

10 CFR 50.90

NMP1L3534

August 18, 2023

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, DC 20555-0001Nine Mile Point Nuclear Station, Unit 1  
Renewed Facility Operating License No. DPR-63  
NRC Docket No. 50-220Nine Mile Point Nuclear Station, Unit 2  
Renewed Facility Operating License No. NPF-69  
NRC Docket No. 50-410

Subject: License Amendment Request - Revision to the Technical Specifications Design Features Sections to Remove the Nine Mile 3 Nuclear Project, LLC, Designation

In accordance with 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," Constellation Energy Generation, LLC (CEG) requests approval of proposed changes to remove the Nine Mile Point 3 Nuclear Project, LLC, (NMP3) designation from the Technical Specifications (TS). More specifically, Section 5.0, "Design Features," in Renewed Facility Operating License DPR-63 for Nine Mile Point Nuclear Station, Unit 1 (NMP1) and Section 4.0, "Design Features," Figure 4.1-1, in Renewed Facility Operating License NPF-69 for Nine Mile Point Nuclear Station, Unit 2 (NMP2) will be revised to reflect the proposed TS changes.

The proposed changes will revise the TS sections to reflect as they were prior to Amendments 212 and 142 approved on July 12, 2012 (ML12157A556), for NMP1 and NMP2, respectively. Upon receipt of the approved amendments, Constellation Energy (CENG), the previous owners of NMP1 and NMP2, halted further progress in pursuing a combined operating license for NMP3. As a result, CENG decided to not implement the changes into the NMP1 and NMP2 Technical Specifications (TS). However, upon issuance of the amendments, the NRC did implement the changes into the NRCs version of the licensees TS for NMP1 (ML052720229) and NMP2 (ML052720302). In addition to the above changes, the name "Entergy Nuclear FitzPatrick, LLC" is revised on Figure 5.1-1 for NMP1 and Figure 4.1-1 for NMP2 to "James A. FitzPatrick Nuclear Power Plant, LLC." Approval of the proposed changes will align the NRCs versions of NMP1 and NMP2 TS with the current licensees TS.

Attachment 1 provides an evaluation supporting the proposed change. Attachment 2 provides the proposed TS markup pages. Attachment 3 provides the proposed TS clean pages.

CEG requests approval of these changes by February 16, 2024. This license amendment will be implemented within 60 days of approval.

The proposed change has been reviewed by the NMP Plant Operations Review Committee in accordance with the requirements of the CEG Quality Assurance Program.

There are no regulatory commitments contained within this letter.

In accordance with 10 CFR 50.91, "Notice for public comment; State consultation," paragraph (b), CEG is notifying the State New York of this application for license amendment by transmitting a copy of this letter and its attachments to a designated State Official.

Should you have any questions concerning this letter, please contact Ron Reynolds at [ronnie.reynolds@constellation.com](mailto:ronnie.reynolds@constellation.com).

I declare under penalty of perjury that the foregoing is true and correct. This statement was executed on the 18<sup>th</sup> day of August 2023.

Respectfully,



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David T. Gudger  
Senior Manager - Licensing  
Constellation Energy Generation, LLC

Attachment 1 Evaluation of Proposed Change  
Attachment 2 Proposed Technical Specifications Markup Pages  
Attachment 3 Proposed Technical Specifications Clean Pages

cc:	USNRC Region I, Regional Administrator	w/ attachments
	USNRC Project Manager, NMP	"
	USNRC Senior Resident Inspector, NMP	"
	A. L. Peterson, NYSERDA	"
	B. Frymire, NYSPSC	"

# **ATTACHMENT 1**

## **EVALUATION OF PROPOSED CHANGE**

### **License Amendment Request**

Nine Mile Point Nuclear Station, Unit 1, Docket No. 50-220

Nine Mile Point Nuclear Station, Unit 2, Docket No. 50-410

**SUBJECT:** License Amendment Request - Revision to the Technical Specifications Design Features Sections to Remove the Nine Mile 3 Nuclear Project, LLC, Designation

#### **1.0 SUMMARY DESCRIPTION**

#### **2.0 DETAILED DESCRIPTION**

#### **3.0 TECHNICAL EVALUATION**

#### **4.0 REGULATORY EVALUATION**

4.1 Applicable Regulatory Requirements/Criteria

4.2 No Significant Hazards Consideration

4.3 Conclusions

#### **5.0 ENVIRONMENTAL CONSIDERATION**

#### **6.0 REFERENCES**

## 1.0 SUMMARY DESCRIPTION

In accordance with 10 CFR 50.90, "Application for amendment of license, construction permit, or early site permit," Constellation Energy Generation, LLC (CEG) requests approval of proposed changes to remove the Nine Mile Point 3 Nuclear Project, LLC, (NMP3) designation from the Technical Specifications (TS). More specifically, Section 5.0, "Design Features," in Renewed Facility Operating License DPR-63 for Nine Mile Point Nuclear Station, Unit 1 (NMP1) and Section 4.0, Design Features," Figure 4.1-1, in Renewed Facility Operating License NPF-69 for Nine Mile Point Nuclear Station, Unit 2 (NMP2) will be revised to reflect the proposed TS changes.

The proposed changes will revise the TS sections to reflect as they were prior to the approval of Amendments 212 and 142 approved on July 12, 2012 (ML12157A556), for NMP1 and NMP2, respectively. Upon receipt of the approved amendments, Constellation Energy (CENG), the previous owners of NMP1 and NMP2, halted further progress in pursuing a combined operating license for NMP3. Therefore, CENG decided to not implement the changes into the NMP1 and NMP2 Technical Specifications (TS). However, upon issuance of the amendments, the NRC did implement the changes into the NRCs version of the licensees TS for NMP1 (ML052720229) and NMP2 (ML052720302). In addition to the above changes, the name "Entergy Nuclear FitzPatrick, LLC" is revised on Figure 5.1-1 for NMP1 and Figure 4.1-1 for NMP2 to "James A. FitzPatrick Nuclear Power Plant, LLC." Approval of the proposed changes will align the NRCs versions of NMP1 and NMP2 TS with the current licensees TS.

## 2.0 DETAILED DESCRIPTION

On July 12, 2012, CENG received Amendments 212 and 142 for NMP1 (Renewed Facility Operating License DPR-63) and NMP2 (Renewed Facility Operating License NPF-69), respectively. The amendments were in response to a License Amendment Request (LAR) submitted by CENG on July 20, 2011, and applicable supplements. The amendments approved changes to the Design Features section of the TS including the Site Area Boundary figures for each plant. The changes to the Site Area Boundary figures included a designated area for the Nine Mile 3 Nuclear Project.

Prior to submittal of the LAR on July 20, 2011, CENG submitted a Combined Operating License (COL) for the proposed NMP, Unit 3. The submitted COL for Nine Mile Point Unit 3 is what likely prompted CENG to submit changes to the NMP1 and NMP2 TS. Around the same time as receiving the approved amendments for NMP1 and NMP2, CENG halted any further pursuit for a COL for the Nine Mile 3 Nuclear Project. As a result, the approved changes in Amendments 212 and 142 were not implemented into either NMP1 or NMP2 TS. In addition, CEG has no plans for Unit 3 at Nine Mile Point.

## 3.0 TECHNICAL EVALUATION

The proposed changes impact the Design Features section of the NMP1 and NMP2 TS and do not require any further technical evaluation. Upon approval of the proposed changes, the NRC can implement the amendments for NMP1 (ML052720229) and NMP2 (ML052720302) TS. This will essentially align the NRC's TS for both units with the current versions of CEG's TS. Specifically, Section 5.0, "Design Features," in the Renewed Facility Operating License DPR-63 for NMP1 and Section 4.0, Design Features," Figure 4.1-1, in the Renewed Facility Operating

License NPF-69 for NMP2 will be revised to reflect as they were prior to the approval of Amendments 212 and 142.

#### **4.0 REGULATORY EVALUATION**

##### **4.1 Applicable Regulatory Requirements/Criteria**

Title 10 Code of federal Regulations 50.36, "Technical specifications"

##### **4.2 No Significant Hazards Consideration**

Constellation Energy Generation, LLC (CEG) has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, "Issuance of amendment," as discussed below:

**1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?**

Response: No.

These changes revise the NRCs versions of NMP1 and NMP2 Technical Specifications (TS) site boundaries figures. These changes do not affect possible initiating events for accidents previously evaluated nor do they alter the configuration or operation of the plant.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

**2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?**

Response: No.

These changes revise the NRCs versions of NMP1 and NMP2 Technical Specifications (TS) site boundaries figures. These changes do not alter the design or configuration of the plant. The proposed changes do not involve a physical alteration of the plant and no new or different equipment will be installed.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

**3. Does the proposed amendment involve a significant reduction in a margin of safety?**

Response: No.

These changes revise the NRCs versions of NMP1 and NMP2 Technical Specifications (TS) site boundaries figures. Since there are no changes to the operation or physical design of the plant, the Updated Final Safety Analysis Report design basis, accident assumptions, or Technical Specification bases are not affected.

Therefore, the proposed change does not result in a significant reduction in a margin of safety.

Based on the above, CEG concludes that the proposed change presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of "no significant hazards consideration" is justified.

#### 4.3 Conclusion

In conclusion, based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) 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.

### 5.0 ENVIRONMENTAL CONSIDERATION

A review has determined that the proposed amendment would change a requirement with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR 20, or would change an inspection or surveillance requirement. However, the proposed amendment does not involve (i) a significant hazards consideration, (ii) a significant change in the types or significant increase in the amounts of any effluent that may be released offsite, or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed amendment meets the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed amendment.

### 6.0 REFERENCES

- 6.1 Nine Mile Point Nuclear Station, Unit Nos. 1 and 2-Issuance of Amendments RE: Revisions to the Technical Specifications Design Features Sections to Reflect the Transfer of a Portion of the Nine Mile Point Nuclear Station Site Real Property, dated July 12, 2012 (ML12157A556).
- 6.2 Nine Mile Point Nuclear Station, Unit 1, Renewed Facility Operating License (ML052720229).
- 6.3 Nine Mile Point Nuclear Station, Unit 2, Renewed Facility Operating License (ML052720302)

## **ATTACHMENT 2**

### **License Amendment Request**

**Nine Mile Point Nuclear Station, Unit 1  
Docket No. 50-220**

**Nine Mile Point Nuclear Station, Unit 2  
Docket No. 50-410**

**License Amendment Request - Revision to the Technical Specifications Design Features  
Sections to Remove the Nine Mile 3 Nuclear Project, LLC, Designation**

### **Proposed Technical Specifications Markup Pages**

#### **NMP1**

342  
343  
344

#### **NMP2**

4.0-4

5.0 DESIGN FEATURES

Replace with Insert 1

5.1 Site

The site area boundary and exclusion area boundary are as shown in Figure 5.1-1.

The low population zone is all the land within a circle with its center at the Nine Mile Point Unit 1 stack and a radius of four miles.

5.2 Reactor

The reactor core consists of no more than 532 fuel assemblies containing enriched uranium dioxide pellets clad in Zircaloy-2. The core excess reactivity will be controlled by movable control rods and burnable poisons. The core will be cooled by circulation of water internally and external to the pressure vessel through recirculation loops.

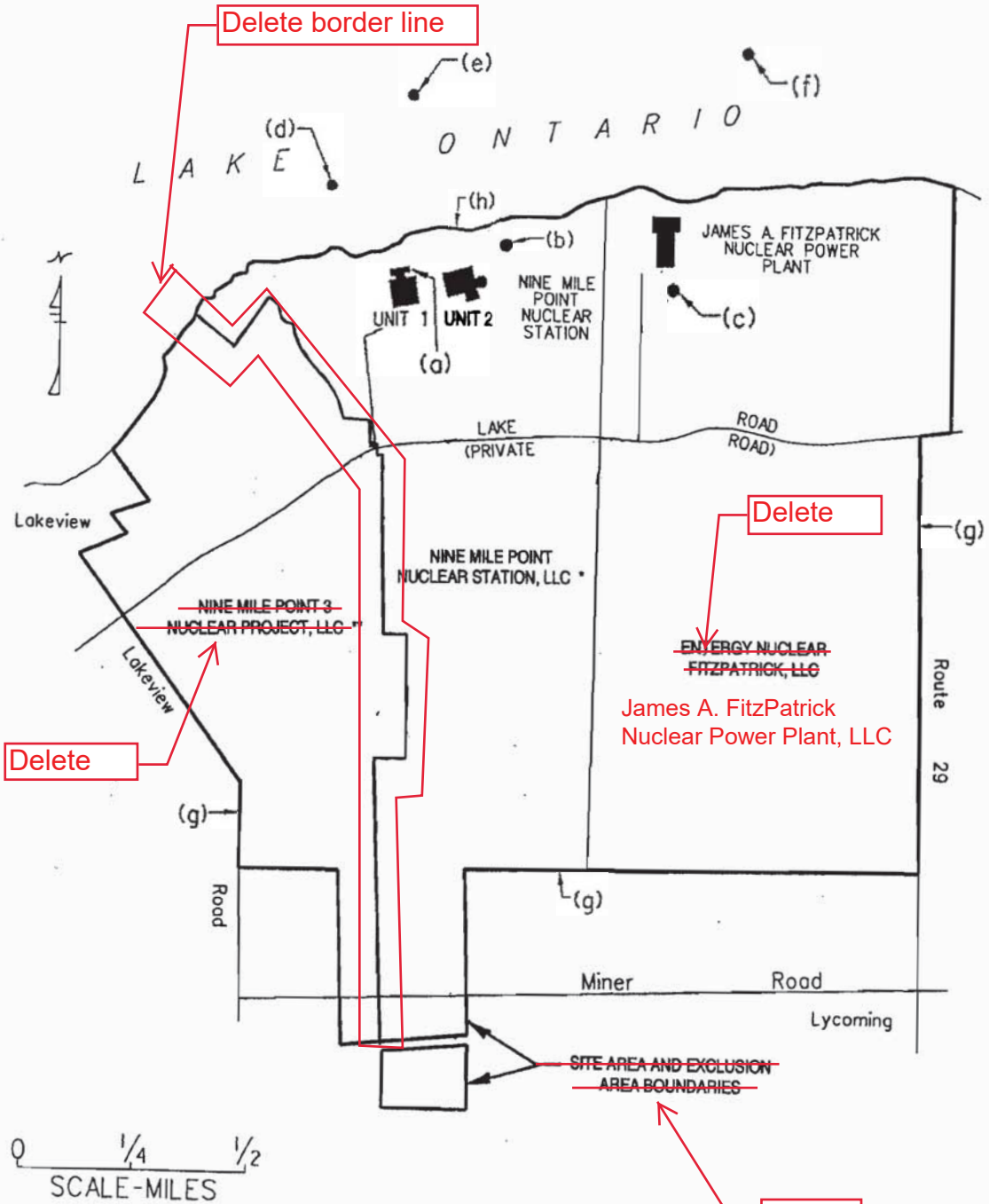
5.3 (Deleted)

Insert 1

The Nine Mile Point Nuclear Station and James A. Fitzpatrick Nuclear Power Plant site comprising approximately 1500 acres, is located on the shores of Lake Ontario, about seven miles northeast of Oswego, New York. An exclusion distance of nearly 4000 feet is provided between the Station and the nearest site boundary to the west, a mile to the boundary on the east, and a mile and a half to the southern site boundary (as described in the Sixth Supplement of the FSAR).

Figure 5.1-1 is a Site Boundary Map of Nine Mile Point which allows the identification of gaseous and liquid waste release points. Figure 5.1-1 also defines the unrestricted area within the site boundary that is accessible (except for fenced areas) to member of the public.





\* Niagara Mohawk Power Corporation retains ownership in certain transmission line and switchyard facilities within the exclusion area boundary. Access and usage are controlled by Nine Mile Point Nuclear Station, LLC by Agreement.

\*\* Nine Mile Point Nuclear Station, LLC has easements to access and use the property owned by Nine Mile Point 3 Nuclear Project, LLC for security, emergency preparedness, and site monitoring purposes, by Agreement.

FIGURE 5.1-1  
SITE BOUNDARIES  
NINE MILE POINT - UNIT 1

**NOTES TO FIGURE 5.1-1**

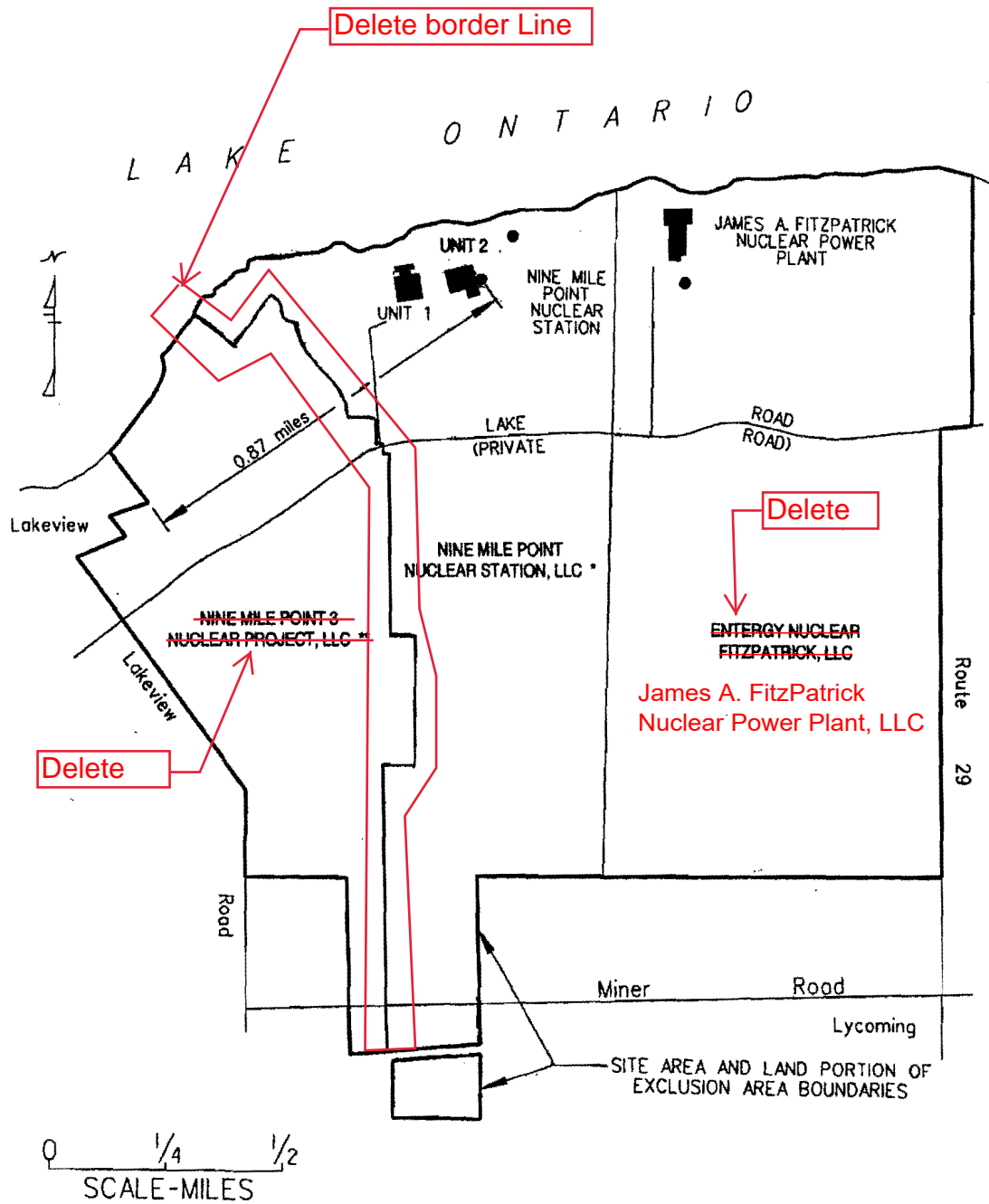
- (a) NMP1 Stack (height is 350')
- (b) NMP2 Stack (height is 430')
- (c) JAFNPP Stack (height is 385')
- (d) NMP1 Radioactive Liquid Discharge (Lake Ontario, bottom)
- (e) NMP2 Radioactive Liquid Discharge (Lake Ontario, bottom)
- (f) JAFNPP Radioactive Liquid Discharge (Lake Ontario, bottom)
- (g) Site Boundary
- (h) Lake Ontario Shoreline

**Additional Information:**

- NMP2 Reactor Building Vent is located 187 feet above ground level
- JAFNPP Reactor and Turbine Building Vents are located 173 feet above ground level
- JAFNPP Radwaste Building Vent is 112 feet above ground level

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Insert 2



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Figure 4.1-1 (Page 1 of 1)  
Site Area and Land Portion of Exclusion Area Boundaries

## **ATTACHMENT 3**

### **License Amendment Request**

**Nine Mile Point Nuclear Station, Unit 1  
Docket No. 50-220**

**Nine Mile Point Nuclear Station, Unit 2  
Docket No. 50-410**

**License Amendment Request - Revision to the Technical Specifications Design Features  
Sections to Remove the Nine Mile 3 Nuclear Project, LLC, Designation**

### **Proposed Technical Specifications Clean Pages**

#### **NMP1**

342

343

344

#### **NMP2**

4.0-4

## 5.0 DESIGN FEATURES

### 5.1 Site

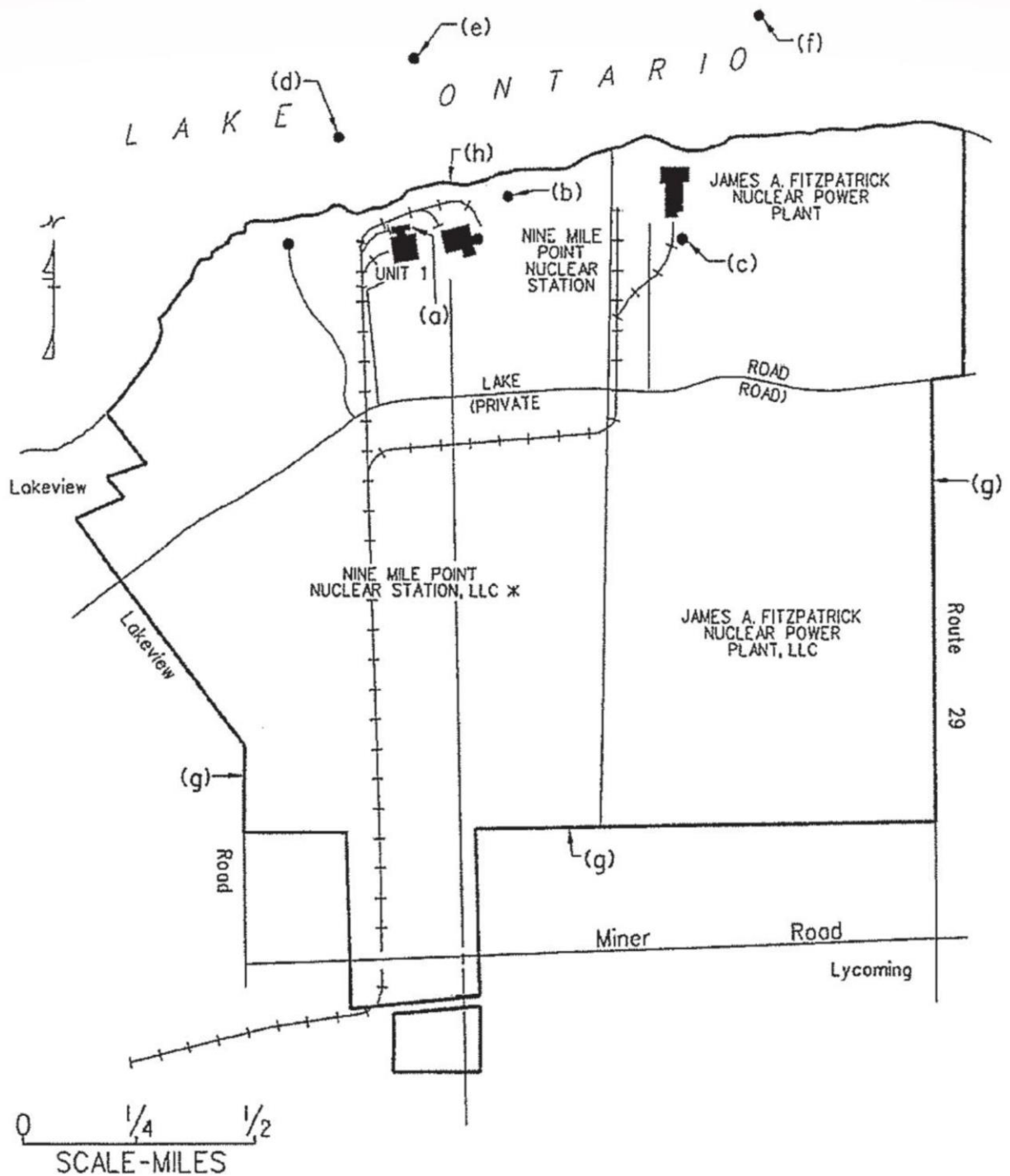
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SITE BOUNDARIES  
NINE MILE POINT - UNIT 1

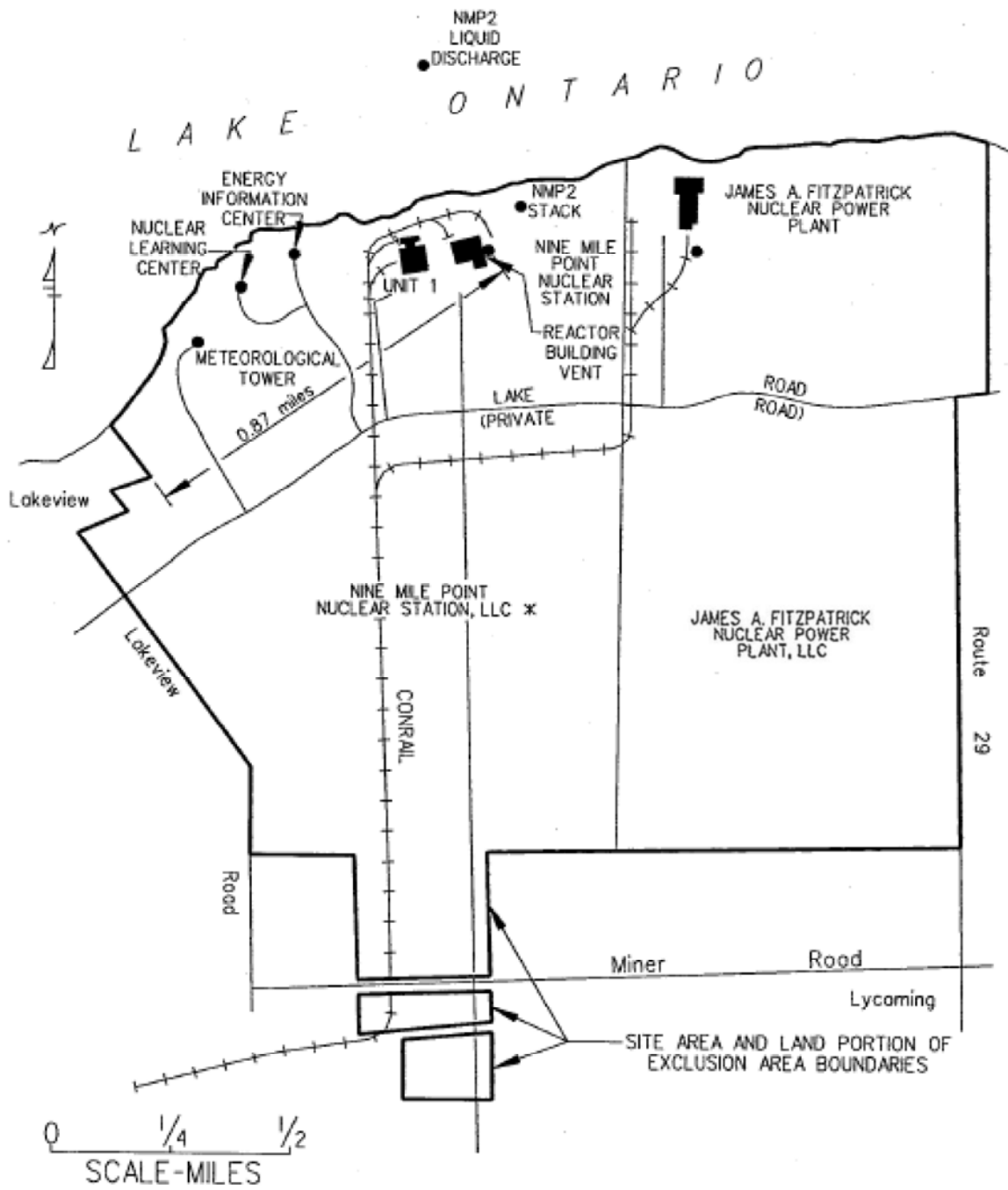
## NOTES TO FIGURE 5.1-1

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- (b) NMP2 Stack (height is 430')
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Figure 4.1-1 (Page 1 of 1)  
Site Area and Land Portion of Exclusion Area Boundaries