

From: [Richard Guzman](#)
To: [Reynolds, Ronnie J:\(Constellation Nuclear\)](#)
Cc: [RidsNRRLIC109 Resource](#); [Hipo Gonzalez](#)
Subject: Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 - Acceptance Review Determination: Revision to TS Design Features Section to Remove the Nine Mile Point Unit 3 Nuclear Project, LLC [EPID: L-2023-LLA-0114]
Date: Friday, September 22, 2023 11:15:43 AM

Mr. Reynolds,

By letter dated August 18, 2023 (ADAMS Accession No. ML23230A010), Constellation Energy Generation, LLC (CEG, the licensee) submitted a license amendment request (LAR) for Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP1 and NMP2). The LAR proposes to remove the Nine Mile Point 3 Nuclear Project, LLC, (NMP3) designation from the NMP1 and 2 Technical Specifications (TSs) which are not applicable to the current design features of the NMP site. Specifically, Section 5.0, "Design Features," in the NMP1 TS and Section 4.0, "Design Features," Figure 4.1-1 in the NMP2 TS would be revised to reflect as they were prior to the issuance of License Amendments Nos. 212 (NMP1) and 142 (NMP2) which were issued in July 12, 2012 (ML12157A556). In addition, the name "Entergy Nuclear FitzPatrick, LLC" would be revised on Figure 5.1-1 for NMP1 and Figure 4.1-1 for NMP2 to "James A. FitzPatrick Nuclear Power Plant, LLC," to reflect the current name of the licensee for the James A. Fitzpatrick nuclear power plant site. The original LARs associated with License Amendment Nos. 212 and 142 were submitted with reference to the Combined License (COL) application supporting the proposed NMP3 project. Following receipt of the aforementioned approved amendments, Constellation Energy Nuclear Group, LLC (CENG), the previous owners of NMP1 and NMP2, halted further progress in pursuing a COL for NMP3. As a result, CENG decided to not implement the changes into the NMP1 and NMP2 Technical Specifications (TS). Additionally, CEG has no proposed plans for Unit 3 at Nine Mile Point.

The purpose of this e-mail is to provide the results of the NRC staff's acceptance review of this licensing action. 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 submittal 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 10 CFR, an application for an amendment to a 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.

The NRC staff has reviewed the licensee's submittal and concludes 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 request 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. You will be advised of any further information needed to support the NRC staff's detailed technical review by separate

correspondence.

Based on the information provided in your submittal, the NRC staff has estimated that the review of the LAR will take approximately 80 hours to complete. The NRC staff expects to complete this review by February 16, 2024. If there are emergent complexities or challenges in our review that would cause changes to the initial forecasted completion date (greater than a month) or significant changes in the forecasted hours (greater than 25%), the reasons for the changes, along with the new estimates, will be communicated during the routine interactions with the assigned project manager. 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 and unanticipated addition of scope to the review.

Please contact me if you have any questions. A copy of this e-mail will be made publicly available in ADAMS.

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**Rich Guzman**

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