

Commission, Washington, DC 20555-0001.

2. *Federal e-Rulemaking Portal*: Go to <http://www.regulations.gov> and search for documents filed under Docket ID [NRC-2009-0453]. Address questions about NRC dockets to Carol Gallagher, 301-492-3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

3. *Fax comments to*: Rulemaking and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 492-3446.

Requests for technical information about DG-1199 may be directed to Mark Blumberg at (301) 415-1083 or e-mail to [Mark.Blumberg@nrc.gov](mailto:Mark.Blumberg@nrc.gov).

Comments would be most helpful if received by December 11, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1199 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading

Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML090960464. In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 6th day of October 2009.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**

*Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. E9-24719 Filed 10-13-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0452; Docket Nos. 50-413 and 50-414]

### Duke Energy Carolinas, LLC; Catawba Nuclear Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License No. NPF-35 and Facility Operating License No. NPF-52, issued to Duke Energy Carolinas, LLC (the licensee), for operation of the Catawba Nuclear Station, Units 1 and 2 (Catawba 1 and 2), located in York County, South Carolina, in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) part 50. Therefore, as required by 10 CFR part 51, the NRC performed an environmental assessment. Based on the results of the environmental assessment, the NRC is issuing a finding of no significant impact.

#### Environmental Assessment

##### *Identification of the Proposed Action*

The proposed action would revise the Technical Specifications (TSs) by removing and updating portions of the TSs which are outdated or are obsolete including footnotes and references. The proposed changes are editorial or administrative in nature as they update the current TSs to reflect changes previously approved by the NRC.

The proposed action is in accordance with the licensee's application dated October 8, 2008, as supplemented by letter dated May 5, 2009.

##### *The Need for the Proposed Action*

The proposed action is needed to update the TSs and remove out of date and obsolete information.

##### *Environmental Impacts of the Proposed Action*

The NRC has completed its safety evaluation of the proposed action and concludes that there are no environmental impacts associated with granting the subject license amendment updating the TSs to remove outdated or obsolete information. The details of the NRC staff's safety evaluation will be provided in a letter to the licensee upon approval of the license amendment.

The proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of

any effluent released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are also no known socioeconomic or environmental justice impacts associated with such proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

##### *Environmental Impacts of the Alternatives to the Proposed Action*

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

##### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for Catawba Nuclear Station, Units 1 and 2, NUREG-0921, dated January 1983 and Final Supplemental Environmental Impact Statement (NUREG-1437, Supplement 9) dated December 2002.

##### *Agencies and Persons Consulted*

On September 23, 2009, the NRC staff consulted with the South Carolina State official, Mr. Michael Gandy, Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

##### **Finding of No Significant Impact**

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. No substantial changes to the facility or its operation are associated with the proposed license amendment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 8, 2008, as supplemented

by letter dated May 5, 2009. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209 or 301-415-4737, or send an e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Dated at Rockville, Maryland, this 7th day of October 2009.

For the Nuclear Regulatory Commission.

**Jon Thompson,**

*Project Manager, Plant Licensing Branch II-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-24722 Filed 10-13-09; 8:45 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[NRC-2009-0451; Docket No. 50-220]

**Nine Mile Point Nuclear Station, Unit No. 1; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-63 issued to Nine Mile Point Nuclear Station, LLC (the licensee) for operation of Nine Mile Point, Unit No. 1 (NMP1) located in Oswego, NY.

The proposed amendment would modify Technical Specification (TS) sections 3.2.7.1 and 4.2.7.1, "Primary Coolant System Pressure Isolation Valves," to incorporate requirements that are consistent with section 3.4.5 of the Improved Standard TSs, NUREG-1433, Revision 3. The proposed TS changes include the addition of applicable reactor operating conditions, addition of actions to be taken when pressure isolation valve (PIV) leakage is not within limit, relocation of the PIV leakage limit criterion from TS Table 3.2.7.1 to Specification 4.2.7.1.a, replacement of the existing PIV leakage test frequencies with a reference to the

Inservice Testing Program, and deletion of TS Table 3.2.7.1, "Primary Coolant System Pressure Isolation Valves." The list of PIVs would be relocated from TS Table 3.2.7.1 to the NMP1 Updated Final Safety Analysis Report, consistent with the guidance in Generic Letter (GL) 91-08, "Removal of Component Lists from Technical Specifications."

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the *Code of Federal Regulations* (10 CFR), section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment involves changes to the TS requirements that apply to reactor coolant system (RCS) PIVs. No physical plant changes are involved. PIVs isolate the boundary between the high pressure RCS and connected low pressure piping systems. The TS requirements are intended to detect PIV degradation that has the potential to cause a loss of coolant accident (LOCA) outside of containment due to the failure of low pressure portions of systems connected to the RCS.

The proposed changes to the TS requirements are consistent with NUREG-1433, "Standard Technical Specifications, General Electric Plants, BWR/4," and will continue to ensure that excessive leakage through these valves is properly identified and resolved. Testing in accordance with the IST [Inservice Testing] Program will continue to detect PIV leakage in excess of the established limits, which are not being changed. When these limits are exceeded, required actions will initiate appropriate activities to minimize the impact of the leakage. These actions will not adversely impact nuclear safety because the flow paths will be sufficiently isolated, the period of time without redundant isolation capability will be appropriately limited, and the probability of a second valve failing during

this time period is low. Thus, the proposed amendment does not result in operation that would make an accident more likely to occur, and does not alter assumptions relative to mitigation of a previously evaluated accident.

Relocation of the list of PIVs from the TS to a licensee-controlled document (the UFSAR) in accordance with the guidance in GL 91-08 is an administrative change that does not alter the TS requirements that are applicable to the PIVs. Based on the above discussion, it is concluded that the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment involves changes to the TS requirements that apply to RCS PIVs. These changes to the TS requirements are consistent with NUREG-1433. The proposed changes do not involve a physical alteration of the plant (no new or different type of equipment will be installed) or changes in the methods governing normal plant operation. The changes also do not alter the design function of the PIVs and do not adversely affect the ability of the PIVs to perform their design function.

Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment involves changes to the TS requirements that apply to RCS PIVs. No physical plant changes are involved. PIVs isolate the boundary between the high pressure RCS and connected low pressure piping systems. The revised TS PIV requirements will continue to ensure that excessive leakage through these valves is properly identified and resolved, such that a LOCA outside of containment due to the failure of low pressure portions of systems connected to the RCS will be no more likely to occur. Thus, the proposed amendment will not result in a design basis or safety limit being exceeded or altered.

Based on the above discussion, it is concluded that the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the