

September 29, 2008

Mr. Keith J. Polson
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
AMENDMENT REGARDING TECHNICAL SPECIFICATIONS 6.3 AND 5.3,
"UNIT STAFF QUALIFICATIONS," (TAC NOS. MD7529 AND MD7530)

Dear Mr. Polson:

The Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 198 to Renewed Facility Operating License No. DPR-63 and Amendment No. 127 to Renewed Facility Operating License No. NPF-69 for the Nine Mile Point Nuclear Station (NMPNS), Unit Nos. 1 and 2 (NMP 1 and 2), in response to your application dated December 20, 2007, (Agencywide Documents Access Management System (ADAMS) Accession Number ML073541292).

These amendments revise NMP1 Technical Specification (TS) Section 6.3, "Unit Staff Qualifications," and NMP2 TS Section 5.3, "Unit Staff Qualifications," to update requirements that have been superseded due to the accreditation of the NMPNS licensed operator training program and due to promulgation of the revised Title 10 of the *Code of Federal Regulations* (10 CFR), Part 55, "Operators' Licenses," which became effective on May 26, 1987 (52 FR 9453). Additionally, the amendment for NMP1 revises the TSs by eliminating the qualification requirement exceptions listed for the position of Manager Operations which were previously approved by the NRC staff. The position of Manager Operations would meet the minimum qualification requirements as required in American National Standard Institute Standard N18.1-1971, "American National Standard for Selection and Training of Nuclear Power Plant Personnel."

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/

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

Enclosures:

1. Amendment No. 198 to DPR-63
2. Amendment No. 127 to NPF-69
3. Safety Evaluation

cc w/encls: See next page

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cc w/encls: See next page

DISTRIBUTION:
(See next page)

Package No.: ML082610421
Amendment No.: ML082610423
Tech Spec No.: ML

NRR-058

OFFICE	LPLI-1/PM	LPLI-1/LA	IOLB/BC	ITSB/BC	OGC	LPLI-1/BC
NAME	RGuzman	SLittle	NSalgado	RElliott	RHolmes	MKowal
DATE	9/22/08	9/22/08	9/23/08	9/23/08	9/24/08	9/29/08

OFFICIAL RECORD COPY

DATED: September 29, 2008

AMENDMENT NOS. 198 AND 127 TO RENEWED FACILITY OPERATING LICENSE NOS.
DPR-63 AND NPF-69 NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2

PUBLIC

LPLI-1

MKowal

SLittle

RGuzman

RJervey

OGC

GHill (2)

NSalgado

RElliott

ACRS

GDentel, RI

GArmstrong

RidsNrrDorlLpl-1

RidsNrrLASLittle

RidsNrrPMRGuzman

RidsNrrDpr

RidsOgcMailCenter

RidsNrrDirslolb

RidsNrrDirsltsb

RidsNrrAcrcsAcnw&mMailCenter

RidsRgn1MailCenter

cc: Plant Service list

Nine Mile Point Nuclear Station, Unit Nos. 1 and 2

cc:

Mr. Michael J. Wallace, Vice-Chairman
Constellation Energy
100 Constellation Way, Suite 1800P
Baltimore, MD 21202

Mr. Henry B. Barron, President, CEO &
Chief Nuclear Officer
Constellation Energy Nuclear Group, LLC
100 Constellation Way, Suite 200C
Baltimore, MD 21202

Mr. Terry F. Syrell
Director, Licensing
Nine Mile Point Nuclear Station
P.O. Box 63
Lycoming, NY 13093

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 126
Lycoming, NY 13093

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, NY 13126

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, NY 10271

Mr. Paul D. Eddy
New York State Department of
Public Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Mark J. Wetterhahn, Esquire
Winston & Strawn
1700 K Street, NW
Washington, DC 20006

Carey W. Fleming, Esquire
Sr. Counsel - Nuclear Generation
Constellation Energy Nuclear Group, LLC
750 East Pratt Street, 17th Floor
Baltimore, MD 21202

Mr. John P. Spath
New York State Energy, Research, and
Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Mr. Paul Tonko
President and CEO
New York State Energy, Research, and
Development Authority
17 Columbia Circle
Albany, NY 12203-6399

Mr. Gary L. Detter
Manager – Nuclear Safety and Security
Constellation Energy Nuclear Group, LLC
100 Constellation Way, Suite 200C
Baltimore, MD 21202

Mr. James R. Evans
LIPA
P.O. Box 129
Lycoming, NY 10393

NINE MILE POINT NUCLEAR STATION, LLC (NMPNS)

DOCKET NO. 50-220

NINE MILE POINT NUCLEAR STATION, UNIT NO. 1

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 198
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 December 20, 2007, 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 I;
 - 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

The Technical Specifications contained in Appendix A, which is attached hereto, as revised through Amendment No. 198, is hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC 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 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Mark G. Kowal, 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: September 29, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 198
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

3

Insert Page

3

Replace the following page of Appendix A, Technical Specifications, with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page

349

Insert Page

349

NINE MILE POINT NUCLEAR STATION, LLC (NMPNS)

DOCKET NO. 50-410

NINE MILE POINT NUCLEAR STATION, UNIT NO. 2

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 127
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 December 20, 2007, 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 I;
 - 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.
3. 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

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. 127, 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 60 days.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

Mark G. Kowal, 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: September 29, 2008

ATTACHMENT TO LICENSE AMENDMENT NO. 127
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

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Insert Page

4

Replace the following page of Appendix A, Technical Specifications, with the attached revised page. The revised page is identified by amendment number and contains marginal lines indicating the areas of change.

Remove Page

5.3-1

Insert Page

5.3-1

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 198

TO RENEWED FACILITY OPERATING LICENSE NO. DPR-63

AND AMENDMENT NO. 127

TO RENEWED FACILITY OPERATING LICENSE NO. 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 dated December 20, 2007 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML073541292), Nine Mile Point Nuclear Station (NMPNS), LLC (the licensee) submitted a license amendment request (LAR) for Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP1 and NMP2).

The proposed amendments would revise NMP1 Technical Specification (TS) Section 6.3, "Unit Staff Qualifications," and NMP2 TS Section 5.3, "Unit Staff Qualifications," to update requirements that have been superseded due to the accreditation of the NMPNS licensed operator training program and promulgation of the revised Title 10 of the *Code of Federal Regulations* (10 CFR), Part 55, "Operators' Licenses," which became effective on May 26, 1987 (52 FR 9453). Additionally, the proposed amendments would revise NMP1 TS 6.3 by eliminating the qualification requirement exceptions listed for the position of Manager Operations which were previously approved by the Nuclear Regulatory Commission (NRC) staff. The proposed change would meet the minimum qualification requirements for the position of Manager Operations as required by in American National Standard Institute (ANSI) Standard N18.1-1971, "American National Standard for Selection and Training of Nuclear Power Plant Personnel."

2.0 REGULATORY EVALUATION

In 10 CFR 50.36, the Commission established its regulatory requirements related to the content of the TSs. Pursuant to 10 CFR 50.36, TSs are required to include items in the following five specific categories related to station operation: (1) safety limits, limiting safety system settings, and limiting control settings; (2) limiting conditions for operation; (3) surveillance requirements; (4) design features; and (5) administrative controls. The rule does not specify the particular requirements to be included in a plant's TSs. In 10 CFR 50.36(d)(5), administrative controls are stated to be "the provisions relating to organization and management, procedures, recordkeeping, review and audit, and reporting necessary to assure the operation of the facility

in a safe manner." This also includes the programs established by the licensee and listed in the administrative controls section of the TSs for the licensee to operate the facility in a safe manner. The proposed amendments are within Category 5, administrative controls.

On March 20, 1985, the NRC issued the Commission Policy Statement on Training and Qualification of Nuclear Power Plant Personnel which endorsed the training accreditation process and the National Academy for Nuclear Training (NANT). In Generic Letter 87-07, "Information Transmittal of Final Rulemaking for Revisions to Operator Licensing - 10 CFR 55 and Conforming Amendments," dated March 19, 1987, and in NUREG-1262, "Answers to Questions at Public Meetings Regarding Implementation of Title 10, Code of Federal Regulations [(10 CFR)], Part 55 on Operators' Licenses," published November 1987, the NRC indicated it would accept a facility's licensed operator training program if the facility certified in writing that the program was accredited and based on a systems' approach to training (SAT). This certification would supersede the requirement of ANSI N18.1-1971, "Selection and Training of Nuclear Power Plant Personnel," and ANSI/ANS-3.1-1978, "Selection, Qualification and Training of Personnel for Nuclear Power Plants." Facility licensees were advised to submit a request to the NRC for an administrative change to their licensing documents to revise or delete, as appropriate, the requirements that had been superseded.

The NRC published its proposed rule, 10 CFR 50.120, "Training and qualification of nuclear power plant personnel," in the *Federal Register* on January 7, 1992 (57 FR 537). The proposed rule stated that, if adopted, the rule would supersede the Policy Statement on Training and Qualification of Nuclear Power Plant Personnel and would not result in any change to accredited programs. The NRC concluded that accredited programs, implemented consistent with industry objectives and criteria, would be in compliance with this regulation. On April 26, 1993, the NRC published its final rule on training and qualification of nuclear power plant personnel in the *Federal Register* (58 FR 21904). The rule requires nuclear power plant licensees to establish, implement, and maintain SAT-based training programs for nine non-licensed positions. Accreditation of these nine training programs is an acceptable means of meeting the requirements of 10 CFR 50.120.

On January 18, 2001, the NRC published NRC Regulatory Issue Summary (RIS) 2001-01, "Eligibility of Operator License Applicants," to familiarize licensees with the NRC's current guidelines for the qualification and training of reactor operator and senior operator license applicants. RIS 2001-01 acknowledged that 10 CFR 55.31(a)(4) allows the NRC to accept an application for an operator's license if the facility licensee certifies that the applicant has successfully completed an NRC-approved training program that is based on a systems' approach to training. In addition, RIS 2001-01 stated that (1) a training program would be considered approved by the NRC when it receives or renews accreditation from the National Nuclear Accrediting Board (NNAB); (2) accreditation of operator training programs suggests that facilities are implementing the education and experience guidelines endorsed by the NNAB; (3) NANT guidelines for education and experience (those in effect in 1987 or those issued in January 2000) outline acceptable methods for implementing NRC regulations; and (4) NRC staff encourages all facility licensees to review their requirements and commitments related to licensed operator and senior operator education and experience and to update their documentation (e.g., Final Safety Analysis Report, Technical Specifications, and training program descriptions) to "enhance consistency and minimize confusion."

3.0 TECHNICAL EVALUATION

TS Sections 6.3 and 5.3, for Unit Nos. 1 and 2, respectively, describe the qualifications for unit staff requirements. NMPNS' proposed changes will revise the unit staff qualification education and experience eligibility requirements for operator license applicants, consistent with the training programs and methods described in the NANT's baseline education and experience guidelines. The TS requirements for all other unit staff qualifications remain unchanged and the levels of authority for plant operations will be unaffected.

For proposed NMP1 TS 6.3.1, NMPNS also requests to eliminate the qualification requirement exceptions listed for the position of Manager Operations which was previously approved by the NRC staff by Amendment No. 160 on February 19, 1998. The licensee states the administration of the Operations Department organization for both NMP1 and NMP2 is now under the responsibility of one Manager Operations as defined in both the NMP1 Updated Final Safety Analysis Report and the NMP2 Updated Safety Analysis Report. The licensee states that the position at the functional level of Manager Operations position will continue to meet the NMP1 TS qualification requirements of ANSI N18.1-1971, while also meeting the NMP2 TS qualification requirements of ANSI/ANS 3.1-1978.

The NRC staff concludes that the revised qualification requirements in NMP1 TS 6.3.1 and NMP2 TS 5.3.1 are adequate as they conform with the reactor operator and senior reactor operator license eligibility criteria and standards acceptable to the NRC. The staff also concludes that the proposed revision to eliminate a previously approved exception to ANSI N18.1-1971 regarding the qualification for the position of Manager Operations is acceptable because the change maintains compliance with the qualification requirements of ANSI N18.1-1971. In addition, the changes will not affect the 10 CFR 50.36(d)(5) requirement to ensure the licensee maintains administrative controls that assure the operation of the facility in a safe manner.

Based on the above evaluation, the NRC staff concludes that the proposed revisions to NMP1 and NMP2 TSs, are consistent with 10 CFR Part 55 and do not adversely affect nuclear safety or plant operations. Therefore, the staff concludes that the proposed changes to NMP 1 TS Section 6.3 and NMP2 TS Section 5.3 are acceptable.

4.0 STATE CONSULTATION

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

5.0 ENVIRONMENTAL CONSIDERATION

The amendments relate to changes in recordkeeping, reporting, or administrative procedures or requirements. The NRC staff has determined that the amendment involves 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 amendment involves no significant hazards consideration, and there has been no public comment on such finding (73 FR 5225). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10). 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, on the basis of 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) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor: R. Guzman

Date: September 29, 2008