



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

April 1, 2014

Ms. Mary G. Korsnick  
Acting Chief Executive Officer and Chief Nuclear Officer  
Constellation Energy Nuclear Group, LLC  
100 Constellation Way, Suite 200C  
Baltimore, MD 21202

Mr. Bryan P. Wright  
Senior Vice President and Chief Financial Officer  
Constellation Energy Nuclear Group, LLC  
100 Constellation Way, Suite 200C  
Baltimore, MD 21202

**SUBJECT: R.E. GINNA NUCLEAR POWER PLANT – ISSUANCE OF AMENDMENT TO  
CONFORM THE RENEWED FACILITY OPERATING LICENSE TO REFLECT  
THE DIRECT TRANSFER OF OPERATING AUTHORITY (TAC NO. MF2588)**

Dear Ms. Korsnick and Mr. Wright:

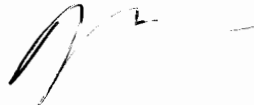
The U.S. Nuclear Regulatory Commission has issued the enclosed Amendment No. 115 to Renewed Facility Operating License No. DPR-18 for R.E. Ginna Nuclear Power Plant. The amendment consists of changes to reflect the direct transfer of operating authority from R.E. Ginna Nuclear Power Plant, LLC to Exelon Generation Company, LLC, as approved by Order dated March 24, 2014.

M. Korsnick and B. Wright

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The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,



Nadiyah S. Morgan, Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure:  
Amendment No. 115 to DPR-18

cc w/encl:  
Mr. Joseph E. Pacher  
Vice President  
R.E. Ginna Nuclear Power Plant  
R.E. Ginna Nuclear Power Plant, LLC  
1503 Lake Road  
Ontario, NY 14519

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

R.E. GINNA NUCLEAR POWER PLANT, LLC

DOCKET NO. 50-244

R.E. GINNA NUCLEAR POWER PLANT


AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 115  
Renewed License No. DPR-18

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The application for amendment by R.E. Ginna Nuclear Power Plant, LLC (the licensee), dated August 6, 2013, as supplemented by letters and emails dated August 14, 2013, September 23 and 26, 2013, December 17, 2013, January 9, 2014, and February 5, 10, 14, and 21, 2014, 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 license is amended as indicated in the attachment to this license amendment.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 60 days of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "E. J. Leeds", written over a horizontal line.

Eric J. Leeds, Director  
Office of Nuclear Reactor Regulation

Attachment:  
Changes to the License

Date of Issuance: April 1, 2014

ATTACHMENT TO LICENSE AMENDMENT NO. 115  
RENEWED FACILITY OPERATING LICENSE NO. DPR-18  
DOCKET NO. 50-244

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

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INSERT

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

R. E. GINNA NUCLEAR POWER PLANT, LLC

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-244

R. E. GINNA NUCLEAR POWER PLANT

RENEWED FACILITY OPERATING LICENSE NO. DPR-18

1. The U.S. Nuclear Regulatory Commission (the Commission) having previously made the findings set forth in License No. DPR-18 issued December 10, 1984, has now found that:
  - A. The application to renew License No. DPR-18 filed by Rochester Gas and Electric Corporation (RG&E)\* complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the rules and regulations of the Commission set forth in Title 10 of the *Code of Federal Regulations* (10 CFR) Chapter I and all required notifications to other agencies or bodies have been duly made;
  - B. Actions have been identified and have been or will be taken with respect to (1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified to require review under 10 CFR 54.21 (a)(1), and (2) time-limited aging analyses that have been identified to require review under 10 CFR 54.21 (c), such that there is reasonable assurance that the activities authorized by this renewed license will continue to be conducted in accordance with the current licensing basis, as defined in 10 CFR 54.3, for R. E. Ginna Nuclear Power Plant (the facility), and that any changes made to the plant's current licensing basis in order to comply with 10 CFR 54.29(a) are in accord with the Act and the Commission's regulations;
  - C. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
  - D. There is reasonable assurance (i) that the facility can be operated at power levels up to 1520 megawatts (thermal) without endangering the health and safety of the public; and (ii) that such activities will be conducted in compliance with the regulations of the Commission (except as exempted from compliance in Section 2.D below);
  - E. R. E. Ginna Nuclear Power Plant, LLC (Ginna LLC) and Exelon Generation are technically and financially qualified to engage in the activities authorized by this renewed operating license in accordance with the rules and regulations of the Commission;

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\* By Order dated October 9, 2009, as superseded by Order dated October 30, 2009, the transfer of this license to R. E. Ginna Nuclear Power Plant, LLC, was approved. By Order dated \_\_\_\_\_, the transfer of the operating authority under this license to Exelon Generation Company, LLC was approved.

- F. Exelon Generation and Ginna LLC\*\* have furnished proof of financial protection that satisfies the requirements of 10 CFR Part 140;
  - G. The issuance of this renewed license will not be inimical to the common defense and security or to the health and safety of the public; and
  - H. After weighing the environmental, economic, technical, and other benefits of the facility against environmental costs and considering available alternatives, the Commission concludes that the issuance of Renewed Operating License No. DPR-18 is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. On the basis of the foregoing findings regarding this facility, Facility Operating License No. DPR-18, is superseded by Renewed Facility Operating License No. DPR-18, hereby issued to RG&E and subsequently transferred to Ginna LLC and Exelon Generation to read as follows:
- A. This renewed license applies to the R. E. Ginna Nuclear Power Plant, a closed cycle, pressurized, light-water-moderated and cooled reactor, and electric generating equipment which is owned by Ginna LLC (licensee). The facility is located on the licensee's site on the south shore of Lake Ontario, Wayne County, New York, about 16 miles east of the City of Rochester and is described in the licensee's Updated Final Safety Analysis Report (UFSAR), as supplemented and amended.
  - B. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses:
    - (1) Pursuant to Section 104b of the Act and 10 CFR Part 50, "Domestic Licensing of Production and Utilization Facilities," (a) Ginna LLC to possess and (b) Exelon Generation to possess, use and operate the facility at the designated location in Wayne County, New York, in accordance with the procedures and limitations set forth in this renewed license;
    - (2) Exelon Generation pursuant to the Act and 10 CFR Part 70, to receive, possess, and use at any time special nuclear material or reactor fuel, in accordance with the limitations for storage and amounts required for reactor operation as described in the Final Safety Analysis Report, as amended, and Commission Safety Evaluations dated November 15, 1976, October 5, 1984, November 14, 1984, and August 30, 1995.
      - (a) Exelon Generation pursuant to the Act and 10 CFR Part 70, to receive and store four (4) mixed oxide fuel assemblies in accordance with the RG&E's application dated December 14, 1979 (transmitted by letter dated December 20, 1979);

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\*\* Exelon Generation is authorized to act for R. E. Ginna Nuclear Power Plant, LLC and has exclusive responsibility and control over the physical possession, operation, and maintenance of the facility.

- (b) Exelon Generation pursuant to the Act and 10 CFR Part 70, to possess and use four (4) mixed oxide fuel assemblies in accordance with the RG&E's application dated December 14, 1979 (transmitted by letter dated December 20, 1979), as supplemented February 20, 1980, and March 5, 1980;
  - (3) Exelon Generation 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) Exelon Generation 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 calibration or associated with radioactive apparatus or components; and
  - (5) Exelon Generation 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 license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Part 20. Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:
- (1) Maximum Power Level

Exelon Generation is authorized to operate the facility at steady-state power levels up to a maximum of 1775 megawatts (thermal).
  - (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. XXX, are hereby incorporated in the renewed license. The licensee shall operate the facility in accordance with the Technical Specifications.
  - (3) Fire Protection
    - (a) Exelon Generation shall implement and maintain in effect all fire protection features described in the licensee's submittals referenced in and as approved or modified by the NRC's Fire Protection Safety Evaluation (SE) dated February 14, 1979, and SE supplements dated December 17, 1980, February 6, 1981, June 22, 1981, February 27, 1985, and March 21, 1985 or



configurations subsequently approved by the NRC, subject to provision (b) below.

- (b) Exelon Generation may make changes to the approved fire protection program without prior approval of the Commission only if those changes would not adversely affect the ability to achieve and maintain safe shutdown in the event of a fire.
- (c) Deleted
- (4) Deleted
- (5) Deleted
- (6) Deleted
- (7) License Transfer
  - (a) On the closing date of the transfer of the facility, Ginna LLC shall obtain from RG&E the greater of (1) \$200,791,928 or (2) the amount necessary to meet the minimum formula amount under 10 CFR 50.75 calculated as of the date of closing for decommissioning funding assurance for the facility, and ensure the deposit of such funds into a decommissioning trust for the facility established by Ginna LLC.
  - (b) The decommissioning trust agreement must be in a form acceptable to the NRC.
  - (c) Ginna LLC shall take all necessary steps to ensure that the decommissioning trust is maintained in accordance with the application and the requirements of the Order approving license transfer, and shall be consistent with the Safety Evaluation supporting that Order.
- (8) Mitigation Strategy

Exelon Generation shall develop and maintain strategies for addressing large fires and explosions and that include the following key areas:

- (a) Fire fighting response strategy with the following elements:
  - 1. Pre-defined coordinated fire response strategy and guidance
  - 2. Assessment of mutual aid fire fighting assets
  - 3. Designated staging areas for equipment and materials
  - 4. Command and control
  - 5. Training of response personnel
- (b) Operations to mitigate fuel damage considering the following:

1. Protection and use of personnel assets
2. Communications
3. Minimizing fire spread
4. Procedures for implementing integrated fire response strategy
5. Identification of readily-available pre-staged equipment
6. Training on integrated fire response strategy
7. Spent fuel pool mitigation measures

(c) Actions to minimize release to include consideration of:

1. Water spray scrubbing
2. Dose to onsite responders

(9) Control Room Envelope Habitability

Upon implementation of Amendment No. 105 adopting TSTF-448, Revision 3, the determination of control room envelope (CRE) unfiltered air leakage as required by SR 3.7.9.4, in accordance with TS 5.5.16.c.i and the assessment of CRE habitability as required by 5.5.16.c.ii, shall be considered met. Following implementation:

- (a) The first performance of SR 3.7.9.4 in accordance with Specification 5.5.16.c.i shall be within the specified Frequency of 6 years, plus the 18-month allowance of SR 3.0.2, as measured from February 8, 2005, the date of the most recent successful tracer gas test, as-stated in the April 6, 2007 letter response to Generic Letter 2003-01, or within the next 18 months if the time period since the most recent tracer gas test is greater than 6 years.
  - (b) The first performance of the periodic assessment of CRE habitability, Specification 5.5.16.c.ii, shall be within 3 years, plus the 9-month allowance of SR 3.0.2 as measured from February 8, 2005, the date of the most recent successful tracer gas test, as stated in-the April 6, 2007 letter response to Generic Letter 2003-01, or within the next 9 months if the time period since the most recent successful tracer gas test is greater than 3 years.
- (10) The existing E.D.F. International S.A.S. Support Agreement of approximately \$145 million, dated November 6, 2009, may not be amended or modified without 30 days prior written notice to the Director of the Office of Nuclear Reactor Regulation or his designee. R. E. Ginna Nuclear Power Plant, LLC, CENG, or Exelon Generation shall not take any action to cause E.D.F. International S.A.S., or its successors and assigns, to void, cancel, or materially modify the E.D.F. International S.A.S. Support Agreement or cause it to fail to perform, or impair its performance under the E.D.F. International S.A.S. Support Agreement, without the prior written consent of the NRC. Exelon Generation shall inform the NRC in writing no later than 14 days after any funds are

provided to or for the CENG subsidiary licensee under the E.D.F. International S.A.S. Support Agreement.

- (11) Exelon Corporation shall, no later than the time the license transfers occur, enter into a Support Agreement of approximately \$245 million with the licensee. The Exelon Corporation Support Agreement shall supersede the Support Agreement provided by Exelon Generation, dated March 12, 2012, in all respects and shall be consistent with the representations contained in the August 6, 2013 transfer application. R. E. Ginna Nuclear Power Plant, LLC, CENG, or Exelon Generation shall not take any action to cause Exelon Corporation, or its successors and assigns, to void, cancel, or materially modify the Exelon Corporation Support Agreement or cause it to fail to perform, or impair its performance under the Exelon Corporation Support Agreement, without the prior written consent of the NRC. The Exelon Corporation Support Agreement may not be amended or modified without 30 days prior written notice to the Director of the Office of Nuclear Reactor Regulation or his designee. An executed copy of the Exelon Corporation Support Agreement shall be submitted to the NRC no later than 30 days after the completion of the proposed transaction and license transfers. Exelon Generation shall inform the NRC in writing no later than 14 days after any funds are provided to or for the licensee under the Exelon Corporation Support Agreement.
- (12) Exelon Corporation shall, no later than the time the license transfers occur, provide a parent guarantee in the amount of \$165 million to ensure a source of funds for the facility in the event that the existing cash pool between the licensee and CENG is insufficient to cover operating costs. The existing CENG cash pool arrangement shall be consistent with the representations contained in the 2009 Transfer Application dated January 22, 2009 (ADAMS Accession No. ML090290101). R. E. Ginna Nuclear Power Plant, LLC, CENG, or Exelon Generation shall not take any action to cause Exelon Corporation, or its successors and assigns, to void, cancel or materially modify the parent guarantee or cause it to fail to perform, or impair its performance under the parent guarantee without the prior written consent of the NRC.
- (13) Within 14 days of the license transfers, Exelon Generation shall submit to the NRC the Nuclear Operating Services Agreement reflecting the terms set forth in the application dated August 6, 2013. Section 7.1 of the Nuclear Operating Services Agreement may not be modified in any material respect related to financial arrangements that would adversely impact the ability of the licensee to fund safety-related activities authorized by the license without the prior written consent of the Director of the Office of Nuclear Reactor Regulation.
- (14) Within 10 days of the license transfers, Exelon Generation shall submit to the NRC the amended CENG Operating Agreement reflecting the terms set forth in the application dated August 6, 2013. The amended and restated Operating Agreement may not be modified in any material respect concerning decisionmaking authority over safety, security and

reliability without the prior written consent of the Director of the Office of Nuclear Reactor Regulation.

- (15) At least half the members of the CENG Board of Directors must be U.S. citizens.
- (16) The CENG Chief Executive Officer, Chief Nuclear Officer, and Chairman of the CENG Board of Directors must be U.S. citizens. These individuals shall have the responsibility and exclusive authority to ensure and shall ensure that the business and activities of CENG with respect to the facility's license are at all times conducted in a manner consistent with the public health and safety and common defense and security of the United States.
- (17) CENG will retain its Nuclear Advisory Committee (NAC) composed of U.S. citizens who are not officers, directors, or employees of CENG, EDF Inc., Constellation Nuclear, LLC, or CE Nuclear, LLC. The NAC will report to, and provide transparency to, the NRC and other U.S. governmental agencies regarding foreign ownership and control of nuclear operations.
- (18) The NAC shall prepare an annual report regarding the status of foreign ownership, control, or domination of the licensed activities of power reactors under the control, in whole or part, of CENG. The NAC report shall be submitted to the NRC within 30 days of completion, or by January 31 of each year (whichever occurs first). No action shall be taken by CENG or any entity to cause Constellation Nuclear, LLC, Exelon Generation, or their parent companies, subsidiaries or successors to modify the NAC report before submission to the NRC. The NAC report shall be made available to the public, with the potential exception of information that meets the requirements for withholding such information from public disclosure under the regulations of 10 CFR 2.390, "Public Inspections, Exemptions, Requests for Withholding."

- D. The facility requires an exemption from certain requirements of 10 CFR 50.46(a)(1). This includes an exemption from 50.46(a)(1), that emergency core cooling system (ECCS) performance be calculated in accordance with an acceptable calculational model which conforms to the provisions in Appendix K (SER dated April 18, 1978). The exemption will expire upon receipt and approval of revised ECCS calculations. The aforementioned exemption is authorized by law and will not endanger life property or the common defense and security and is otherwise in the public interest. Therefore, the exemption is hereby granted pursuant to 10 CFR 50.12.
- E. Exelon Generation shall fully implement and maintain in effect all provisions of the Commission-approved physical security, training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27827 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contains Safeguards Information protected under 10 CFR 73.21, is entitled: "R. E. Ginna

Nuclear Power Plant Security Plan, Training and Qualification Plan, and Safeguards Contingency Plan," submitted by letter dated May 15, 2006.

Exelon Generation shall fully implement and maintain in effect all provisions of the Commission-approved cyber security plan (CSP), including changes made pursuant to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The licensee's CSP was approved by License Amendment No. 113.

- F. The Updated Final Safety Analysis Report supplement, submitted pursuant to 10 CFR 54.21 (d), describes certain future activities to be completed prior to the period of extended operation. Ginna LLC shall complete these activities no later than September 18, 2009, and shall notify the Commission in writing when implementation of these activities is complete and can be verified by NRC inspection.

The Updated Final Safety Analysis Report supplement, as revised, shall be included in the next scheduled update to the Updated Final Safety Analysis Report required by 10 CFR 50.71 (e)(4) following issuance of this renewed license. Until that update is complete, the licensee may make changes to the programs and activities described in the supplement without prior Commission approval, provided that the licensee evaluates each such change pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

- G. All capsules in the reactor vessel that are removed and tested must meet the test procedures and reporting requirements of ASTM E 185-82 to the extent practicable for the configuration of the specimens in the capsule. Any changes to the capsule withdrawal schedule, including spare capsules, must be approved by the NRC prior to implementation. Any capsules placed in storage must be maintained for future insertion, unless approved by the NRC.
- H. This renewed license is effective as of the date of issuance and shall expire at midnight on September 18, 2029.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed By

J. E. Dyer, Director  
Office of Nuclear Reactor Regulation

Attachment: Appendix A - Technical Specifications

Date of Issuance: May 19, 2004

M. Korsnick and B. Wright

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The Notice of Issuance will be included in the Commission's biweekly *Federal Register* notice.

Sincerely,

/ra/

Nadiyah S. Morgan, Project Manager  
Plant Licensing Branch I-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure:  
Amendment No. 115 to DPR-18

cc w/encl:  
Mr. Joseph E. Pacher  
Vice President  
R.E. Ginna Nuclear Power Plant  
R.E. Ginna Nuclear Power Plant, LLC  
1503 Lake Road  
Ontario, NY 14519

Additional Distribution via ListServ

**ADAMS Accession Nos.:**

Package: ML14063A195

Letter: ML14091A366

OFFICE	NRR/DORL/LPLI-1/PM	NRR/DORL/LPLI-1/LA	NRR/DIRS/IFIB*	NRR/DRA/APHB/BC*	NMSS/SFST/LB/BC*
NAME	NMorgan	KGoldstein	AKock	SWeerakkody	MSampson
DATE	4/1/2014	4/1/2014 (via email)	2/28/2014	3/5/2014	3/6/2014
OFFICE	QTE*	OGC*	NRR/DORL/LPLI-1/BC	NRR/DORL/D*	NMSS/D*
NAME		SUttal	BBeasley	MEvans	CHaney
DATE	3/6/2014	3/21/2014	4/1/2014	3/20/2014	3/21/2014
OFFICE	NRR/D*				
NAME	ELeeds				
DATE	3/24/2014				

\*Concurred on the Order package dated March 24, 2014, which included the draft conforming amendments. No changes were made.

OFFICIAL RECORD COPY