



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 13, 2011

Mr. Ken Langdon
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: REQUEST FOR ADDITIONAL INFORMATION REGARDING NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2 – RE: REVISION TO TECHNICAL SPECIFICATIONS DESIGN FEATURES SECTIONS TO REFLECT THE TRANSFER OF PORTION OF SITE REAL PROPERTY (TAC NOS. ME6783 AND ME6784)

Dear Mr. Langdon:

By letter dated July 20, 2011, as supplemented on November 3, 2011, Nine Mile Point Nuclear Station, LLC (NMPNS) submitted a license amendment for Nine Mile Point, Unit Nos. 1 and 2 (NMP-1 and 2). The proposed amendment would modify the NMP1 Technical Specification (TS) Section 5.1, "Site," and associated TS Figure 5.1-1, "Site Boundaries, Nine Mile Point - Unit 1," and the NMP2 TS Figure 4.1-1, "Site Area and Land Portion of Exclusion Area Boundaries," 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, a subsidiary of UniStar Nuclear Energy, LLC.

The Nuclear Regulatory Commission (NRC) staff is reviewing the information provided in those letters and has determined that additional information is needed to support its review. Enclosed is the NRC staff's request for additional information (RAI). The RAI was discussed with your staff on December 8, 2011, and it was agreed that your response would be provided within 30 days from the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Guzman".

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

Docket Nos. 50-220 and 50-410

Enclosure:
As stated

cc w/encl: Distribution via Listserv

REQUEST FOR ADDITIONAL INFORMATION

NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2

REVISION TO TECHNICAL SPECIFICATIONS DESIGN FEATURES SECTIONS TO

REFLECT THE TRANSFER OF PORTION OF SITE REAL PROPERTY

DOCKET NOS. 50-220 AND 50-410

By letter dated July 20, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11208C395), as supplemented on November 3, 2011 (ADAMS Accession No. ML11319A051), Nine Mile Point Nuclear Station, LLC (NMPNS) requested an amendment to the Nine Mile Point, Unit No. 1 (NMP1) Renewed Facility Operating License DPR-63 and to the Nine Mile Point, Unit No. 2 (NMP2) Renewed Facility Operating License NPF-69. NMPNS's letter stated that the proposed amendments would revise the site descriptions contained in the Design Features sections of the NMP1 and NMP2 Technical Specifications (TSs) 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.

NMP2's Updated Safety Analysis Report (USAR) states in Section 2.1.2.1:

Nine Mile Point Nuclear Station, LLC (NMPNS), is owner in fee of the property within the exclusion area except for that portion encompassed by the James A. FitzPatrick site owned by Entergy Nuclear FitzPatrick, LLC. The authority which permits NMPNS to control activities over that portion of the Unit 2 EAB [exclusion area boundary] owned by Entergy Nuclear FitzPatrick, LLC, is a formal agreement between NMPNS and NYPA [New York Power Authority], which provides for reciprocal inclusion of each party's project property in the exclusion area for Units 1 and 2 and the James A. FitzPatrick Nuclear Power Plant. No one resides in the exclusion area and no easements have been granted within the EAB, except: (1) such agreements between NMPNS and Entergy Nuclear Operations, Inc., for joint use of facilities and access to them for that purpose;...

NUREG-1047, "Safety Evaluation Report Related to the Operations of Nine Mile Point Nuclear Station, Unit No. 2," dated February 1985, states in Section 2.1.2:

The authority that permits NMPC [Niagara Mohawk Power Corporation] to have control of all activity in the exclusion area (including that owned by PASNY [Power Authority of the State of New York]) is provided by a formal agreement executed in 1970 between NMPC and PASNY. The agreement calls for reciprocal NMP2 inclusion of each party's property within the respective exclusion area. This authority complies with the Commission's regulation, Reactor Site Criteria, 10 CFR 100. No easements have been granted to anyone within the exclusion area, except for those agreed to between NMPC and PASNY.

The Nuclear Regulatory Commission (NRC) staff is reviewing the request letter and has determined that additional information as requested below will be needed to support its review.

1. Has the agreement referenced in the NUREG and USAR been updated to reflect the current ownerships of NMPNS and the James A. FitzPatrick Nuclear Power Plant?
2. Has the proposed transfer of real property been reviewed by the James A. FitzPatrick Nuclear Power Plant as provided in NUREG-1047?
3. Will the USAR be updated to reflect this transfer of real property to NMP3, a subsidiary of UniStar Nuclear Energy, LLC?
4. Will the formal agreement between NMPNS and NYPA be updated to reflect this transfer of real property to NMP3, a subsidiary of UniStar Nuclear Energy, LLC?
5. Please provide a copy of the current agreement between NMPNS and NYPA.

December 13, 2011

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Vice President Nine Mile Point
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Sincerely,
/RA/

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
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Docket Nos. 50-220 and 50-410

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ADAMS Accession No.: ML113420578 *Concurrence via e-mail. **RAI provided by e-mail. No substantial changes made.

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