(3) 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) 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 and equipment calibration or associated with radioactive apparatus or components.

(5) 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 operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I:

Part 20, Section 30.34 of Part 30; Section 40.41 of Part 40; Section 50.54 and 50.59 of Part 50; and Section 70.32 of Part 70. This renewed license is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect and is also subject to the additional conditions specified or incorporated below:

(1) Maximum Power Level

The licensee is authorized to operate the facility at steady state reactor core power levels not in excess of 1850 megawatts (thermal).

(2) Technical Specifications

The Technical Specifications contained in Appendix A, which is attached hereto, as revised through Amendment No. 195, is hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications.

(3) Deleted

D. This license is subject to the following additional conditions:

(1) The licensee will complete construction of a new radwaste facility in conformance with the design defined and evaluated in the FES, to be operational no later than June 1976.

(2) Deleted by License Amendment No. 51

(3) Deleted by License Amendment No. 51

(4) Security, Training and Qualification and Safeguards Contingency Plans

The licensee 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 the provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The combined set of plans, which contain Safeguards Information protected under 10 CFR 73.21 is entitled "Nine Mile Point Nuclear Station, LLC Physical Security, Safeguards Contingency, and Security Training and Qualification Plan, Revision 1," and was submitted by letter dated April 26, 2006.

(5) Paragraph 2.D(5) of the license has been combined with paragraph 2.D(4) as amended above into a single paragraph.

(6) Recirculation System Safe-end Replacement

The recirculation system and safe-end replacement program including the cutting and welding of the replacement components and the dose mitigation program (ALARA) is approved, subject to the following conditions:

a. The licensee shall complete the recirculation piping stress reanalysis prior to restart of Nine Mile Point Nuclear Power Station, Unit No. 1. The results of this analysis for selected representative portions of the recirculation system shall be submitted to the NRC prior to restart of the facility.

b. All fuel and control rods shall be removed from the reactor pressure vessel and stored in the spent fuel pool during the period that work on the safe-end and recirculation system replacement program is in progress.

c. Actions to minimize release to include consideration of:

(1) Water spray scrubbing
(2) Dose to onsite responders

(14) The licensee shall implement and maintain all Actions required by Attachment 2 to NRC Order EA-06-137, issued June 20, 2006, except the last action that requires incorporation of the strategies into the site security plan, contingency plan, emergency plan and/or guard training and qualification plan, as appropriate.

(15) Upon implementation of Amendment No. 195 adopting TSTF-448, Revision 3, the determination of control room envelope (CRE) unfiltered air inleakage as required by TS 4.4.5.g, in accordance with TS 6.5.8.c.(i), the assessment of CRE habitability as required by Specification 6.5.8.c.(ii), and the measurement of CRE pressure as required by Specification 6.5.8.d, shall be considered met. Following implementation:

(a) The first performance of TS 4.4.5.g, in accordance with Specification 6.5.8.c.(i), shall be within the specified Frequency of 6 years plus the 18-month allowance of TS 4.0.2, as measured from February 19, 2004, the date of the most recent tracer gas test, as stated in the January 31, 2005 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 6.5.8.c.(ii), shall be within 3 years, plus the 9-month allowance of TS 4.0.2, as measured from February 19, 2004, the date of the most recent tracer gas test, as stated in the January 31, 2005 letter response to Generic Letter 2003-01, or within the next 9 months if the time period since the most recent tracer gas test is greater than 3 years.

(c) The first performance of the periodic assessment of CRE pressure, Specification 6.5.8.d, shall be within 24 months, plus the 182 days allowed by TS 4.0.2, as measured from March 1, 2007, the date of the most recent successful pressure measurement test, or within the next 182 days if not performed previously.

E. This license is effective as of the date of issuance and shall expire on August 22, 2029.

F. The UFSAR supplement, as revised, submitted pursuant to 10 CFR 54.21(d), shall be included in the next scheduled update to the UFSAR required by 10 CFR 50.71(e)(4) following the issuance of this renewed operating license. Until that update is complete, NMP LLC may make changes to the programs and activities described in the supplement without prior Commission approval, provided that NMP LLC evaluates such changes pursuant to the criteria set forth in 10 CFR 50.59 and otherwise complies with the requirements in that section.

G. The UFSAR supplement, as revised, describes certain future activities to be completed prior to the period of extended operation. NMP LLC shall complete these activities in accordance with the schedule in Appendix A of NUREG-1900, "Safety Evaluation Report Related to the License Renewal of Nine Mile Point Nuclear Station, Units 1 and 2", dated September 2006, and shall notify the NRC in writing when implementation of these activities is complete and can be verified by NRC inspection.

H. All capsules in the reactor vessel that are removed and tested must meet the test procedures and reporting requirements of the most recent NRC-approved version of the Boiling Water Reactor Vessels and Internals Project (BWRVIP) Integrated Surveillance Program (ISP) appropriate for the configuration of the specimens in the capsule. All capsules placed in storage must be maintained for future insertion. Any changes to storage requirements must be approved by the NRC, as required by 10 CFR Part 50, Appendix H.

FOR THE NUCLEAR REGULATORY COMMISSION

Original Signed by

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

Enclosure:

Appendix A – Technical Specifications

Date of Issuance: October 31, 2006

LIMITING CONDITION FOR OPERATION

3.4.5 CONTROL ROOM AIR TREATMENT SYSTEM

Applicability:

Applies to the operating status of the control room air treatment system and Control Room Envelope (CRE) boundary.

----------NOTE----------
The CRE boundary may be opened intermittently under administrative control.

Objective:

To assure the capability of the control room air treatment system to minimize the amount of radioactivity or other gases entering the control room in the event of an incident.

Specification:

a. Except as specified below, the control room air treatment system shall be operable for the following conditions:

   1. Power operating condition, and whenever the reactor coolant system temperature is greater than 212°F,

   2. Whenever recently irradiated fuel or an irradiated fuel cask is being handled in the reactor building, and

   3. During operations with a potential for draining the reactor vessel (OPDRVs).

b. The results of the in-place cold DOP and halogenated hydrocarbon tests at design flows on HEPA filters and charcoal adsorber banks shall show $\geq$ 99% DOP removal and $\geq$ 99% halogenated hydrocarbon removal when tested in accordance with ANSI N.510-1980.

SURVEILLANCE REQUIREMENT

4.4.5 CONTROL ROOM AIR TREATMENT SYSTEM

Applicability:

Applies to the testing of the control room air treatment system and CRE boundary.

Objective:

To assure the operability of the control room air treatment system.

Specification:

a. At least once per operating cycle, or once every 24 months, whichever occurs first, the pressure drop across the combined HEPA filters and charcoal adsorber banks shall be demonstrated to be less than 1.5 inches of water at system design flow rate (± 10%).

b. The tests and sample analysis of Specification 3.4.5b, c and d shall be performed at least once per operating cycle or once every 24 months, or after 720 hours of system operation, whichever occurs first or following significant painting, fire or chemical release in any ventilation zone communicating with the system.

LIMITING CONDITION FOR OPERATION	SURVEILLANCE REQUIREMENT
c. The results of laboratory carbon sample analysis shall show ≥95% radioactive methyl iodine removal when tested in accordance with ASTM D3803-1989 at 30°C and 95% R.H.	c. Cold DOP testing shall be performed after each complete or partial replacement of the HEPA filter bank or after any structural maintenance on the system housing.
d. Fans shall be shown to operate within ±10% design flow.	d. Halogenated hydrocarbon testing shall be performed after each complete or partial replacement of the charcoal absorber bank or after any structural maintenance on the system housing.
e. From and after the date that the control room air treatment system is made or found to be inoperable for any reason, except for an inoperable CRE boundary during the power operating condition, restore the system to operable within the succeeding seven days.	e. The system shall be operated at least 10 hours every month.
f. If the control room air treatment system is made or found to be inoperable due to an inoperable CRE boundary during the power operating condition: immediately initiate action to implement mitigating actions; within 24 hours, verify mitigating actions ensure CRE occupant exposures to radiological, chemical, and smoke hazards will not exceed limits; and within 90 days, restore the CRE boundary to operable status.	f. At least once per operating cycle, not to exceed 24 months, automatic initiation of the control room air treatment system shall be demonstrated.
g. If Specifications 3.4.5.e or 3.4.5.f cannot be met during the power operating condition, or when reactor coolant system temperature is greater than 212°F, reactor shutdown shall be initiated and the reactor shall be in cold shutdown within 36 hours.	g. In accordance with the frequency and specifications of the Control Room Envelope Habitability Program, perform required CRE unfiltered air inleakage testing.
h. If Specification 3.4.5.e cannot be met whenever recently irradiated fuel or an irradiated fuel cask is being handled in the reactor building, or during OPDRVs: immediately suspend handling of recently irradiated fuel or the irradiated fuel cask in the reactor building; and immediately initiate action to suspend OPDRVs.	

6.5.8 Control Room Envelope Habitability Program

A Control Room Envelope (CRE) Habitability Program shall be established and implemented to ensure that CRE habitability is maintained such that, with an OPERABLE Control Room Air Treatment (CRAT) System, CRE occupants can control the reactor safely under normal conditions and maintain it in a safe condition following a radiological event, hazardous chemical release, or a smoke challenge. The program shall ensure that adequate radiation protection is provided to permit access and occupancy of the CRE under design basis accident (DBA) conditions without personnel receiving radiation exposures in excess of 5 rem total effective dose equivalent (TEDE) for the duration of the accident. The program shall include the following elements:

a. The definition of the CRE and the CRE boundary.

b. Requirements for maintaining the CRE boundary in its design condition including configuration control and preventive maintenance.

c. Requirements for (i) determining the unfiltered air inleakage past the CRE boundary into the CRE in accordance with the testing methods and at the Frequencies specified in Sections C.1 and C.2 of Regulatory Guide 1.197, "Demonstrating Control Room Envelope Integrity at Nuclear Power Reactors," Revision 0, May 2003, and (ii) assessing CRE habitability at the Frequencies specified in Sections C.1 and C.2 of Regulatory Guide 1.197, Revision 0.

d. Measurement, at designated locations, of the CRE pressure relative to all external areas adjacent to the CRE boundary during the pressurization mode of operation of the CRAT System, operating at a flow rate of 2025-2475 cfm, at a Frequency of 24 months. The results shall be trended and used as part of the 24 month assessment of the CRE boundary.

e. The quantitative limits on unfiltered air inleakage into the CRE. These limits shall be stated in a manner to allow direct comparison to the unfiltered air inleakage measured by the testing described in paragraph c. The unfiltered air inleakage limit for radiological challenges is the inleakage flow rate assumed in the licensing basis analyses of DBA consequences. Unfiltered air inleakage limits for hazardous chemicals must ensure that exposure of CRE occupants to these hazards will be within the assumptions in the licensing basis.

f. The provisions of TS 4.0.2 are applicable to the Frequencies for assessing CRE habitability, determining CRE unfiltered inleakage, and measuring CRE pressure and assessing the CRE boundary as required by paragraphs c and d, respectively.