



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

July 27, 2009

Mr. Samuel L. Belcher
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 REGARDING IMPLEMENTATION OF TSTF-511, REVISION 0, "ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR PART 26" (TAC NOS. ME0723 AND ME0724)

Dear Mr. Belcher:

The Nuclear Regulatory Commission (NRC) has issued the enclosed Amendment No. 203 to Renewed Facility Operating License No. DPR-63 and Amendment No. 131 to Renewed Facility Operating License No. NPF-69 for the Nine Mile Point Nuclear Station (NMPNS), Unit Nos. 1 and 2 (NMP1 and 2), in response to your application dated February 11, 2009, (Agencywide Documents Access Management System Accession Number ML090560522).

These amendments delete those portions of Technical Specifications superseded by Title 10 of the *Code of Federal Regulations* (10 CFR), Part 26, Subpart I. This change is consistent with Nuclear Regulatory Commission-approved Technical Specification Task Force (TSTF) Improved Standard Technical Specification Change Traveler TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26."

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 "Richard V. Guzman".

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

Enclosures:

1. Amendment No. 203 to DPR-63
2. Amendment No. 131 to NPF-69
3. Safety Evaluation

cc w/enclosures: Distribution via Listserv



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

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. 203
Renewed License No. DPR-63

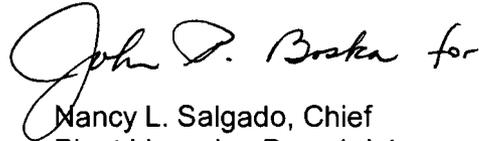
1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated February 11, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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. 203, 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 no later than October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Nancy L. Salgado, 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 27, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 203
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

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Insert Page

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Replace the following pages of 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 Page

348
349

Insert Page

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349

- (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 No. 203, is hereby incorporated into this license. Nine Mile Point Nuclear Station, LLC shall operate the facility in accordance with the Technical Specifications.

(3) Deleted

- c. A specified corporate officer shall have corporate responsibility for overall plant nuclear safety and shall take any measures needed to ensure acceptable performance of the staff in operating, maintaining, and providing technical support to the plant to ensure nuclear safety.
- d. The individuals who train the operating staff, carry out radiation protection, or perform quality assurance functions may report to the appropriate onsite manager; however, these individuals shall have sufficient organizational freedom to ensure their independence from operating pressures.

6.2.2 Unit Staff

The unit staff organization shall include the following:

- a. At least two non-licensed operators shall be assigned when the unit is in the power operating condition; and at least one non-licensed operator shall be assigned when the unit is in the hot shutdown, cold shutdown, or refueling conditions. In addition, if the process computer is out of service for greater than 8 hours, at least three non-licensed operators shall be assigned when the unit is in the power operating, hot shutdown, cold shutdown, or refueling conditions.
- b. Shift crew composition may be less than the minimum requirements of 10 CFR 50.54(m)(2)(i) and Specification 6.2.2.a for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.
- c. An individual qualified to implement radiation protection procedures shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence of on-duty personnel, provided immediate action is taken to fill the required position.
- d. Deleted

- e. As a minimum, either the Manager Operations or the General Supervisor Operations shall hold an SRO license.
- f. The Shift Technical Advisor (STA) shall provide advisory technical support to the shift supervision in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. In addition, the STA shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.

6.3 Unit Staff Qualifications

- 6.3.1 Each member of the unit staff, with the exception of the operator license applicants and the radiation protection manager, shall meet or exceed the minimum qualifications of ANSI N18.1-1971 for comparable positions. The radiation protection manager shall meet or exceed the qualifications of Regulatory Guide 1.8, September 1975. The education and experience eligibility requirements for operator license applicants, and changes thereto, shall be those previously reviewed and approved by the NRC; specifically, those referenced in letter NMP1L 2184, dated December 20, 2007, and described in applicable station training procedures.
- 6.3.2 For the purpose of 10 CFR 55.4, a licensed Senior Reactor Operator (SRO) and a licensed Reactor Operator (RO) are those individuals who, in addition to meeting the requirements of Specification 6.3.1, perform the functions described in 10 CFR 50.54(m).

6.4 Procedures

- 6.4.1 Written procedures and administrative policies shall be established, implemented and maintained that meet or exceed the requirements and recommendations of Sections 5.1 and 5.3 of ANSI N18.7-1972 and cover the following activities:
 - a. The applicable procedures recommended in Regulatory Guide 1.33, Appendix A, November 3, 1972;



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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. 131
Renewed License No. NPF-69

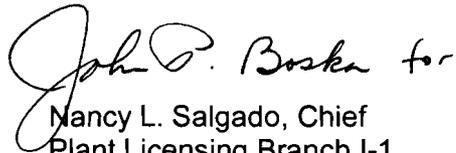
1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Nine Mile Point Nuclear Station, LLC (the licensee) dated February 11, 2009, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's 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. 131 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 no later than October 1, 2009.

FOR THE NUCLEAR REGULATORY COMMISSION



Nancy L. Salgado, 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 27, 2009

ATTACHMENT TO LICENSE AMENDMENT NO. 131
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

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

Remove Page

5.2-2

5.2-3

Insert Page

5.2-2

5.2-3

(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 3467 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. 131 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.

5.2 Organization (continued)

5.2.2 Unit Staff

The unit staff organization shall include the following:

- a. At least two non-licensed operators shall be assigned when the unit is in MODE 1, 2, or 3; and at least one non-licensed operator shall be assigned when the unit is in MODE 4 or 5. In addition, if the process computer is out of service for greater than 8 hours, at least three non-licensed operators shall be assigned when the unit is in MODE 1, 2, 3, 4, or 5.
- b. At least one licensed Reactor Operator (RO) shall be present in the control room when fuel is in the reactor. In addition, while the unit is in MODE 1, 2, or 3, at least one licensed Senior Reactor Operator (SRO) shall be present in the control room.
- c. Shift crew composition may be less than the minimum requirement of 10 CFR 50.54(m)(2)(i) and Specification 5.2.2.a for a period of time not to exceed 2 hours in order to accommodate unexpected absence of on-duty shift crew members provided immediate action is taken to restore the shift crew composition to within the minimum requirements.
- d. An individual qualified to implement radiation protection procedures shall be on site when fuel is in the reactor. The position may be vacant for not more than 2 hours, in order to provide for unexpected absence of on-duty personnel, provided immediate action is taken to fill the required position.
- e. Deleted

(continued)

5.2 Organization

5.2.2 Unit Staff (continued)

- f. The operations supervisors shall hold an SRO license.
 - g. The Shift Technical Advisor (STA) shall provide advisory technical support to the shift supervision in the areas of thermal hydraulics, reactor engineering, and plant analysis with regard to the safe operation of the unit. In addition, the STA shall meet the qualifications specified by the Commission Policy Statement on Engineering Expertise on Shift.
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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELATED TO AMENDMENT NO. 203

TO RENEWED FACILITY OPERATING LICENSE NO. DPR-63

AND AMENDMENT NO. 131

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 February 11, 2009 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML090560522), 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 delete those portions of Technical Specifications (TSs) superseded by Title 10 of the *Code of Federal Regulations* (10 CFR), Part 26, Subpart I. This change is consistent with Nuclear Regulatory Commission (NRC) approved Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF-511, Revision 0, "Eliminate Working Hour Restrictions from TS 5.2.2 to Support Compliance with 10 CFR Part 26." These changes were described in a Notice of Availability for Consolidated Line Item Improvement Process TSTF-511 published in the *Federal Register* on December 30, 2008 (73 FR 79923).

NMP1 has custom TSs; thus, there is a minor difference with TSTF-511. The equivalent NMP1 TS work-hour restrictions are located in TS 6.2.2.d. This differs from TSTF-511, where work-hour restrictions are located in STS 5.2.2.d. NMP2 has standard TSs; however, there are minor differences with TSTF-511. First, the equivalent NMP2 TS where work-hour restrictions are located is TS 5.2.2.e. This differs from TSTF-511, where work-hour restrictions are located in STS 5.2.2.d. Second, while the text of NMP2 TS 5.2.2.e, is similar to the text of TSTF-511, STS 5.2.2.d, it is not an exact duplicate.

2.0 REGULATORY EVALUATION

The history of NRC regulations pertaining to prevention of worker impairment is summarized in the *Federal Register* notice containing the final rule that amended 10 CFR Part 26 (73 FR 16966, March 31, 2008). Subpart I of 10 CFR Part 26 provides the regulatory requirements for managing worker fatigue at nuclear power plants.

The NRC regulatory requirements related to the content of the TSs are contained in 10 CFR 50.36. Section 50.36 of 10 CFR Part 50 requires that the TSs include items in the following categories: (1) safety limits, limiting safety systems settings, and limiting control settings; (2) limiting conditions for operation (LCOs); (3) Surveillance Requirements; (4) design features; and (5) administrative controls. The administrative controls are the provisions relating to organization and management, procedures, record keeping, review and audit, and reporting necessary to assure operation of the facility in a safe manner.

The NRC guidance for the format and content of licensee TSs can be found in NUREG-1433, Revision 3.0, "Standard Technical Specifications General Electric Plants," referred to as Standard TSs (STs). Section 5 of STs contains administrative controls.

Section 5.2.2.d of the STs contains requirements for administrative procedures to limit the working hours of personnel who perform safety-related functions. This section represents NRC guidance on how licensee TS requirements should address work-hour controls. Licensees adhere to the guidance to varying degrees due to minor administrative differences and differences in each licensee's current licensing basis. The inconsistent level of adherence to NRC guidance has led to inconsistent TS interpretation and implementation. This has also made it difficult for NRC to enforce the requirements.

The new requirements of 10 CFR Part 26, Subpart I supersede the guidance for requirements found in Section 5.2.2.d of the STs. Subpart I of 10 CFR Part 26 distinguishes between work-hour controls and fatigue management and strengthens the requirements for both. Subpart I of 10 CFR Part 26 also requires nuclear power plant licensees to ensure against worker fatigue adversely affecting public health and safety and the common defense and security by establishing clear and enforceable requirements for the management of worker fatigue. Licensees are required to implement Subpart I of 10 CFR Part 26 by October 1, 2009, as announced in the Final rule that revised 10 CFR Part 26 (73 FR 16966, March 31, 2008). TSTF-511 proposed a change to STs that would delete Section 5.2.2.d of STs. This change was approved in the *Federal Register* notice on December 30, 2008 (73 FR 79923).

2.1 Adoption of TSTF-511, Revision 0, by NMP1 and 2

Proper adoption of TSTF-511 and implementation of 10 CFR Part 26, Subpart I by the licensee will provide reasonable assurance that the licensee will maintain limits on the working hours of personnel who perform safety-related functions. The licensee has committed to remove the plant-specific TS requirements concurrently with the implementation of the 10 CFR Part 26, Subpart I requirements.

3.0 TECHNICAL EVALUATION

Controls on work-hours for personnel at nuclear power plants are necessary to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Work-hour controls for NMP1 and 2 are currently located in TS 6.2.2.d and TS 5.2.2.e, respectively. When implemented, the regulatory requirements of 10 CFR 26, Subpart I replace the plant-specific TS requirements found in NMP1 TS 6.2.2.d and NMP2 TS 5.2.2.e.

The licensee proposed deleting NMP1 TS 6.2.2.d and NMP2 TS 5.2.2.e. The licensee committed to implement the new requirements of 10 CFR Part 26, Subpart I concurrently with the deletion of the TS requirements on work-hour controls. Attachment 4, "List of Regulatory Commitments," of the licensee's February 11, 2009, application, states the following:

Regulatory Commitment

Removal of Nine Mile Point Unit 1 Technical Specification 6.2.2.d and Nine Mile Point Unit 2 Technical Specification 5.2.2.e requirements will be performed concurrently with the implementation of the 10 CFR Part 26, Subpart I, requirements.

Due Date

No later than October 1, 2009

The NRC staff finds that reasonable controls for the implementation and for subsequent evaluation of proposed changes pertaining to the above regulatory commitment are best provided by the licensee's administrative processes, including its commitment management program (see Regulatory Issue Summary 2000-017, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff"). The above regulatory commitments do not warrant the creation of regulatory requirements (items requiring prior NRC approval of subsequent changes).

NMP1 has custom TS; thus, there is a minor difference with TSTF-511. The equivalent NMP1 TS work-hour restrictions are located in TS 6.2.2.d. This differs from TSTF-511, where work-hour restrictions are located in STS 5.2.2.d. This difference is insignificant as the intent of TSTF-511 is to delete TSs superseded by the revised regulations in 10 CFR Part 26, Subpart I. The text of NMP1 TS 6.2.2.d is a duplicate of the text of TSTF-511 STS 5.2.2.d.

NMP2 has standard TS; however, there are minor differences with TSTF-511. First, the equivalent NMP2 TS where work-hour restrictions are located is TS 5.2.2.e. This differs from TSTF-511, where work-hour restrictions are located in STS 5.2.2.d. Second, while the text of NMP2 TS 5.2.2.e is similar to the text of TSTF-511 STS 5.2.2.d, it is not an exact duplicate. The most significant differences are as follows:

- TSTF-511, STS 5.2.2.d states, "The controls shall include guidelines on working hours that ensure adequate shift coverage shall be maintained without routine heavy use of overtime." NMP2 TS 5.2.2.e states, "Adequate shift coverage shall be maintained without routine use of overtime," and incorporates the guidelines to be followed in TS 5.2.2.e.
- TSTF-511, STS 5.2.2.d states that the plant manager or plant manager's designee must authorize deviations from the guideline on working hours. NMP2 TS 5.2.2.e allows such deviations to be approved by the plant manager, or a designee, or by higher levels of management.
- TSTF-511, STS 5.2.2.d requires the conduct of a periodic, independent review to ensure that excessive hours have not been assigned. NMP2 TS 5.2.2.e does not require that this review be independent but rather requires that the review be conducted monthly by a specified corporate officer or a designee.

These differences are insignificant as the intent of TSTF-511 is to delete TSs superseded by the revised regulations in 10 CFR Part 26, Subpart I.

The NRC staff evaluated the licensee's proposed change against the applicable regulatory requirements listed in Section 2.0 of this safety evaluation. The NRC staff also compared the proposed change to the change made to the STSs by TSTF-511. The NRC staff considered the licensee's commitment to implement 10 CFR Part 26, Subpart I concurrently with the deletion of TS work-hour control requirements in its evaluation of the proposed change. Given the licensee's commitment, there is reasonable assurance that the licensee will comply with the regulations for work-hour controls, either through TS requirements or through the requirements of 10 CFR Part 26, Subpart I, at all times at NMP1 and NMP2. Therefore, the licensee will continue to prevent worker fatigue from adversely affecting public health and safety and the common defense and security. Therefore, the NRC staff finds the proposed change 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 record keeping, reporting, or administrative procedures or requirements. 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 (74 FR 18255, dated April 21, 2009). Accordingly, the amendments meet the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10)(ii). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of these 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) 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 Contributors: K. Bucholtz
A. Lewin

Date: July 27, 2009

July 27, 2009

Mr. Samuel L. Belcher
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 REGARDING IMPLEMENTATION OF TSTF-511, REVISION 0, "ELIMINATE WORKING HOUR RESTRICTIONS FROM TS 5.2.2 TO SUPPORT COMPLIANCE WITH 10 CFR PART 26" (TAC NOS. ME0723 AND ME0724)

Dear Mr. Belcher:

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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,

/RA/

Richard V. Guzman, Senior Project Manager
Plant Licensing Branch I-1
Division of Operator Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

Enclosures:

1. Amendment No. 203 to DPR-63
2. Amendment No. 131 to NPF-69
3. Safety Evaluation

cc w/enclosures: Distribution via Listserv

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ADAMS Accession No.: ML091960292 *SE provided by memo. No substantial changes made. NRR-106

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