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**Constellation Energy**

Nine Mile Point Nuclear Station

July 9, 2008

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

**ATTENTION:** Document Control Desk

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

Withdrawal of License Amendment Request to Eliminate Credit for Boraflex in  
Spent Fuel Pool Criticality Analyses – Technical Specification Section 5.5

**REFERENCE:** (a) Letter from K. J. Polson (NMPNS) to Document Control Desk (NRC), dated April 3, 2008, License Amendment Request Pursuant to 10 CFR 50.90: Elimination of Credit for Boraflex in Spent Fuel Pool Criticality Analyses - Technical Specification Section 5.5, Storage of Unirradiated and Spent Fuel

By letter dated April 3, 2008 (Reference a), Nine Mile Point Nuclear Station, LLC (NMPNS) requested an amendment to Nine Mile Point Unit 1 (NMP1) Renewed Operating License DPR-63. The proposed amendment would have revised NMP1 Technical Specification Section 5.5, "Storage of Unirradiated and Spent Fuel," to reflect the current spent fuel storage rack configuration and would have eliminated reliance on Boraflex<sup>TM</sup> as a neutron absorber in the two remaining Boraflex storage racks located in the spent fuel storage pool. New criticality analyses were performed to support the proposed change.

NMPNS hereby withdraws the license amendment request submitted in Reference (a) from your review.

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

Very truly yours,

July 9, 2008

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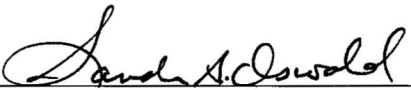
STATE OF NEW YORK :  
: TO WIT:  
COUNTY OF OSWEGO :

I, Keith J. Polson, 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.

  
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Subscribed and sworn before me, a Notary Public in and for the State of New York and County of Oswego, this 9<sup>th</sup> day of July, 2008.

WITNESS my Hand and Notarial Seal:

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

10/25/09  
\_\_\_\_\_  
Date

SANDRA A. OSWALD  
Notary Public, State of New York  
No. 01OS6032276  
Qualified in Oswego County  
Commission Expires 10/25/09

KJP/DEV

cc: S. J. Collins, NRC  
R. V. Guzman, NRC  
Resident Inspector, NRC  
J. P. Spath, NYSERDA