



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

May 23, 2017

Mr. Bryan C. Hanson
Senior Vice President
Exelon Generation Company, LLC
President and Chief Nuclear Officer
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNITS 1 AND 2 – ACCEPTANCE OF
REQUESTED LICENSING ACTION RE: AMENDMENT TO REVISE
EMERGENCY ACTION LEVEL (CAC NOS. MF9720 AND MF9721)

Dear Mr. Hanson:

By letter dated May 19, 2017 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17139C739), Exelon Generation Company, LLC (Exelon, the licensee) submitted a license amendment request for the Nine Mile Point Nuclear Station, Units 1 and 2. The proposed amendments would revise emergency action level HU1.5 by replacing the maximum lake water level with the phrase, "A hazardous event that results in onsite conditions sufficient to prohibit the plant staff from accessing the site via personal vehicles."

The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC or the Commission) staff's acceptance review of this amendment request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

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

In its letter dated May 19, 2017, Exelon requested that the proposed amendments be processed on an exigent basis pursuant to 10 CFR 50.91(a)(6) and be approved by June 2, 2017. In order for a license amendment to be processed on an exigent basis, the following criteria from 10 CFR 50.91(a)(6) need to be satisfied:

1. "... exigent circumstance exist, in that a licensee and the Commission must act quickly ..."

2. "... time does not permit the Commission to publish a *Federal Register* notice allowing 30 days for prior public comment ..."
3. "... [Commission] determines that the amendment involves no significant hazards consideration ..."
4. "... [Commission] use its normal public notice and comment procedures ... if it determines that the licensee has failed to use its best efforts to make a timely application ..."

Exelon's bases for exigent circumstances include:

- Unexpected conditions in the Lake Ontario and Ottawa River drainage basins and a change in lake level management strategy in 2016 have resulted in Lake Ontario water level being managed at values higher than historic norms.
- The lake level will continue to increase such that Lake Ontario level may exceed the unusual event threshold by June 12, 2017, based on forecasted.
- The site may unnecessarily enter a UE for a prolonged period of time which would compound existing public stress and concern caused by the local environmental conditions.

The NRC staff has determined that the criteria for processing the proposed amendment on exigent basis has not been satisfied. Specifically, the first criterion listed above has not been satisfied. Entering an unusual event for the site due to higher than normal lake levels would not have a tangible and deleterious effect on radiological safety, general safety of the public, plant personnel safety, or plant operation that warrant quick action that would shorten the normal prior public comment period of 30 days.

The NRC staff has reviewed your application and concluded that it does provide technical information in sufficient detail to enable the NRC staff to complete its detailed technical review and make an independent assessment regarding the acceptability of the proposed amendments in terms of regulatory requirements and the protection of public health and safety and the environment. Given the lesser scope and depth of the acceptance review, as compared to the detailed technical review, there may be instances in which issues that impact the NRC staff's ability to complete the detailed technical review are identified despite completion of an adequate acceptance review. If additional information is needed, you will be advised by separate correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that this licensing request will take approximately 40 hours to complete. The NRC staff expects to complete this review by the end of June 2017 (i.e., approximately 1 month). If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date or significant changes in the forecasted hours, the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager.

B. Hanson

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These estimates are based on the NRC staff's initial review of the application and they could change, due to several factors, including requests for additional information, unanticipated addition of scope to the review, and review by NRC advisory committees or hearing-related activities. Additional delay may occur if the submittal is provided to the NRC in advance or in parallel with industry program initiatives or pilot applications.

If you have any questions, please contact the Nine Mile Point Nuclear Station Project Manager, Michael L. Marshall, Jr., at (301) 415-2871 or Michael.Marshall@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "James G. Danna". The signature is fluid and cursive, with a large initial "J" and "D".

James G. Danna, Chief
Plant Licensing Branch I
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

cc: Distribution via Listserv

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