 1, 1984, with the issuance of Amendment No. 54 for NMP1. Additionally, the NRC's final SER related to the License Renewal of NMPNS, section 3.0.3.2.9, issued June 1, 2006, included approval of the Boraflex Monitoring Program for NMP1. Specifically, the staff said, "The staff concludes that there is reasonable assurance that the applicant demonstrated that the effects of aging will be adequately managed so that the intended functions will be maintained consistent with the CLB for the period of extended operation, as required by 10 CFR 54.21(a)(3)." The Boraflex Monitoring Program manages degradation of neutron absorbing material in spent fuel pool storage racks.

The original amendment request to correct the administrative issue with NMP1 license condition 2.B.(2) removes reference to an outdated amendment implementation date of February 4, 1976. By removing reference to a specific date, license condition 2.B.(2) will be consistent with Amendment No. 167, issued by the NRC on June 17, 1999. This administrative change does not modify the NRC Staff's previously issued Safety Evaluation for Amendment No. 167 which determined the criticality aspects of the proposed modification to the NMP1spent fuel pool storage racks were acceptable and met the requirements of Appendix A to 10 CFR Part 50, General Design Criterion 62, "Prevention of Criticality in Fuel Storage and Handling."