

**Constellation Energy**

• Nine Mile Point Nuclear Station

P.O. Box 63  
Lycoming, New York 13093

August 23, 2004  
NMP1L 1862

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, DC 20555

SUBJECT: Nine Mile Point Unit 1  
Docket No. 50-220  
Facility Operating License No. DPR-63

Notification of Irradiated Fuel Management Plan in Accordance with  
10 CFR 50.54(bb)

Gentlemen:

10 CFR 50.54, "Conditions of licenses," paragraph (bb), requires that written notification of the irradiated fuel management plan be submitted to the NRC five (5) years before expiration of the reactor operating license. This letter addresses those requirements for the Nine Mile Point Unit 1 (NMP1) plant.

NMP1 and Nine Mile Point Unit 2 (NMP2) share a common site. The current NMP1 and NMP2 operating licenses expire on August 22, 2009 and October 31, 2026, respectively. By letter dated May 26, 2004 (NMP1L 1829), Nine Mile Point Nuclear Station, LLC (NMPNS) has submitted a License Renewal Application (LRA) to the NRC, thereby providing our commitment to a continuation of nuclear plant operations at NMP1 and NMP2, rather than a permanent cessation of power production at the end of their current operating licenses. Notwithstanding the LRA submittal, NMPNS hereby provides the following information regarding the NMP1 irradiated fuel management plan premised on cessation of NMP1 operation at the end of the current operating license.

In 1982, Congress passed the "Nuclear Waste Policy Act," assigning the responsibility for disposal of spent nuclear fuel from commercial generating plants to the Department of Energy (DOE). The current DOE estimate for startup of the Federal Waste Management System is 2010. Based on the expected DOE removal schedule, NMPNS currently anticipates that the title and possession for all irradiated fuel at NMP1 will be transferred by 2033.

Section X-J of the NMP1 Updated Final Safety Analysis Report provides a description of the NMP1 spent fuel storage facility and its design bases. The spent fuel pool, located in the NMP1 Reactor Building, will have sufficient capacity, upon completion of the current reracking effort, to store all of the irradiated fuel assemblies discharged from the NMP1 reactor for operation

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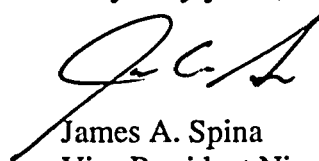
through August 22, 2009. Assuming NMP1 ceases operation in 2009, the current plan is to store the irradiated fuel within the existing spent fuel pool until the DOE takes title and possession of the last of the irradiated fuel.

During the time that irradiated fuel is being stored in the NMP1 spent fuel pool under the 2009 shutdown scenario, and with NMP2 still operating, NMPNS will fund the operating costs associated with NMP1 irradiated fuel storage as part of the overall costs to operate the Nine Mile Point site. These funds will not be drawn from decommissioning trust funds. In addition, to reliably operate and maintain the NMP1 spent fuel pool, those on-site services and functions associated with operation of NMP2 (e.g., radiation protection, security, emergency planning, spent fuel pool management) will be used in support of the irradiated fuel storage at the adjacent NMP1 spent fuel pool. At 5 years before the NMP2 current operating license expires (i.e., on or before October 31, 2021), notification of the site irradiated fuel management plan will be submitted to the NRC. This plan will address management and funding provisions for the NMP2 irradiated fuel and any NMP1 fuel remaining on site at that time, in accordance with 10 CFR 50.54(bb).

In the event that NMP1 does cease operations in 2009, NMPNS will continue to comply with existing NRC licensing requirements at NMP1 and NMP2, including the operation and maintenance of the systems and structures needed to support continued operation of the NMP1 spent fuel pool. In addition, NMPNS will also comply with applicable license termination requirements in accordance with 10 CFR 50.82 with respect to the post-shutdown activities at NMP1, including seeking such NRC approvals as necessary to satisfy these requirements consistent with the continued storage of irradiated fuel at the NMP1 spent fuel pool.

A copy of this notification will be retained by NMPNS as a record until expiration of the NMP1 operating license. In addition, NMPNS will notify the NRC, in accordance with 10 CFR 50.54(bb), of any significant changes in the proposed irradiated fuel management plan described herein.

Very truly yours,



James A. Spina  
Vice President Nine Mile Point

JAS/DEV/jd

cc: Mr. S. J. Collins, NRC Regional Administrator, Region I  
Mr. G. K. Hunegs, NRC Senior Resident Inspector  
Mr. P. S. Tam, Senior Project Manager, NRR (2 copies)