

July 16, 2008

Mr. Keith J. Polson
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NO. 1 – REQUESTED
LICENSING ACTION RE: REMOVAL OF BORAFLEX CREDIT (TAC NO.
MD8434)

Dear Mr. Polson:

By letter dated April 3, 2008, Nine Mile Point Nuclear Station, LLC (NMPNS) submitted a license amendment for Nine Mile Point, Unit No. 1 (NMP1). The proposed amendment would revise NMP1 Technical Specification (TS) Section 5.5, "Storage of Unirradiated and Spent Fuel," to reflect the current spent fuel storage rack configuration and to eliminate reliance on Boraflex as a neutron absorber in the two remaining Boraflex storage racks. The purpose of this letter is to provide the results of the Nuclear Regulatory Commission (NRC) staff's acceptance review of this amendment request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Consistent with Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), an amendment to the license (including the TSs) must fully describe the changes requested, and following as far as applicable, the form prescribed for original applications. 10 CFR 50.34 addresses the content of technical information required. This section stipulates that the submittal address the design and operating characteristics, unusual or novel design features, and principal safety considerations.

By letter dated July 9, 2008, you requested to withdraw the application from NRC review. The NRC staff acknowledges your request to withdraw the application. NRC staff activities on the review have ceased and the associated Technical Assignment Control number has been closed.

The NRC staff notes that its review to date has identified that your application and supplemental letter dated, June 27, 2008, did not provide the following technical information in sufficient detail to enable the staff to complete its detailed technical review. Therefore, if you decide to re-submit the request, it must include the following information:

- (1) Justification for using the CASMO-4 methodology and/or other referenced applications of the methodology for modeling the NMP1 Boraflex spent fuel pool storage racks (related to Item 2 of NRC letter dated June 16, 2008).
- (2) Justification for using best estimate values related to the delta between the bias and uncertainty calculated in the cited Appendix and that used in Section 3.1 analysis (related to Item 5 of NRC letter dated June 16, 2008).

K. J. Polson

- 2 -

- (3) Justification for using best estimate values in Section 3.2, "Reactivity Calculation," of the criticality analysis (related to Item 6 of NRC letter dated June 16, 2008).
- (4) Explanation and justification to support the increase in maximum nominal gadolina loading in the revised analysis (related to Item 6 of NRC letter dated June 16, 2008).
- (5) Explanation and justification to support the differences in mean bias values between Section 3.1 and Section 4.0 (related to Item 10 of NRC letter dated June 16, 2008).

If you have any questions, please contact me at (301) 415-1030.

Sincerely,

/RA/

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-220

cc: See next page

K. J. Polson

- 2 -

- (3) Justification for using best estimate values in Section 3.2, "Reactivity Calculation," of the criticality analysis (related to Item 6 of NRC letter dated June 16, 2008).
- (4) Explanation and justification to support the increase in maximum nominal gadolina loading in the revised analysis (related to Item 6 of NRC letter dated June 16, 2008).
- (5) Explanation and justification to support the differences in mean bias values between Section 3.1 and Section 4.0 (related to Item 10 of NRC letter dated June 16, 2008).

If you have any questions, please contact me at (301) 415-1030.

Sincerely,

/RA/

Richard V. Guzman, Senior Project Manager
 Plant Licensing Branch I-1
 Division of Operating Reactor Licensing
 Office of Nuclear Reactor Regulation

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Nine Mile Point Nuclear Station, Unit No. 1

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