



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

September 2, 2008

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

**SUBJECT: MID-CYCLE PERFORMANCE REVIEW AND INSPECTION PLAN – NINE MILE POINT NUCLEAR STATION (REPORTS 05000220/2008001 AND 05000410/2008001)**

Dear Mr. Polson:

On August 6, 2008, the NRC staff completed its performance review of Nine Mile Point Nuclear Station for the first half of the calendar year 2008 assessment cycle. Our technical staff reviewed performance indicators (PIs) for the most recent quarter and inspection results over the previous twelve months. The purpose of this letter is to inform you of our assessment of your safety performance during this period and our plans for future inspections at your facility.

This performance review and enclosed inspection plan do not include security information. A separate letter designated and marked as "Official Use Only--Security Information" will include the security cornerstone review and resultant inspection plan.

Plant performance for the most recent quarter was within the Licensee Response column of the NRC's Action Matrix, based on all inspection findings being classified as having very low safety significance (Green) and all PIs indicating performance at a level requiring no additional NRC oversight (Green). Therefore, we plan to conduct reactor oversight process (ROP) baseline inspections at your facility.

While plant performance for the most recent quarter was within the Licensee Response column of the Action Matrix, Nine Mile Point Unit 1 was within the Regulatory Response column of the Action Matrix during the first two quarters of the assessment cycle, based on one finding of low to moderate safety significance (White) identified in January 2007. The White finding involved your Licensed Operator Requalification Training Program for Unit 1. Specifically, the annual dynamic simulator examination integrity was unintentionally compromised at Unit 1 for 2005 and 2006. The NRC has completed a supplemental inspection in accordance with inspection procedure 95001. The results of that inspection were provided in NRC Supplemental Inspection Report 05000220/2007007. As a result of that review, this finding was closed and no longer considered for plant assessment purposes, effective January 1, 2008.

The enclosed inspection plan details the inspections, less those related to physical protection scheduled through December 31, 2009. In addition to baseline inspections, we plan on conducting a license renewal commitments inspection. The inspection plan is provided to allow for the resolution of any scheduling conflicts and personnel availability issues well in advance of

inspector arrival onsite. Routine resident inspections are not listed due to their ongoing and continuous nature. The inspections in the last nine months of the inspection plan are tentative and may be revised at the end-of-cycle review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If circumstances arise which cause us to change the inspection plan, we will contact you to discuss the change as soon as possible. Please contact me at (610) 337-5233 with any questions you may have regarding this letter or the inspection plan.

Sincerely,

***/RA Original Signed By:/***

Glenn T. Dentel, Chief  
Projects Branch 1  
Division of Reactor Projects

Docket Nos. 50-220, 50-410  
License Nos. DPR-63, NPF-69

Enclosure: Nine Mile Point Nuclear Station Inspection/ Activity Plan

cc w/ encl:

M. Wallace, Vice – Chairman, Constellation Energy  
H. Barron, President, CEO & Chief Nuclear Officer, Constellation Energy Nuclear Group  
C. Fleming, Esquire, Senior Counsel, Nuclear Generation, Constellation Energy Group, LLC  
M. Wetterhahn, Esquire, Winston & Strawn  
T. Syrell, Director, Licensing, Nine Mile Point Nuclear Station  
P. Tonko, President and CEO, New York State Energy Research and Development Authority  
J. Spath, Program Director, New York State Energy Research and Development Authority  
P. Eddy, New York State Department of Public Service  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
Supervisor, Town of Scriba  
P. Church, Oswego County Administrator  
T. Judson, Central NY Citizens Awareness Network  
D. Katz, Citizens Awareness Network  
J. Evans, LIPA  
G. Dettler, Manager, Corp Nuclear Safety and Security, Constellation Energy  
C. Adrienne Rhodes, Chairman and Executive Director,  
State Consumer Protection Board

**Nine Mile Point**  
**Inspection / Activity Plan**  
**07/01/2008 - 12/31/2009**

Unit Number	Inspection Activity	Title	No. of Staff on Site	Planned Dates Start	Planned Dates End	Inspection Type
	<b>10/6EXAM - U1 INITIAL OPERATOR LICENSING EXAM</b>		<b>5</b>			
1	U01690	FY09 - NINE MILE POINT 1 INITIAL OPERATOR EXAM		09/15/2008	09/19/2008	Not Applicable
1	U01690	FY09 - NINE MILE POINT 1 INITIAL OPERATOR EXAM		10/06/2008	10/17/2008	Not Applicable
	<b>EP - EP PROGRAM INSPECTION</b>		<b>1</b>			
1,2	IP 7111402	Alert and Notification System Testing		07/14/2008	07/18/2008	EP Baseline Inspection
1,2	IP 7111403	Emergency Response Organization Augmentation Testing		07/14/2008	07/18/2008	EP Baseline Inspection
1,2	IP 7111404	Emergency Action Level and Emergency Plan Changes		07/14/2008	07/18/2008	EP Baseline Inspection
1,2	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies		07/14/2008	07/18/2008	EP Baseline Inspection
1,2	IP 71151-EP01	Drill/Exercise Performance		07/14/2008	07/18/2008	Baseline Inspections
1,2	IP 71151-EP02	ERO Drill Participation		07/14/2008	07/18/2008	Baseline Inspections
1,2	IP 71151-EP03	Alert & Notification System		07/14/2008	07/18/2008	Baseline Inspections
	<b>TI 171 - TI 171</b>		<b>4</b>			
1,2	IP 2515/171	Verification of Site Specific Implementation Of B.5.b Phase 2 & 3 Mitigating Strategies		07/28/2008	08/01/2008	Generic Safety Inspectio
	<b>71121 - OCC RAD SAFETY</b>		<b>1</b>			
1,2	IP 7112101	Access Control to Radiologically Significant Areas		08/11/2008	08/15/2008	Baseline Inspections
1,2	IP 7112102	ALARA Planning and Controls		08/11/2008	08/15/2008	Baseline Inspections
1,2	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment		08/11/2008	08/15/2008	Baseline Inspections
	<b>7111111B - L.O.REQUAL.PROG.(FOCUS U1)+P/F RVW</b>		<b>3</b>			
1,2	IP 7111111B	Licensed Operator Requalification Program		11/17/2008	11/21/2008	Baseline Inspections
	<b>7111121 - CDBI</b>		<b>7</b>			
1,2	IP 7111121	Component Design Bases Inspection		10/06/2008	10/10/2008	Baseline Inspections
1,2	IP 7111121	Component Design Bases Inspection		10/20/2008	10/24/2008	Baseline Inspections
1,2	IP 7111121	Component Design Bases Inspection		10/27/2008	10/31/2008	Baseline Inspections
	<b>71121 - OCC RAD SAFETY</b>		<b>1</b>			
1,2	IP 7112101	Access Control to Radiologically Significant Areas		11/17/2008	11/21/2008	Baseline Inspections
1,2	IP 7112102	ALARA Planning and Controls		11/17/2008	11/21/2008	Baseline Inspections
1,2	IP 71151-OR01	Occupational Exposure Control Effectiveness		11/17/2008	11/21/2008	Baseline Inspections
1,2	IP 71151-PR01	RETS/ODCM Radiological Effluent		11/17/2008	11/21/2008	Baseline Inspections
	<b>TI 176 - TI 176</b>		<b>2</b>			
1,2	IP 2515/176	Emergency Diesel Generator Tech Spec Surveillance Requirements Re: Endurance & Margin		12/01/2008	12/05/2008	Generic Safety Inspectio
	<b>7112202 - PUB RAD SAFETY - RADWASTE</b>		<b>1</b>			
1,2	IP 7112202	Radioactive Material Processing and Transportation		12/08/2008	12/12/2008	Baseline Inspections
	<b>7112201 - PUB RAD SAFETY - RETS</b>		<b>1</b>			
1,2	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems		02/09/2009	02/13/2009	Baseline Inspections

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.

**Nine Mile Point**  
**Inspection / Activity Plan**  
**07/01/2008 - 12/31/2009**

Unit Number	Inspection Activity	Title	No. of Staff on Site	Planned Dates Start	Planned Dates End	Inspection Type
	<b>711108G - U1 INSERVICE INSPECTION</b>		<b>1</b>			
1	IP 711108G	Inservice Inspection Activities - BWR		03/23/2009	03/27/2009	Baseline Inspections
	<b>71121 - OCC RAD SAFETY</b>		<b>1</b>			
1	IP 7112101	Access Control to Radiologically Significant Areas		03/23/2009	03/27/2009	Baseline Inspections
1	IP 7112102	ALARA Planning and Controls		03/23/2009	03/27/2009	Baseline Inspections
1	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment		03/23/2009	03/27/2009	Baseline Inspections
	<b>71003 - LR COMMITMENTS INSP - OUTAGE</b>		<b>3</b>			
1	IP 71003	Post-Approval Site Inspection for License Renewal		03/30/2009	04/03/2009	License Renewal Inspe
	<b>8/24 EXM - U2 INITIAL OPERATOR LICENSING EXAM</b>		<b>5</b>			
1	U01698	FY09 - NINE MILE POINT 2 INITIAL OPERATOR EXAM		07/27/2009	07/30/2009	Not Applicable
1	U01698	FY09 - NINE MILE POINT 2 INITIAL OPERATOR EXAM		08/24/2009	09/04/2009	Not Applicable
	<b>TRI FIRE - TRIENNIAL FIRE PROTECTION INSPECTION</b>		<b>5</b>			
1,2	IP 711105T	Fire Protection [Triennial]		06/01/2009	06/05/2009	Baseline Inspections
1,2	IP 711105T	Fire Protection [Triennial]		06/15/2009	06/19/2009	Baseline Inspections
	<b>71003 - LR COMMITMENTS INSP - NON-OUTAGE</b>		<b>5</b>			
1	IP 71003	Post-Approval Site Inspection for License Renewal		06/08/2009	06/12/2009	License Renewal Inspe
1	IP 71003	Post-Approval Site Inspection for License Renewal		06/22/2009	06/26/2009	License Renewal Inspe
	<b>71121 - OCC RAD SAFETY</b>		<b>1</b>			
1,2	IP 7112102	ALARA Planning and Controls		07/06/2009	07/10/2009	Baseline Inspections
1,2	IP 7112102	ALARA Planning and Controls		07/06/2009	07/10/2009	Baseline Inspections
1,2	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment		07/06/2009	07/10/2009	Baseline Inspections
	<b>TI 173 - GROUNDWATER TI</b>		<b>1</b>			
1,2	IP 2515/173	Review of the Implementation of the Industry Ground Water Protection Voluntary Initiative		08/24/2009	08/28/2009	Generic Safety Inspecti
	<b>EP EXER - EP EXERCISE INSPECTION</b>		<b>2</b>			
1,2	IP 7111401	Exercise Evaluation		09/13/2009	09/19/2009	EP Baseline Inspection
1,2	IP 7111404	Emergency Action Level and Emergency Plan Changes		09/13/2009	09/19/2009	EP Baseline Inspection
1,2	IP 71151	Performance Indicator Verification		09/13/2009	09/19/2009	Baseline Inspections
	<b>7111111B - BIENNIAL REQUAL INSP(U2) W P/F RESULTS</b>		<b>3</b>			
1,2	IP 7111111B	Licensed Operator Requalification Program		11/30/2009	12/04/2009	Baseline Inspections
	<b>71152B - PI&amp;R BIENNIAL TEAM</b>		<b>4</b>			
1,2	IP 71152B	Identification and Resolution of Problems		10/05/2009	10/09/2009	Baseline Inspections
1,2	IP 71152B	Identification and Resolution of Problems		10/19/2009	10/23/2009	Baseline Inspections
	<b>71121 - OCC RAD SAFETY</b>		<b>1</b>			
1,2	IP 7112101	Access Control to Radiologically Significant Areas		11/02/2009	11/06/2009	Baseline Inspections
1,2	IP 7112102	ALARA Planning and Controls		11/02/2009	11/06/2009	Baseline Inspections

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.

**Nine Mile Point**  
**Inspection / Activity Plan**  
**07/01/2008 - 12/31/2009**

Unit Number	Inspection Activity	Title	No. of Staff on Site	Planned Dates		Inspection Type
				Start	End	
	<b>71121</b>	<b>- OCC RAD SAFETY</b>	<b>1</b>			
1,2	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment		11/02/2009	11/06/2009	Baseline Inspections
1,2	IP 71151	Performance Indicator Verification		11/02/2009	11/06/2009	Baseline Inspections
	<b>7111111B</b>	<b>- REQUAL INSPECTION</b>	<b>1</b>			
2	IP 7111111B	Licensed Operator Requalification Program		11/16/2009	11/20/2009	Baseline Inspections

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.