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**NINE MILE POINT
NUCLEAR STATION**

July 20, 2011

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

ATTENTION: Document Control Desk

SUBJECT: Nine Mile Point Nuclear Station
Unit Nos. 1 and 2; Docket Nos. 50-220 and 50-410

License Amendment Requests Pursuant to 10 CFR 50.90: 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

Pursuant to 10 CFR 50.90, Nine Mile Point Nuclear Station, LLC (NMPNS) hereby requests an amendment to the Nine Mile Point Unit 1 (NMP1) Renewed Facility Operating License DPR-63 and to the Nine Mile Point Unit 2 (NMP2) Renewed Facility Operating License NPF-69. The proposed amendments would revise the site descriptions contained in the Design Features sections of the NMP1 and NMP2 Technical Specifications (TS) to reflect the transfer of a portion of the NMPNS site real property located outside of the NMPNS Protected Area but within the current NMPNS Owner Controlled Area, as well as specified easements over the remainder of the NMPNS site, to Nine Mile Point 3 Nuclear Project, LLC (NMP3), a subsidiary of UniStar Nuclear Energy, LLC. A Combined License (COL) application for Nine Mile Point 3 Nuclear Power Plant (NMP3NPP) was submitted to the NRC by NMP3 and UniStar Nuclear Operating Services, LLC on September 30, 2008. The NRC docketed the NMP3NPP COL application on December 12, 2008 (NRC Docket No. 52-038).

The transfer of real property will include easements granted to NMPNS providing NMPNS the ability to access and use the transferred parcel to perform security, emergency preparedness, and site monitoring activities, and will require the NMP3NPP COL applicant parties to notify NMPNS of major activities before initial construction of NMP3NPP. The conditions of the conveyance, including the easement conditions, demonstrate that the property to be transferred to the COL applicant party (NMP3) is not subject to unrestricted use (i.e., there is no need for a 10 CFR 50.83 proceeding). The transfer and related easements granted to NMP3 will not hamper or interfere with operation of NMP1 and NMP2 or with security or emergency preparedness measures for the existing NMPNS units. Major preconstruction

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activities will be subject to review by NMPNS in order to assess any impacts to the operating NMPNS units, including assessments pursuant to 10 CFR 50.59, 10 CFR 50.54(p), and 10 CFR 50.54(q). Following receipt of the NMP3NPP COL, activities will be assessed in accordance with the COL and coordinated between and among the co-located licensees, similar to the coordination that currently occurs between NMPNS and the co-located Entergy Nuclear FitzPatrick, LLC unit. Additional changes to the TS Design Features sections are also proposed that would relocate information that is not appropriate to be maintained in the TS, remove unnecessary details, and make other administrative changes.

The Enclosure provides a description and technical bases for the proposed changes, and existing Technical Specification pages marked up to show the proposed changes. NMPNS has concluded that the activities associated with the proposed amendments represent no significant hazards consideration under the standards set forth in 10 CFR 50.92. There are no regulatory commitments identified in this submittal.

Approval of the proposed license amendments is requested within six (6) months of the date of this submittal, with implementation within one (1) day following the actual transfer of the title to the property. This date is needed to meet a commercial goal and commitment between an NMPNS parent entity and an NMP3 parent entity.

Pursuant to 10 CFR 50.91(b)(1), NMPNS has provided a copy of these license amendment requests, with Enclosure, to the appropriate state representative.

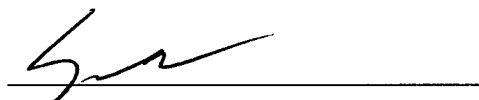
Should you have any questions regarding the information in this submittal, please contact John J. Dosa, Director Licensing, at (315) 349-5219.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Dosa", written in a cursive style.

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

I, Sam Belcher, being duly sworn, state that I am Vice President-Nine Mile Point, and that I am duly authorized to execute and file these license amendment requests 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.



Subscribed and sworn before me, a Notary Public in and for the State of New York and County of Oswego, this 20 day of July, 2011.

WITNESS my Hand and Notarial Seal:


Notary Public

My Commission Expires:

9/12/2013
Date

Lisa M. Doran
Notary Public in the State of New York
Oswego County Reg. No. 01DO6029220
My Commission Expires 9/12/2013

SB/DEV

Enclosure: Evaluation of the Proposed Change

cc: Regional Administrator, Region I, NRC
Project Manager, NRC
Resident Inspector, NRC
A. L. Peterson, NYSERDA

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1.0 SUMMARY DESCRIPTION

This evaluation supports a request to amend Renewed Facility Operating License DPR-63 for Nine Mile Point Unit 1 (NMP1) and Renewed Facility Operating License NPF-69 for Nine Mile Point Unit 2 (NMP2).

The proposed amendments would revise NMP1 Technical Specification (TS) Section 5.1, "Site," and associated TS Figure 5.1-1, "Site Boundaries, Nine Mile Point – Unit 1," and NMP2 TS Figure 4.1-1, "Site Area and Land Portion of Exclusion Area Boundaries," to reflect the transfer of a portion of the Nine Mile Point Nuclear Station, LLC (NMPNS) site real property located outside of the NMPNS Protected Area but within the current NMPNS Owner Controlled Area, as well as specified easements over the remainder of the NMPNS site, to Nine Mile Point 3 Nuclear Project, LLC (NMP3), a subsidiary of UniStar Nuclear Energy, LLC. A Combined License (COL) application for Nine Mile Point 3 Nuclear Power Plant (NMP3NPP) was submitted to the NRC by NMP3 and UniStar Nuclear Operating Services, LLC on September 30, 2008. The NRC docketed the NMP3NPP COL application on December 12, 2008 (NRC Docket No. 52-038).

The transfer of real property will include easements granted to NMPNS providing NMPNS the ability to access and use the transferred parcel to perform security, emergency preparedness, and site monitoring activities, and will require the NMP3NPP COL applicant parties to notify NMPNS of major activities before initial construction of NMP3NPP. The transfer and related easements granted to NMP3 will not hamper or interfere with operation of NMP1 and NMP2 or with security or emergency preparedness measures for the existing NMPNS units. Additional changes to the TS Design Features sections are also proposed that would relocate information that is not appropriate to be maintained in the TS, remove unnecessary details, and make other administrative changes.

Approval of the proposed license amendments is requested within six (6) months of the date of this submittal, with implementation within one (1) day following the actual transfer of the title to the property. This date is needed to meet a commercial goal and commitment between an NMPNS parent entity and an NMP3 parent entity.

2.0 DETAILED DESCRIPTION

2.1 Description of the Proposed Change

The proposed TS changes for NMP1 and NMP2 are described individually below. The existing TS pages marked-up to show the proposed changes are provided in Attachment 1 for NMP1 and in Attachment 2 for NMP2. There are no corresponding TS Bases changes for either unit.

2.1.1 Transfer of Real Property

The primary change is to revise NMP1 TS Figure 5.1-1, "Site Boundaries, Nine Mile Point – Unit 1," and NMP2 TS Figure 4.1-1, "Site Area and Land Portion of Exclusion Area Boundaries," to reflect the transfer of a portion of the existing NMPNS site real property located outside of the NMPNS Protected Area but within the current NMPNS Owner Controlled Area to NMP3. On both of these figures, a new boundary line and associated label are applied to identify the portion of the NMPNS site that will be conveyed to NMP3, the COL applicant. In addition, the following footnote applicable to the property owned by Nine Mile Point 3 Nuclear Project, LLC is added to both figures:

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“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.”

2.1.2 Other Proposed Changes

2.1.2.1 NMP1 TS Changes

TS Section 5.1, “Site”

1. The first paragraph, describing the NMPNS and James A. FitzPatrick Nuclear Power Plant (JAFNPP) site location and distances from NMP1 to the site boundary, is deleted.
2. The second paragraph, which references Figure 5.1-1 for a description of the site boundary, identification of gaseous and liquid waste release points, and the unrestricted areas within the site boundary that are accessible to members of the public, is replaced with the following two new sentences:

“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.”

TS Figure 5.1-1, “Site Boundaries, Nine Mile Point – Unit 1,” and associated Notes

3. The reference to “Power Authority State of New York” is replaced with “Entergy Nuclear FitzPatrick, LLC” to reflect the current ownership of JAFNPP.
4. The railroad lines shown on the figure are deleted.
5. Notes (a), (b), and (c) describing the heights of the NMP1, NMP2, and JAFNPP stacks are deleted.
6. The identification of the NMP1, NMP2, and JAFNPP radioactive liquid discharge locations and the associated Notes (d), (e), and (f) are deleted.
7. Note (g), “Site Boundary,” is deleted. A notation identifying the Site Area and Exclusion Area Boundaries is added to the figure.
8. Note (h), “Lake Ontario Shoreline,” is deleted.
9. The unlabeled depiction of the Energy Information Center location and the road leading to this facility are deleted.
10. A vertical line in the center of the figure that serves no apparent purpose is deleted.
11. The “Additional Information” Notes describing the heights above ground level of the NMP2 Reactor Building Vent, the JAFNPP Reactor and Turbine Building Vents, and the JAFNPP Radwaste Building Vent are deleted.

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2.1.2.2 NMP2 TS Changes

TS Figure 4.1-1, "Site Area and Land Portion of Exclusion Area Boundaries"

1. The reference to "Power Authority State of New York" is replaced with "Entergy Nuclear FitzPatrick, LLC" to reflect the current ownership of JAFNPP.
2. The railroad lines shown on the figure are deleted.
3. Labels for the NMP2 Stack and the NMP2 Reactor Building Vent are deleted.
4. The identification of the NMP2 Liquid Discharge location is deleted.
5. The identification of the Nuclear Learning Center, Energy Information Center, and Meteorological Tower locations, and the roads leading to these facilities, are deleted.
6. A vertical line in the center of the figure that serves no apparent purpose is deleted.

2.2 Background

Pursuant to Sections 1.4 and 1.7 (e), (f), and (g), of the "Master Agreement" by and between Constellation Energy Group, Inc. and Electricite' de France, SA, dated October 26, 2010, and Article III of its accompanying "Purchase and Sale Agreement," dated November 3, 2010, by and among UniStar Nuclear Energy, LLC, Constellation New Nuclear, LLC, EDF Inc., EDF International SA, Constellation Energy Nuclear Group, LLC (CENG), and Constellation Energy Group, Inc., land associated with a potential new nuclear power project at NMPNS is to be conveyed from CENG or its subsidiaries to UniStar or its subsidiaries. The parties intend to transfer such land to NMP3, a subsidiary of UniStar Nuclear Energy, LLC that is a party to the COL application for NMP3NPP that was filed on September 30, 2008. The NRC docketed the NMP3NPP COL application on December 12, 2008 (NRC Docket No. 52-038).

The transfer of real property will include easements granted to NMPNS providing NMPNS the ability to access and use the transferred parcel to perform security, emergency preparedness, and site monitoring activities, and will require the NMP3NPP COL applicant parties to notify NMPNS of major activities before initial construction of NMP3NPP. The conditions of the conveyance, including the easement conditions, demonstrate that the property to be transferred to the COL applicant party (NMP3) is not subject to unrestricted use (i.e., there is no need for a 10 CFR 50.83 proceeding).

Major preconstruction activities will be subject to review by NMPNS in order to assess any impacts to the operating NMPNS units, including assessments pursuant to 10 CFR 50.59, 10 CFR 50.54(p), and 10 CFR 50.54(q). Following receipt of the NMP3NPP COL, activities will be assessed in accordance with the COL and coordinated between and among the co-located licensees, similar to the coordination that currently occurs between NMPNS and the co-located Entergy Nuclear FitzPatrick, LLC unit.

The Design Features sections of the TS (NMP1 Section 5.0 and NMP2 Section 4.0) contain descriptions of the site, which collectively includes NMP1, NMP2, and JAFNPP. Figures are provided in the TS that depict the locations of each plant relative to the site area and exclusion area boundaries, which are common for all three plants. The transfer of a portion of the NMPNS site real property to NMP3 results in changes to NMP1 TS Section 5.1 and TS Figure 5.1-1, and to NMP2 TS Figure 4.1-1. Additional changes are also proposed that would relocate information that is not appropriate to be maintained in the TS,

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remove unnecessary details, and make other administrative changes. These changes also improve consistency between the NMP1 and NMP2 TS descriptions of the site.

3.0 TECHNICAL EVALUATION

3.1 Transfer of Real Property

The primary changes to NMP1 TS Figure 5.1-1, "Site Boundaries, Nine Mile Point – Unit 1," and NMP2 TS Figure 4.1-1, "Site Area and Land Portion of Exclusion Area Boundaries," reflect the transfer of a portion of the NMPNS site real property to NMP3. NMP3 and UniStar Nuclear Operating Services, LLC filed a COL application for NMP3NPP on September 30, 2008. The NRC docketed the NMP3NPP COL application on December 12, 2008. The transfer will include easements granted to NMPNS providing NMPNS the ability to access and use the transferred parcel to perform security, emergency preparedness, and site monitoring activities. The conditions of the transfer and associated easements also ensure that the co-located licensees/applicants will meet their 10 CFR 100 responsibilities for the relevant exclusion areas.

Major NMP3NPP preconstruction activities will be subject to review by NMPNS in order to assess any impacts to the operating NMPNS units, including assessments pursuant to 10 CFR 50.59, 10 CFR 50.54(p), and 10 CFR 50.54(q). Following receipt of the NMP3NPP COL, activities will be assessed in accordance with the COL and coordinated between and among the co-located licensees, similar to the coordination that currently occurs between NMPNS and the co-located Entergy Nuclear FitzPatrick, LLC unit. The conditions of the conveyance along with the easement conditions demonstrate that the property is not subject to unrestricted use and that the transfer is intended to be a preliminary action needed for potential development associated with the NMP3NPP COL application.

The property transfer and related easements granted to NMP3 will not hamper or interfere with operation of the existing NMPNS units. No physical changes to either NMP1 or NMP2 will be made as a result of the property transfer, the site area and exclusion area boundaries and low population zone will remain unchanged, and there will be no change in the day-to-day operations, security measures, or emergency preparedness measures for either NMP1 or NMP2. Therefore, the property transfer does not adversely affect safe operation of the existing NMPNS units.

Any changes to the existing NMP1 and NMP2 emergency plan resulting from the transfer of real property to NMP3 will be made in accordance with the requirements of 10 CFR 50.54(q). Though none are expected, if any proposed changes are identified that would decrease the effectiveness of the NRC-approved emergency plan, application to the NRC will be made and such proposed changes will not be implemented until approved by the NRC.

Likewise, any changes to the existing NMP1 and NMP2 physical security, guard training and qualification, and safeguards contingency plans resulting from the transfer of real property to NMP3 will be made in accordance with the requirements of 10 CFR 50.54(p). Though none are expected, if any proposed changes are identified that would decrease the effectiveness of the NRC-approved security plans, application to the NRC will be made and such proposed changes will not be implemented until approved by the NRC.

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3.2 Other Proposed Changes

Additional changes are proposed to NMP1 TS Section 5.1, "Site," NMP1 TS Figure 5.1-1, and NMP2 TS Figure 4.1-1. These additional changes, described in Section 2.1.2 above, relocate information that is not appropriate to be maintained in the TS, remove unnecessary details, and make other administrative changes. These changes also improve consistency between the NMP1 and NMP2 TS descriptions of the site. Each of the changes is discussed below. The referenced item numbers correspond to the items listed in Section 2.1.2.1 (NMP1) and Section 2.1.2.2 (NMP2) above.

- NMP1 Item 1 - The first paragraph of NMP1 TS Section 5.1, which describes the NMPNS and JAFNPP site location and distances from NMP1 to the site boundary, is deleted.
 - (1) The description of the site location in NMP1 TS Section 5.1 is proposed to be relocated to Unit 1 Updated Final Safety Analysis Report (UFSAR) Section II-A, where the information currently exists. The site location is not readily altered, and any changes must also comply with the requirements of 10 CFR 50.59. If this facility information were altered in accordance with 10 CFR 50.59, there would not be a significant impact on safety (which is the criterion of 10 CFR 50.36(c)(4) for inclusion in the TS as a Design Feature). Therefore, removing these details from the TS, while maintaining the details in the UFSAR, will not impact safe operation of the facility. These details are not required to be in the TS to provide adequate protection of the health and safety of the public.
 - (2) The description of the distances from NMP1 to the site boundary is not required because the same information is provided on TS Figure 5.1-1, which is a scaled diagram. Since the information continues to be provided, this change is considered administrative.
- NMP1 Item 2 - The second paragraph of NMP1 TS Section 5.1, which references Figure 5.1-1 for a description of the site boundary, identification of gaseous and liquid waste release points, and the unrestricted areas within the site boundary that are accessible to members of the public, is replaced with the following two new sentences:

"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."

- (1) The reference to Figure 5.1-1 for the identification of gaseous and liquid waste release points is deleted. This reference was initially added by License Amendment No. 66 (issued on November 2, 1984), which added Radiological Effluent TS (RETS) in accordance with the model RETS provided in NUREG-0473, "Radiological Effluent Technical Specifications for Boiling Water Reactors," Revision 2. The RETS were subsequently relocated from the TS to licensee-controlled documents (e.g., the Offsite Dose Calculation Manual (ODCM)) by License Amendment No. 176 (issued on September 11, 2002). Identification of the NMP1 gaseous and liquid waste release points is proposed to be relocated to the NMP1 UFSAR, where the information currently exists. Any changes to this design information must also comply with the requirements of 10 CFR 50.59. If this facility design information were altered in accordance with 10 CFR 50.59, there would not be a significant impact on safety (which is the criterion of 10 CFR 50.36(c)(4) for inclusion in the TS as a Design Feature). Therefore, removing these details from the TS, while maintaining the details in the NMP1 UFSAR, will not impact safe operation of the facility. These details are not required to be in the TS to provide adequate protection of the health and safety of the public.

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Identification of the NMP2 and JAFNPP gaseous and liquid waste release points is proposed to be deleted. The NMP1 TS only cover operation of NMP1, not NMP2 or a plant operated by another entity. Therefore, it is not appropriate to have a design feature of another nuclear power plant maintained in the NMP1 TS. Since the NMP1 Operating License (OL) controls the operation of NMP1 only, and Section 2.C.(2) of the OL states that NMPNS shall operate the facility (NMP1) in accordance with the TS, this deletion is considered administrative.

- (2) The reference to Figure 5.1-1 for the identification of the unrestricted areas within the site boundary that are accessible to members of the public is deleted. The restricted area follows the same boundary as the exclusion area. There are no unrestricted areas within the site boundary that are routinely accessible to members of the public. This is an administrative change.
 - (3) The description of the low population zone is added to be consistent with similar information that is provided in NMP2 TS Section 4.1. This description is in accordance with the NMP1 safety analyses that have been performed to demonstrate compliance with the requirements of 10 CFR 50.67.
- NMP1 Item 3 and NMP2 Item 1 - On NMP1 TS Figure 5.1-1 and NMP2 TS Figure 4.1-1, the reference to "Power Authority State of New York" is replaced with "Entergy Nuclear FitzPatrick, LLC." This is an administrative change to reflect the current ownership of JAFNPP, which is adjacent to NMPNS and shares the same site boundary.
 - NMP1 Item 4 and NMP2 Item 2 - On NMP1 TS Figure 5.1-1 and NMP2 TS Figure 4.1-1, the railroad lines have been deleted. These lines are no longer in use and have been disabled. They are not relevant to the purpose of the figures (i.e., to show the site and exclusion area boundaries and the locations of the plants relative to these boundaries).
 - NMP1 Items 5 and 6 - On NMP1 TS Figure 5.1-1, Notes (a), (b), and (c) describing the heights of the NMP1, NMP2, and JAFNPP stacks are deleted, and the identification of the NMP1, NMP2, and JAFNPP radioactive liquid discharge locations and the associated Notes (d), (e), and (f) are deleted. This information was initially added by License Amendment No. 66 (issued on November 2, 1984), which added RETS in accordance with the model RETS provided in NUREG-0473, Revision 2. The RETS were subsequently relocated from the TS to licensee-controlled documents (e.g., the ODCM) by License Amendment No. 176 issued on September 11, 2002. The NMP1 stack height and identification of the NMP1 radioactive liquid discharge location are proposed to be relocated to the NMP1 UFSAR, where the information currently exists. Any changes to this design information must also comply with the requirements of 10 CFR 50.59. If this facility design information were altered in accordance with 10 CFR 50.59, there would not be a significant impact on safety (which is the criterion of 10 CFR 50.36(c)(4) for inclusion in the TS as a Design Feature). Therefore, removing these details from the TS, while maintaining the details in the NMP1 UFSAR, will not impact safe operation of the facility. These details are not required to be in the TS to provide adequate protection of the health and safety of the public.

The stack heights and identification of the radioactive liquid discharge locations for NMP2 and JAFNPP are proposed to be deleted. The NMP1 TS only cover operation of NMP1, not NMP2 or a plant operated by another entity. Therefore, it is not appropriate to have design features of another nuclear power plant maintained in the NMP1 TS. Since the NMP1 OL controls the operation of NMP1 only, and Section 2.C.(2) of the OL states that NMPNS shall operate the facility (NMP1) in accordance with the TS, these changes are considered administrative.

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- NMP2 Items 3 and 4 - On NMP2 TS Figure 4.1-1, the labels for the NMP2 Stack and the NMP2 Reactor Building Vent are deleted, and the identification of the NMP2 Liquid Discharge location is deleted. This RETS information was included as part of the original NMP2 TS issued in 1987. The RETS were subsequently relocated from the TS to licensee-controlled documents (e.g., the ODCM) by License Amendment No. 91 (issued on February 15, 2000). The NMP1 stack, reactor building vent, and liquid discharge locations are proposed to be relocated to the NMP2 Updated Safety Analysis Report (USAR), where the information currently exists. Any changes to this design information must also comply with the requirements of 10 CFR 50.59. If this facility design information were altered in accordance with 10 CFR 50.59, there would not be a significant impact on safety (which is the criterion of 10 CFR 50.36(c)(4) for inclusion in the TS as a Design Feature). Therefore, removing these details from the TS, while maintaining the details in the NMP2 USAR, will not impact safe operation of the facility. These details are not required to be in the TS to provide adequate protection of the health and safety of the public.
- NMP1 Items 7 and 8 - On NMP1 TS Figure 5.1-1, Note (g), "Site Boundary," and Note (h), "Lake Ontario Shoreline," are deleted. A notation identifying the Site Area and Exclusion Area Boundaries is added to the figure, thereby providing the same information that is currently in Note (g). The location of the Lake Ontario shoreline is readily apparent and does not need any further identification, and such a note is not included on NMP2 TS Figure 4.1-1. These changes are considered administrative.
- NMP1 Item 9 and NMP2 Item 5 - On NMP1 TS Figure 5.1-1, the unlabeled depiction of the Energy Information Center location and the road leading to this facility are deleted, and on NMP2 TS Figure 4.1-1, the identification of the Nuclear Learning Center, Energy Information Center, and Meteorological Tower locations, and the roads leading to these facilities, are deleted. The locations of these facilities are proposed to be relocated to the NMP1 UFSAR and the NMP2 USAR, where the information currently exists. Any changes to this design information must also comply with the requirements of 10 CFR 50.59. If this facility design information were altered in accordance with 10 CFR 50.59, there would not be a significant impact on safety (which is the criterion of 10 CFR 50.36(c)(4) for inclusion in the TS as a Design Feature). Therefore, removing these details from the TS, while maintaining the details in the NMP1 UFSAR and the NMP2 USAR, will not impact safe operation of the facility. In addition, there are no unrestricted areas within the site boundary that are routinely accessible to members of the public. These details are not required to be in the TS to provide adequate protection of the health and safety of the public.
- NMP1 Item 10 and NMP2 Item 6 - On NMP1 TS Figure 5.1-1 and NMP2 TS Figure 4.1-1, there is a vertical line in the center of the figure that is being deleted. This change is considered administrative, as the line serves no apparent purpose.
- NMP1 Item 11 - On NMP1 TS Figure 5.1-1, the "Additional Information" Notes describing the heights above ground level of the NMP2 Reactor Building Vent, the JAFNPP Reactor and Turbine Building Vents, and the JAFNPP Radwaste Building Vent are deleted. The NMP1 TS only cover operation of NMP1, not NMP2 or a plant operated by another entity. Therefore, it is not appropriate to have design features of another nuclear power plant maintained in the NMP1 TS. Since the NMP1 OL controls the operation of NMP1 only, and Section 2.C.(2) of the OL states that NMPNS shall operate the facility (NMP1) in accordance with the TS, these changes are considered administrative.

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3.3 Conclusions

The proposed amendments do not involve any physical changes to either NMP1 or NMP2, the site area and exclusion area boundaries and low population zone remain unchanged, and there will be no change in the day-to-day operations, security measures, or emergency preparedness measures for either NMP1 or NMP2. The conditions of the property transfer and associated easements also ensure that the co-located licensees/applicants will meet their 10 CFR 100 responsibilities for the relevant exclusion areas. Therefore, the proposed amendments do not adversely affect safe operation of NMP1 and NMP2 or the ability to provide adequate protection of the health and safety of the public.

4.0 REGULATORY EVALUATION

4.1 Applicable Regulatory Requirements/Criteria

In 10 CFR 50.36, requirements related to the content of TSs are established. Pursuant to 10 CFR 50.36, TSs are required to include items in the following five specific categories: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) surveillance requirements; (4) design features; and (5) administrative controls. Design features to be included are those features of the facility such as materials of construction and geometric arrangements, which, if altered or modified, would have a significant effect on safety and are not covered in the first three categories. The Design Features sections of the NMP1 and NMP2 TS, as modified by the proposed changes, continue to describe the exclusion area boundary and the low population zone, which is the information pertinent to the requirements of 10 CFR 50.67 and 10 CFR 100.

4.2 Significant Hazards Consideration

Nine Mile Point Nuclear Station, LLC (NMPNS) is requesting amendments to the Nine Mile Point Unit 1 (NMP1) Renewed Facility Operating License DPR-63 and to the Nine Mile Point Unit 2 (NMP2) Renewed Facility Operating License NPF-69. The proposed amendments would revise the site descriptions contained in the Design Features sections of the NMP1 and NMP2 Technical Specifications (TS) to reflect the transfer of a portion of the NMPNS site real property located outside of the NMPNS Protected Area but within the current NMPNS Owner Controlled Area to Nine Mile Point 3 Nuclear Project, LLC (NMP3), a subsidiary of UniStar Nuclear Energy, LLC. A Combined License (COL) application for Nine Mile Point 3 Nuclear Power Plant (NMP3NPP) was submitted to the NRC by NMP3 and UniStar Nuclear Operating Services, LLC on September 30, 2008. The NRC docketed the NMP3NPP COL application on December 12, 2008 (NRC Docket No. 52-038).

The conditions of the property transfer will include easements granted to NMPNS providing NMPNS the ability to access and use the transferred parcel to perform security, emergency preparedness, and site monitoring activities. The transfer and associated easements granted to NMP3 will not hamper or interfere with operation of NMP1 and NMP2 or with security or emergency preparedness measures for the existing NMPNS units. The conditions of the property transfer and associated easements also ensure that the co-located licensees/applicants will meet their 10 CFR 100 responsibilities for the relevant exclusion areas.

Additional changes to the TS Design Features sections are also proposed that would relocate information that is not appropriate to be maintained in the TS, remove unnecessary details, and make other administrative changes.

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EVALUATION OF THE PROPOSED CHANGE

NMPNS has evaluated whether or not a significant hazards consideration is involved with the proposed amendments 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.

The proposed amendments are intended only to reflect the transfer of a portion of the NMPNS site real property to NMP3, relocate certain design details from the TS to the NMP1 and NMP2 safety analysis reports, and make other changes that are administrative in nature. No physical or operational changes to the facility will result from the proposed amendments, and the exclusion area boundary and low population zone will not be altered. The proposed amendments do not modify the design assumptions for systems or components used to mitigate the consequences of accidents, and the initial conditions and methodologies used in the NMP1 and NMP2 accident analyses remain unchanged.

Based on the above discussion, it is concluded that the proposed amendments do 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.

The proposed amendments do not involve a physical alteration of the plants (no new or different type of equipment will be installed) or changes in methods governing normal plant operation. The safety functions of NMP1 and NMP2 structures, systems, or components are not changed in any manner, and the reliability of structures, systems, or components is not reduced. Thus, no new failure modes or potential accident initiators are introduced.

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

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

Response: No.

No physical or operational changes to NMP1 and NMP2 will result from the proposed amendments, and the exclusion area boundary and low population zone will not be altered. The proposed amendments do not affect any safety limits, setpoints, or safety analysis assumptions.

Therefore, the proposed amendments do not involve a significant reduction in a margin of safety.

Based on the above, NMPNS concludes that the proposed amendments do not involve a 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.

ENCLOSURE
EVALUATION OF THE PROPOSED CHANGE

4.3 Conclusions

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 amendments 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 amendments to reflect the transfer of a portion of the Nine Mile Point Nuclear Station (NMPNS) site real property located outside of the NMPNS Protected Area but within the current NMPNS Owner Controlled Area to UniStar subsidiary Nine Mile Point 3 Nuclear Project, LLC, and other changes to the Design Features sections of the NMP1 and NMP2 TS, do not directly affect the actual operation of NMP1 and NMP2 in any substantive way. The proposed amendments do 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 amendments meet 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 amendments.

ATTACHMENT 1

NINE MILE POINT UNIT 1

PROPOSED TECHNICAL SPECIFICATION CHANGES (MARK-UP)

The current versions of NMP1 Technical Specification (TS) pages 342, 343, and 344 have been marked-up by hand to reflect the proposed changes.

5.0 DESIGN FEATURES

5.1 Site

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.

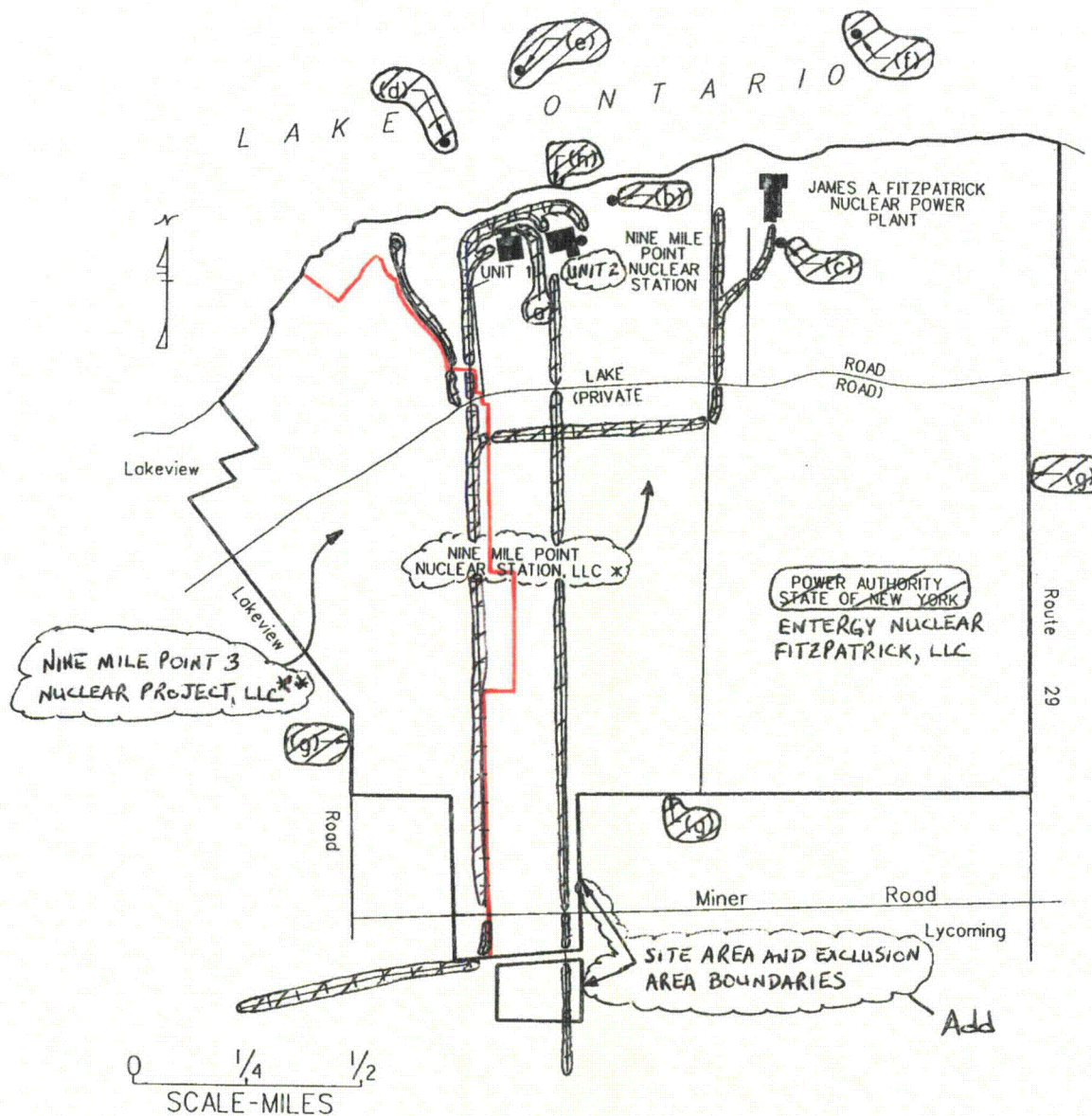
5.2 Reactor

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)

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.



* 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.

** Insert 1

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 1 (for NMP1 TS Figure 5.1-1, TS Page 343)

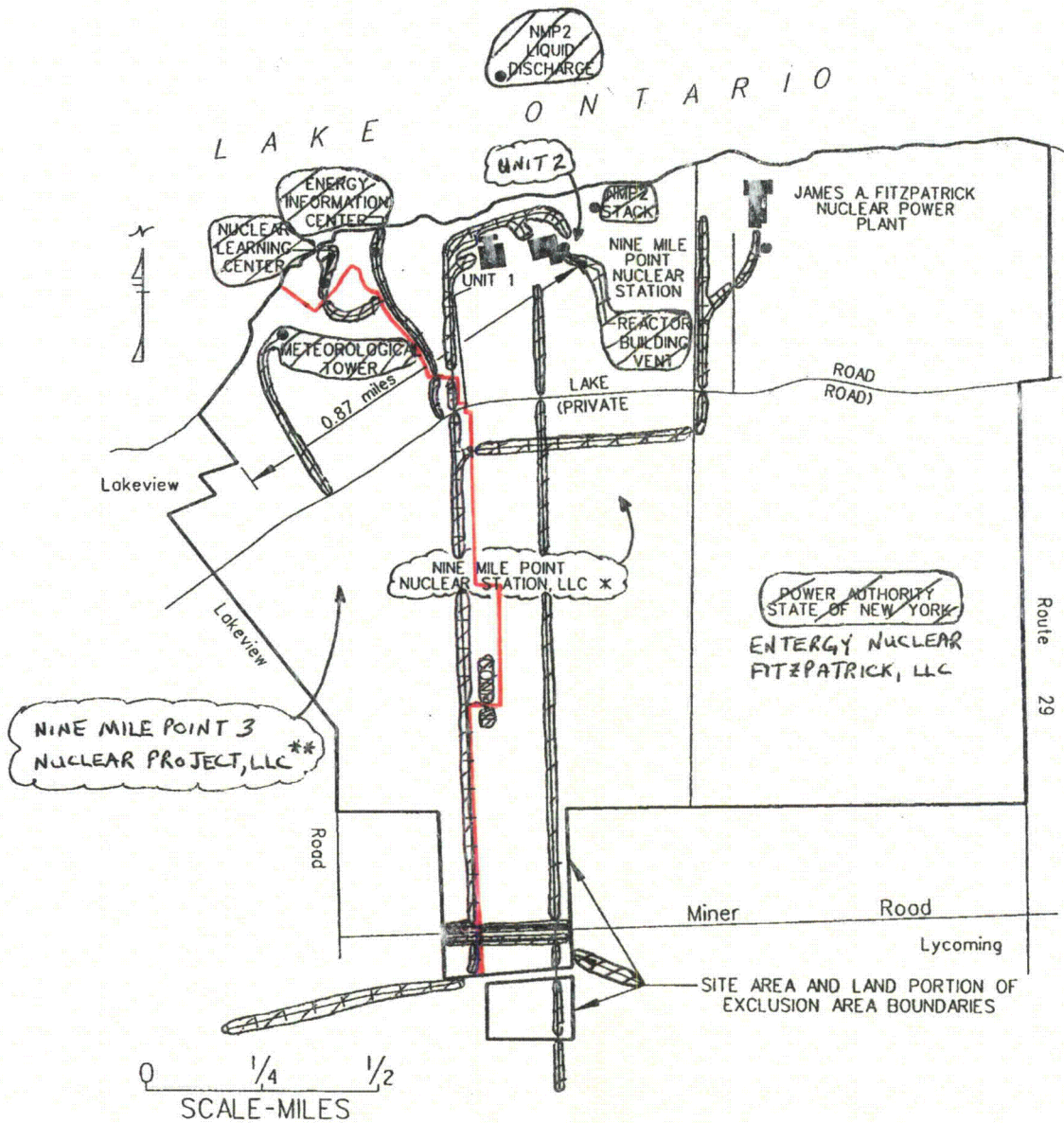
- **** Nine Mile Point Nuclear Station, LLC has easements to access and use the property owned by Nine Mile Point 3 Nuclear Project, LLC for security, emergency preparedness, and site monitoring purposes, by Agreement.

ATTACHMENT 2

NINE MILE POINT UNIT 2

PROPOSED TECHNICAL SPECIFICATION CHANGES (MARK-UP)

The current version of NMP2 Technical Specification (TS) page 4.0-3 has been marked-up by hand to reflect the proposed changes.



* 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.

** Insert 1

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

INSERT 1 (for NMP2 TS Figure 4.1-1, TS Page 4.0-3)

- **** 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.