



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

July 12, 2012

Mr. Ken Langdon
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 NOS. 1 AND 2 - ISSUANCE OF AMENDMENTS RE: 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 (TAC NO. ME6783 AND ME6784)

Dear Mr. Langdon:

The Commission has issued the enclosed Amendment No. 212 to Renewed Facility Operating License No. DPR-63 and Amendment No. 142 to Renewed Facility Operating License No. NPF-69 for the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2. The amendments consist of changes to the Technical Specifications in response to your application dated July 20, 2011, as supplemented on November 3, 2011, and January 12, 2012.

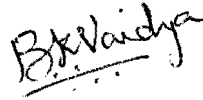
The amendments revised the NMP1 Technical Specification (TS) Section 5.1, "Site," and associated TS Figure 5.1-1, "Site Boundaries, Nine Mile Point - Unit 1," and the NMP2 TS Figure 4.1-1, "Site Area and Land Portion of Exclusion Area Boundaries," to reflect the transfer of a portion of the Nine Mile 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.

K. Langdon

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A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly Federal Register notice.

Sincerely,

A handwritten signature in black ink, appearing to read "B.K. Vaidya". The signature is written in a cursive style with a horizontal line underneath the name.

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

Enclosures:

1. Amendment No. 212 to DPR-63
2. Amendment No. 142 to NPF-69
3. Safety Evaluation

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

NINE MILE POINT NUCLEAR STATION, LLC

DOCKET NO. 50-220

NINE MILE POINT NUCLEAR STATION UNIT NO. 1

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 212
Renewed License No. DPR-63

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated July 20, 2011, as supplemented on November 3, 2011, and January 12, 2012, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter 1;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

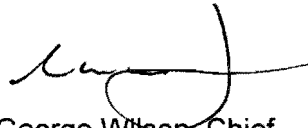
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Renewed Facility Operating License No. DPR-63 is hereby amended to read as follows:

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 212, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 1 day following the actual transfer of the title to the property.

FOR THE NUCLEAR REGULATORY COMMISSION



George Wilson, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and Technical
Specifications

Date of Issuance: July 12, 2012

ATTACHMENT TO LICENSE AMENDMENT NO. 212
TO RENEWED FACILITY OPERATING LICENSE NO. DPR-63
DOCKET NO. 50-220

Replace the following page of the Renewed Facility Operating License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page

Page 3

Insert Page

Page 3

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

342
343
344

Insert Pages

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344

- (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 No212 is hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications.

(3) Deleted

5.0 DESIGN FEATURES

5.1 Site

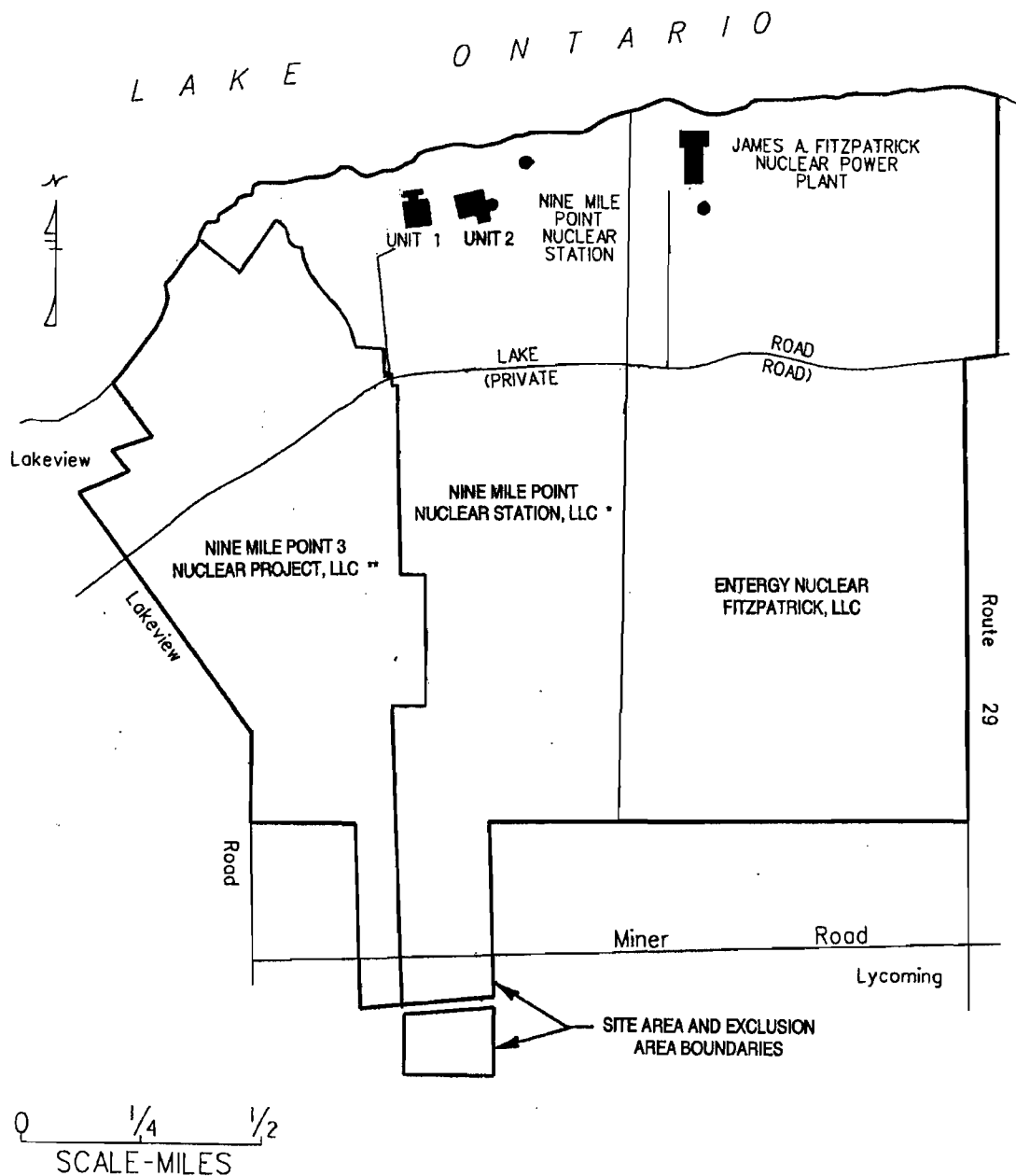
The site area boundary and exclusion area boundary are as shown in Figure 5.1-1.

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.

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)



* 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.

** 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.

FIGURE 5.1-1
SITE BOUNDARIES
NINE MILE POINT - UNIT 1

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

NINE MILE POINT NUCLEAR STATION, LLC

DOCKET NO. 50-410

NINE MILE POINT NUCLEAR STATION, UNIT 2

AMENDMENT TO RENEWED FACILITY OPERATING LICENSE

Amendment No. 142
Renewed License No. NPF-69

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated July 20, 2011, as supplemented on November 3, 2011, and January 12, 2012, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter 1;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.

2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Renewed Facility Operating License No. NPF-69 is hereby amended to read as follows:

- (2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, as revised through Amendment No. 142 are hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

3. This license amendment is effective as of the date of its issuance and shall be implemented within 1 day following the actual transfer of the title to the property.

FOR THE NUCLEAR REGULATORY COMMISSION



George Wilson, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Attachment:
Changes to the License and Technical
Specifications

Date of Issuance: July 12, 2012

ATTACHMENT TO LICENSE AMENDMENT NO. 142
TO RENEWED FACILITY OPERATING LICENSE NO. NPF-69

DOCKET NO. 50-410

Replace the following page of the Renewed Facility Operating License with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page

Insert Page

Page 4

Page 4

Replace the following pages of the Appendix A Technical Specifications with the attached revised pages. The revised pages are identified by amendment number and contain marginal lines indicating the areas of change.

Remove Pages

Insert Pages

4.0-3

4.0-3

(1) Maximum Power Level

Nine Mile Point Nuclear Station, LLC is authorized to operate the facility at reactor core power levels not in excess of 3988 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein.

(2) Technical Specifications and Environmental Protection Plan

The Technical Specifications contained in Appendix A and the Environmental Protection Plan contained in Appendix B, both of which are attached hereto, as revised through Amendment No.142 are hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications and the Environmental Protection Plan.

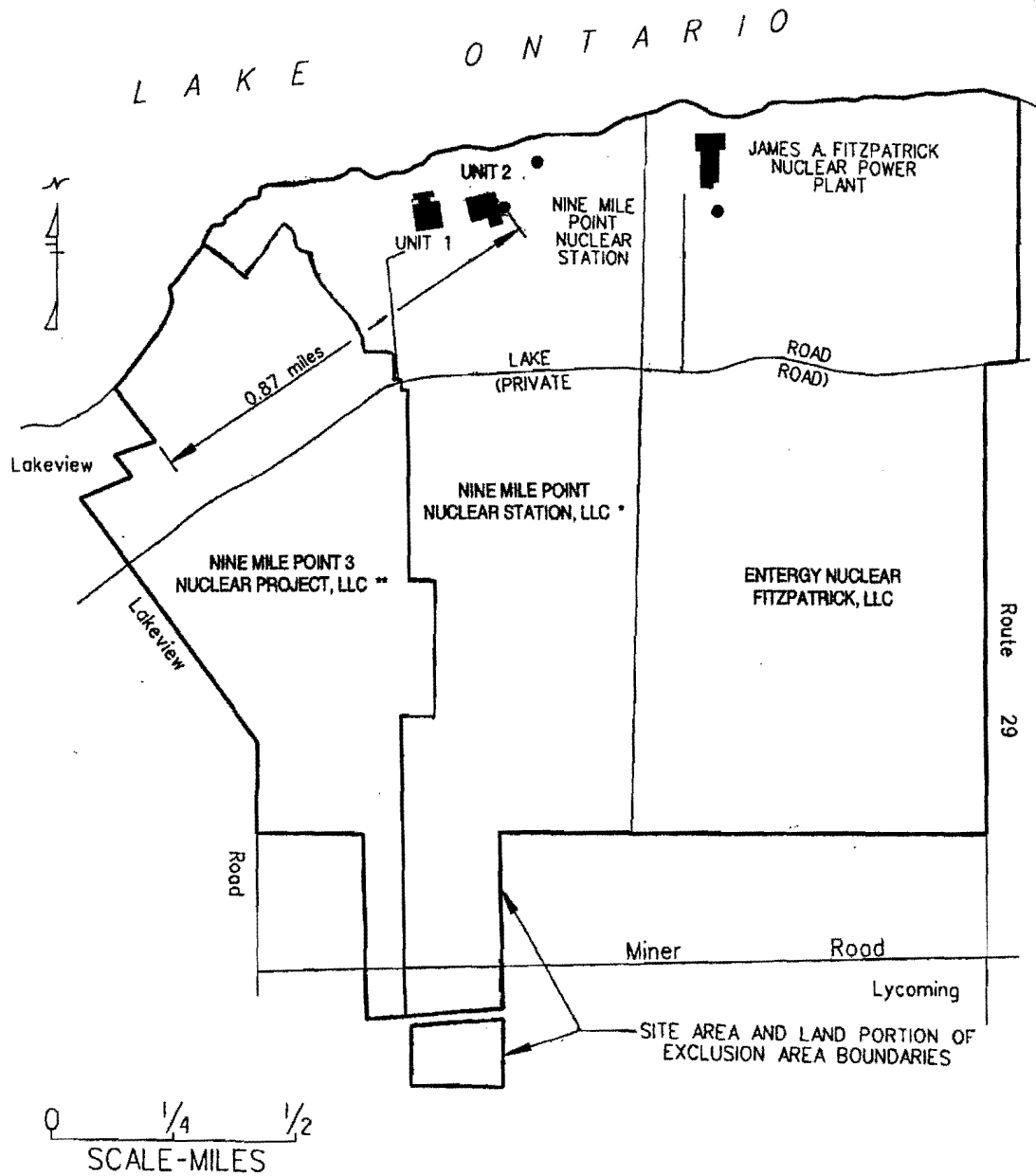
(3) Fuel Storage and Handling (Section 9.1, SSER 4)*

- a. Fuel assemblies, when stored in their shipping containers, shall be stacked no more than three containers high.
- b. When not in the reactor vessel, no more than three fuel assemblies shall be allowed outside of their shipping containers or storage racks in the New Fuel Vault or Spent Fuel Storage Facility.
- c. The above three fuel assemblies shall maintain a minimum edge-to-edge spacing of twelve (12) inches from the shipping container array and approved storage rack locations.
- d. The New Fuel Storage Vault shall have no more than ten fresh fuel assemblies uncovered at any one time.

(4) Turbine System Maintenance Program (Section 3.5.1.3.10, SER)

The operating licensee shall submit for NRC approval by October 31, 1989, a turbine system maintenance program based on the manufacturer's calculations of missile generation probabilities. (Submitted by NMPC letter dated October 30, 1989 from C.D. Terry and approved by NRC letter dated March 15, 1990 from Robert Martin to Mr. Lawrence Burkhardt, III).

* The parenthetical notation following the title of many license conditions denotes the section of the Safety Evaluation Report (SER) and/or its supplements wherein the license condition is discussed.



- * 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.
- ** 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.

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



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENTS NOS. 212 AND 142 TO RENEWED FACILITY OPERATING
LICENSE NOS. DPR-63 AND NPF-69
NINE MILE POINT NUCLEAR STATION, LLC
NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2
DOCKET NOS. 50-220 AND 50-410

1.0 INTRODUCTION

By letter July 20, 2011 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML11208C395), as supplemented on November 3, 2011, and January 12, 2012 (ADAMS Accession Nos. ML11319A051 and ML12013A336 respectively), Nine Mile Point Nuclear Station, LLC (the licensee, NMPNS) submitted a request for 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, Technical Specifications (TSs). The supplements dated November 3, 2011, and January 12, 2012, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the Nuclear Regulatory Commission (NRC) staff's initial proposed no significant hazards consideration determination noticed in the *Federal Register* on December 27, 2011 (76 FR 80977).

The licensee's license amendment request dated July 20, 2011, provided the following for the description of the proposed amendment:

The proposed amendments would revise 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 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).

2.0 REGULATORY EVALUATION

The NRC staff used the following regulatory requirement to review the impact of the proposed changes:

Regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.36(b) state, in part, that the technical specifications will be derived from the analyses and evaluation included in the safety analysis report, and amendments thereto, submitted pursuant to Section 50.34. Also, the regulations in 10 CFR Section 50.36(c)(4), state in part, that the Design features to be included are those features of the facility such as material of construction and geometric arrangements, which, if altered would have a significant effect on safety.

The NRC staff used the following regulatory requirements to review the impact of the proposed changes on the NMPNS Emergency Plan:

- (a) The emergency preparedness guidelines in Appendix E to Title 10 of the *Code of Federal Regulations* (CFR) Part 50 "Emergency Planning and Preparedness for Production and Utilization Facilities," and
- (b) The regulatory requirements of 10 CFR Part 100.11, "Determination of exclusion area, low population zone, and population center distance."

To review the impact of the proposed changes on previously analyzed design basis accident (DBA) radiological consequences, the NRC staff used the following regulatory requirements:

- (a) the accident dose guidelines in 10 CFR 50.67, "Accident source term," as supplemented by accident-specific criteria in Section 15 of the Standard Review Plan (SRP), and
- (b) 10 CFR Part 50 Appendix A, General Design Criterion 19 (GDC-19), "Control Room," as supplemented by Section 6.4 of the SRP.

3.0 TECHNICAL EVALUATION

3.1 Consequences of Land Transfer

NUREG-1047, "Safety Evaluation Report related to the Operation of Nine Mile Point Nuclear Station Units 1 No. 2," dated February 1985 (Reference 4), states the following:

The site for the Nine Mile Point Nuclear Station (NMP), which is a two-unit station (NMP1 and NMP-2, consists of 364 hectares (900 acres) of land located in upstate New York on the western part of the Nine Mile Point promontory. Both units are owned by the Niagara Mohawk Power Company (NMPC). The James A FitzPatrick Nuclear Power Plant, owned by the Power Authority of the State of New York (PASNY), is located immediately adjacent to NMP-2 on the eastern part of the Nine Mile Point promontory....

The exclusion area for the NMP site is defined as an irregularly shaped area that conforms to the site boundary lines.... The NMP site and the Fitzpatrick site (which are adjacent to one another) have a common exclusion area boundary.

However, the respective land areas (including surface and mineral rights), as indicated in Figure 2.1, are separately owned by NMPC and PASNY. The authority that permits NMPC to have control of all activity in the exclusion area (including that owned by PASNY) is provided by a formal agreement executed in 1970 between NMPC and PASNY. The agreement calls for reciprocal 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.... Activities that occur within the exclusion area that are unrelated to NMP-2 operations include those associated with NMP-1 and the operation of the FitzPatrick plant....

The staff concludes, by virtue of ownership of the land and control of the mineral rights within the exclusion area, and on the basis that suitable arrangements have been made to control all activity unrelated to plant operations, that the applicant has the authority to determine all activities within the exclusion area, as required by 10 CFR 100. The staff also concludes that the activities within the exclusion area unrelated to plant operation will not interfere with normal plant operation.

In its application of July 20, 2011, the licensee stated:

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, [EDF] 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., the licensee determined that 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.

Based on its review of the licensee's submissions, the NRC staff also finds that prior NRC approval is not required in accordance with the regulation in 10 CFR 50.83, because this transfer of property does not involve the transfer of property for unrestricted use. The NRC staff also finds that the conditions of the transfer and associated easements will ensure that the co-located licensees/applicants will be able to meet their 10 CFR Parts 20 and 100 responsibilities for the relevant restricted and exclusion areas.

3.2 Emergency Planning;

The requirement in Section II.C to Appendix E of 10 CFR Part 50, states, "Protective measures to be taken within the site boundary and within each EPZ [emergency planning zone] to protect health and safety in the event of an accident; procedures by which these measure are to be carried out (e.g., in the case of an evacuation, who authorizes the evacuation, how the public is to be notified and instructed, how the evacuation is to be carried out); and the expected response of offsite agencies in the event of an emergency."

In its application of July 20, 2011, the licensee stated:

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.

In its supplemental letter of November 3, 2011, the licensee stated:

In the event any activities are later planned on the NMP3 Site, NMP3 would notify NMPNS and the activities would be evaluated by NMPNS under 10 CFR 50.59 to identify any changes that could create potential hazards for the existing operating units. The activities would also be evaluated under 10 CFR 50.54(p) to identify any changes that could decrease the effectiveness of the NMPNS security plans and 10 CFR 50.54(q) to identify any changes that could decrease the effectiveness of the NMPNS emergency plans. Prior NRC approval would be sought if the evaluations under 10 CFR 50.59, 10 CFR 50.54(p), or 10 CFR 50.54(q) indicate that NRC approval is warranted for the proposed change or activity.

Importantly, the NMP3 Site lies entirely within the existing NMPNS Exclusion Area Boundary (EAB). The EAB encompasses the entire site, including the site for the adjacent James A. FitzPatrick Nuclear Power Plant (FitzPatrick), owned and operated by Energy Nuclear FitzPatrick, LLC. Thus, at all times, NMPNS will retain its authority as an existing licensee to monitor all activities on the transferred land, including exclusion or removal of personnel and property, in accordance with the requirements of 10 CFR 100.3. Once NMP3 becomes a licensed entity, the NMP3 will intersect that of the current and common EAB for NMP Units 1 and 2 and FitzPatrick.

In its supplemental letter of January 12, 2012, the licensee stated that the 1970 agreement and several other relevant documents have been updated to reflect the current ownership of NMP Units 1 and 2 and FitzPatrick, and that an updated or new formal agreement between NMPNS and Entergy will be drafted and executed concurrent with completion of the land transfer.

Finally, in its application of July 20, 2011, the licensee indicated that there are no expected changes resulting from the real property transfer that would decrease the effectiveness of the NRC approved Emergency Plan.

Based on the its review of the licensee's submissions, the NRC staff concludes that the proposed changes do not change the licensee's authority to monitor all activities on the transferred land, including exclusion or removal of personnel and property, in accordance with the requirements of 10 CFR 100.3. Additionally, these proposed changes do not change the size or location of the EAB or the low population zone (LPZ), but rather only define the conditions of the property transfer and related easements granted to NMP3.

Consequently, the staff finds that the proposed changes do not affect the current NMP1 and NMP2 Emergency Plan. Therefore, the NRC staff concludes that these changes are acceptable with respect to emergency planning.

3.3 Previously analyzed design basis accident (DBA) radiological consequences:

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 NMP3 Nuclear Project, LLC is added to both figures:

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.

NMP1 radiological dose consequences analyses for DBAs were approved by the NRC in License Amendment No. 194 issued December 19, 2007 (ADAMS Accession Number ML073230597). NMP2 radiological dose consequences analyses for DBAs were approved by the NRC in License Amendment No. 125 issued May 29, 2008, (ADAMS Accession Number ML081230439). In these amendments the licensee adopted the alternate source term (AST) methodology.

The proposed changes do not change the assumptions made in the AST analysis or licensing basis. Additionally, the proposed changes do not change the size or location of the EAB or the LPZ, but rather only defines the conditions of the property transfer and related easements granted to NMP3. The licensee provides that no physical or procedural changes are being made that affect plant equipment and, therefore, the radiological consequences due to station events are not changed.

Based on the above discussion, the staff finds that the proposed changes do not affect the NMP1 and NMP2 current radiological consequence analyses. Therefore, the staff concludes these changes are acceptable with respect to the radiological consequences of DBAs.

3.4 Conclusions – Technical Evaluation:

3.4.1 Consequences of Land Transfer

As discussed in Section 3.1 above, the NRC staff finds that prior NRC approval is not required in accordance with the regulation in 10 CFR 50.83, because this transfer of property does not involve the transfer of property for unrestricted use. In addition, the NRC staff concludes that the conditions of the transfer and associated easements will ensure that the co-located licensees/applicants will be able to meet their 10 CFR Parts 20 and 100 responsibilities for the relevant restricted and exclusion areas. Therefore, the proposed changes are acceptable with regard to the consequences of land transfer.

3.4.2 Emergency Planning:

As discussed in Section 3.2 above, the NRC staff reviewed the justification used by the licensee to assess any impacts of the changes to the NMP1 and NMP2 Emergency Plan. The NRC staff finds that the licensee used methods consistent with regulatory requirements and guidance identified in Section 2.0 above. The NRC staff finds that the proposed changes do not affect the current NMP1 and NMP2 Emergency Plan. Therefore, the proposed changes are acceptable with regard to emergency planning.

3.4.3 Previously analyzed design basis accident (DBA) radiological consequences

As discussed in Section 3.3 above, the NRC staff reviewed the justification used by the licensee to assess the radiological impacts of the changes to the Design Features section of the NMP1 and NMP2 TSs. The NRC staff finds that the licensee used methods consistent with regulatory requirements and guidance identified in Section 2.0 above. The NRC staff finds, with reasonable assurance that the licensee's estimates of the EAB, LPZ, and control room doses will continue to comply with these criteria. Therefore, the proposed changes are acceptable with regard to the radiological consequences of postulated DBAs.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendments. The State official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendments change a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendments involve no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation exposure. The Commission has previously issued a proposed finding that the amendments involve no significant hazards consideration, and there has been no public comment on such finding

(76 FR 80977). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant to 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendments.

6.0 CONCLUSION

The Commission has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, (2) there is reasonable assurance that such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

7.0 REFERENCES

1. CENG Letter, "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," dated July 20, 2011. (ADAMS Accession No. ML11208C395).
2. CENG Letter, "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 – Supplemental Information," dated November 3, 2011. (ADAMS Accession No. ML11319A051).
3. CENG Letter, "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 – Response to NRC Request for Additional Information," dated January 12, 2012. (ADAMS Accession No. ML12013A336).
4. NUREG-1047, Safety Evaluation Report related to the Operation of Nine Mile Point Nuclear Station Units 1 No. 2," dated February 1985. (ADAMS Legacy Accession No. 8502210335).

Principal Contributor: M. Norris
D. Duvigneaud, NRR/DRA

Date: July 12, 2012

K. Langdon

- 2 -

A copy of the related Safety Evaluation is enclosed. A Notice of Issuance will be included in the Commission's next regular biweekly Federal Register notice.

Sincerely,

/ra/

Bhalchandra K. Vaidya, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

Enclosures:

1. Amendment No. 212 to DPR-63
2. Amendment No. 142 to NPF-69
3. Safety Evaluation

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ADAMS Accession No.: ML12157A556 (*) No substantial changes to the SE Input Memorandum

OFFICE	NRR/LPL1-1\PM	NRR/LPL1-1\LA	NSIR/DPR/OPLOB/BC(*)	NRR/STSB/BC
NAME	BVaidya	KGoldstein	JAnderson	RElliott (MHamm for)
DATE	06/11/12	06/11/12	03/12/12	06/13/12
OFFICE	NRR/AADB/BC(*)	OGC	NRR/LPL1-1\BC	NRR/LPL1-1\PM
NAME	TTate	BMizuno	GWilson	BVaidya
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