

August 31, 2001

Mr. Oliver D. Kingsley, President
Exelon Nuclear
Exelon Generation Company, LLC
Executive Towers West III
1400 Opus Place, Suite 500
Downers Grove, IL 60515

SUBJECT: DRESDEN NUCLEAR POWER STATION, UNIT 2 - EXEMPTION FROM THE
REQUIREMENTS OF 10 CFR 50.55a(g)(6)(ii)(B), EXPEDITED EXAMINATION
OF CONTAINMENT (TAC NO. MB0720)

Dear Mr. Kingsley:

The Commission has approved the enclosed exemption from the specific requirements of Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50, Section 50.55a(g)(6)(ii)(B), Expedited Examination of Containment, for the Dresden Nuclear Power Station, Unit 2. This action is in response to your letter of December 8, 2000, as supplemented by letter dated February 2, 2001.

A copy of the exemption and the supporting safety evaluation are enclosed. The exemption has been forwarded to the Office of the Federal Register for publication.

Sincerely,

/RA/

Lawrence W. Rossbach, Project Manager, Section 2
Project Directorate III
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket No. 50-237

Enclosures: Exemption
Safety Evaluation

cc w/encls: See next page

O. Kingsley
Exelon Generation Company, LLC

Dresden Nuclear Power Station
Units 2 and 3

cc:

Exelon Generation Company, LLC
Site Vice President - Dresden
6500 N. Dresden Road
Morris, Illinois 60450-9765

Mr. John Skolds
Chief Operating Officer
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Exelon Generation Company, LLC
Station Manager - Dresden
6500 N. Dresden Road
Morris, Illinois 60450-9765

Mr. John Cotton
Senior Vice President, Operations Support
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Exelon Generation Company, LLC
Regulatory Assurance Manager - Dresden
6500 N. Dresden Road
Morris, Illinois 60450-9765

Mr. William Bohlke
Senior Vice President, Nuclear Services
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

U.S. Nuclear Regulatory Commission
Dresden Resident Inspectors Office
6500 N. Dresden Road
Morris, Illinois 60450-9766

Mr. H. Gene Stanley
Vice President
Mid-West Regional Operating Group
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Chairman
Grundy County Board
Administration Building
1320 Union Street
Morris, Illinois 60450

Mr. Christopher Crane
Senior Vice President
Mid-West Regional Operating Group
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Regional Administrator
U.S. NRC, Region III
801 Warrenville Road
Lisle, Illinois 60532-4351

Mr. Jeffrey Benjamin
Vice President - Licensing and Regulatory
Affairs
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Illinois Department of Nuclear Safety
Office of Nuclear Facility Safety
1035 Outer Park Drive
Springfield, Illinois 62704

Document Control Desk-Licensing
Exelon Generation Company, LLC
1400 Opus Place, Suite 500
Downers Grove, Illinois 60515

O. Kingsley
Exelon Generation Company, LLC

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Dresden Nuclear Power Station
Units 2 and 3

Mr. R. M. Krich
Director - Licensing
Mid-West Regional Operating Group
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, Illinois 60515

Mr. Robert Helfrich
Senior Counsel, Nuclear
Mid-West Regional Operating Group
Exelon Generation Company, LLC
1400 Opus Place, Suite 900
Downers Grove, IL 60515

Mr. Oliver D. Kingsley, President
 Exelon Nuclear
 Exelon Generation Company, LLC
 Executive Towers West III
 1400 Opus Place, Suite 500
 Downers Grove, IL 60515

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Lawrence W. Rossbach, Project Manager, Section 2
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 Safety Evaluation

cc w/encls: See next page

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UNITED STATES NUCLEAR REGULATORY COMMISSION

EXELON GENERATION COMPANY, LLC

DOCKET NO. 50-237

DRESDEN NUCLEAR POWER STATION, UNIT 2

EXEMPTION

1.0 BACKGROUND

The Exelon Generation Company, LLC, (Exelon, or the licensee) is the holder of Facility Operating License No. DPR-19, which authorizes operation of the Dresden Nuclear Power Station, Unit 2. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a boiling water reactor located in Grundy County, Illinois.

2.0 REQUEST/ACTION

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 50.55a(g)(6)(ii)(B), Expedited Examination of Containment, requires that, by September 9, 2001, licensees of all operating nuclear power plants shall implement the inservice examinations for the first period of the first inspection interval specified in ASME Subsection IWE of the 1992 Edition with the 1992 Addenda in conjunction with the modifications specified in 10 CFR 50.55a(b)(2)(ix). The purpose of performing these containment inspections is to ensure the structural integrity of the containment. While some of the inservice examinations can be performed with the plant at power, due to radiological considerations, other examinations must be scheduled during plant outages.

The licensee recently upgraded their inservice examination program by implementing the 1998 Edition of ASME Section XI, Subsection IWE in place of the 1992 Edition. The staff approved this proposal by letter dated September 18, 2000. While the licensee intended to complete the required inservice examinations during the refueling outage of October 1999, the licensee subsequently determined that some of the examinations did not meet either the 1992 or 1998 Edition and, therefore, must be re-performed. Considering that the licensee's next scheduled refueling outage will be in October 2001, the licensee will be unable to complete all inservice examinations required by regulation unless a special outage, for the purpose of performing inservice examinations, is planned prior to September 9, 2001.

In consideration of the above, by letter dated December 8, 2000, and supplemented by letter dated February 2, 2001, the licensee requested a schedular exemption from implementation of inservice examinations of the containment by September 9, 2001, as required by 10 CFR 50.55a(g)(6)(ii)(B). The schedular exemption is requested to extend the implementation date by 90 days (i.e., to December 8, 2001) to allow completion of first period examinations during the next refueling outage, scheduled to begin in October 2001.

3.0 DISCUSSION

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. According to 10 CFR 50.12(a)(2)(iii), special circumstances are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted. The requested schedular exemption is required to prevent a forced shutdown of the facility for the purpose of

conducting inservice examinations prior to September 9, 2001. In addition, according to 10 CFR 50.12(a)(2)(v), special circumstances are also present whenever the exemption would provide only temporary relief from the applicable regulation and the licensee has made good faith efforts to comply with the regulation. The requested exemption is only needed for a maximum of 90 days, to the start of the next scheduled refueling outage. The staff believes that the licensee made good faith efforts to complete the inservice examinations to satisfy the regulations during their last refueling outage of October 1999.

As described in the staff's safety evaluation dated August 31, 2001, the staff finds that: (1) the requested 90-day extension is a relatively short period that would not permit a significant increase in any degradation that has developed since the general visual examination performed during the most recent refueling outage conducted in October 1999, (2) a separate outage for the performance of containment inspections to meet the date of September 9, 2001, would present undue hardship and costs due to lost generation, and (3) an extra shutdown would increase radiological exposure. On this basis, the staff concludes that (1) the exemption requested by the licensee will not present an undue risk to the public health and safety, (2) to meet the date required by the regulation would result in undue hardship or other costs, and (3) the exemption would provide only temporary relief from the applicable regulation. Therefore, the exemption is authorized pursuant to 10 CFR 50.12(a).

4.0 CONCLUSION

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present.

Therefore, the Commission hereby grants Exelon Nuclear an exemption from the requirements of 10 CFR 50.55a(g)(6)(ii)(B) for Dresden Nuclear Power Station, Unit 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 45876).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 31st day of August 2001.

FOR THE NUCLEAR REGULATORY COMMISSION

/RA/

John A. Zwolinski, Director
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
OF RELIEF REQUESTS FROM ASME SECTION XI REQUIREMENTS
FOR CONTAINMENT INSPECTION
EXELON GENERATION COMPANY, LLC
DRESDEN NUCLEAR POWER STATION, UNIT 2
DOCKET NO. 50-237

1.0 INTRODUCTION

In the Federal Register dated August 8, 1996 (61 FR 41303), the Nuclear Regulatory Commission (NRC) amended its regulations to incorporate by reference the 1992 edition with 1992 addenda of Subsections IWE and IWL of Section XI of the ASME Boiler and Pressure Vessel Code (Code). Subsections IWE and IWL provide the requirements for inservice inspection (ISI) of Class CC (concrete containment), and Class MC (metallic containment) of light-water cooled power plants. The effective date for the amended rule was September 9, 1996, and it requires the licensees to incorporate the new requirements into their ISI plans and to complete the first containment inspection by September 9, 2001.

By the letter dated December 8, 2000 (Reference 1), Commonwealth Edison Company (now Exelon Generation Company, LLC, or Exelon), the licensee, proposed an exemption from the inservice examination schedule requirements of 10 CFR 50.55a(g)(6)(ii)(B), "Expedited Examination of Containment," for its Dresden Nuclear Power Station, Unit 2 (DNPS Unit 2). Also in the letter dated February 2, 2001 (Reference 2), the licensee provided additional basis for the requested exemption. The NRC's findings are discussed in this evaluation.

2.0 EVALUATION OF EXEMPTION REQUEST

2.1 Requirements

10 CFR 50.55a(g)(6)(ii)(B), "Expedited Examination of Containment," requires that licensees of all operating nuclear power plants shall implement the inservice examinations for the first period of the first inspection interval specified in ASME Subsection IWE of the 1992 Edition with the 1992 Addenda in conjunction with the modifications specified in 10 CFR 50.55a(b)(2)(ix) by September 9, 2001.

2.2 Exemption Requested and Proposed Alternative

In lieu of meeting the 10 CFR 50.55a(g)(6)(ii)(B) requirements of implementing the containment inservice examinations by September 9, 2001, the licensee proposed a maximum ninety (90)

day extension (extended to December 8, 2001) for performance of first period examinations. The next DNPS Unit 2 refueling outage is currently scheduled to begin in October 2001.

2.3 Discussion

In Reference 3, Exelon requested relief (Relief Request MCR-02) and, subsequently, the staff approved, in Reference 4, the use of the 1998 Edition of ASME Section XI, Subsections IWE and IWL during the first inspection interval for DNPS Unit 2. Due to the differences in inspection requirements between the two editions, inspections performed during the first inspection period in accordance with ASME Section XI, 1992 Edition with the 1992 Addenda do not directly correlate to the 1998 Edition inspection requirements. The requested extension is needed in order to perform containment examinations specified for the first period of the first inspection interval in accordance with the 1998 Edition prior to completion of the next DNPS Unit 2 refueling outage, D2R17. The last opportunity to complete the first period containment examinations was during the last refueling outage, D2R16, completed on October 27, 1999, which was prior to Exelon's submittal of Relief Request MCR-02. As discussed in Reference 2, a number of the examinations performed during D2R16 did not meet the requirements of the ASME B&PV Code XI, Subsection IWE 1992 Edition with 1992 Addenda. In addition, it was subsequently determined that those examinations, which were in compliance with the ASME B&PV Code XI, Subsection IWE 1992 Edition with 1992 Addenda, did not meet the requirements of the planned relief request, which utilizes the 1998 Edition of ASME B&PV Code XI, Subsection IWE. Therefore, after the refueling outage, it was determined that all Period 1 examinations needed to be re-performed, in accordance with the 1998 Edition.

The next available opportunity to perform containment examinations at DNPS, Unit 2, will be refueling outage D2R17, which is scheduled to begin in October, 2001. Therefore, an extension from the September 9, 2001, implementation date to December 8, 2001 is required for completion of first period containment inspections. The exemption requests a extension of 90 days. The additional time provides for any unforeseen minor schedule changes to the DNPS Unit 2 refueling outage schedule. If a separate outage were required to perform containment inspections, Exelon would be subject to undue hardships or other costs that result from lost generation. Accordingly, Exelon believes that this request meets the requirements of 10 CFR 50.12(a), Subparagraphs (2)(iii) and (2)(v).

2.4 Basis for Exemption

As discussed in the following sections, the requested exemption meets the necessary criteria of 10 CFR 50.12, "Specific Exemptions."

A. Criteria for Granting Exemptions Are Met in Accordance with 10 CFR 50.12(a)(1)

1. The requested exemptions and activities, which would be allowed thereunder, are authorized by law:

If the criteria established in 10 CFR 50.12(a) are satisfied and if no other prohibition of law exists to preclude the activities which would be authorized by requested exemption, and there are no such prohibitions, the Commission is authorized by law to grant this exemption request.

2. The requested exemption will not present undue risk to the public:

The purpose of performing containment inspections is to ensure the structural integrity of containment. The requested exemption is consistent with this intent in that it only requests a schedular exemption of short duration.

Previous DNPS Unit 2 containment inspections have not identified any areas of containment degradation that impact the structural integrity of containment. A general visual examination of accessible surface areas was performed during outage D2R16, which was completed in October 1999. The general visual examination was performed in accordance with ASME Code, Section XI, 1992 Edition with 1992 Addenda and included accessible surface areas of the containment structure and containment penetrations. The requested 90-day extension is a relative short duration that would not permit a significant increase in any degradation that was developed since the previous general visual examination performed during D2R16. Therefore, this schedular exemption (90 days extension) will not present an undue risk to the public health and safety.

3. The requested exemption will not endanger the common defense and security:

The common defense and security are not compromised by the proposed exemption.

B. At Least One of the Special Circumstances is Present in Accordance with 10 CFR 50.12(a)(2)

1. The requested exemption will avoid undue hardship or costs:

The requested schedular exemption is required to prevent a forced shutdown of DNPS, Unit 2. Preparations for a refueling outage are proceeding based on a scheduled shutdown in October 2001. An earlier required shutdown would present undue hardship and costs due to lost generation and increased radiological exposure. Because the requested exemption does not jeopardize the health and safety of the public, as previously discussed, its approval is warranted.

2. The requested exemption will only provide temporary relief from the applicable regulation:

The requested exemption is only needed for a maximum 90 days, to the start of refueling outage D2R17.

2.5 Staff Evaluation

The licensee has requested a schedular exemption, in accordance with 10 CFR 50.12, for DNPS, Unit 2, from completing the first period of the first inspection interval of containment inservice inspections by September 9, 2001, as required by 10 CFR 50.55a(g)(6)(ii)(B). The alternative proposed by the licensee is to extend the implementation date by ninety (90) days to

allow completion of the first period examinations during the next DNPS 2 refueling outage, D2R17, currently scheduled to begin in October 2001.

In Reference 1, the licensee stated that the previous DNPS Unit 2 containment examinations (including the general visual examination of accessible surface areas of containment structure and VT-3 examinations of containment penetrations), that were performed in accordance with the 1992 edition of ASME Section XI, Subsection IWE, during refueling outage D2R16, have not identified any areas of degradation that will impact the structural integrity of containment. In Reference 2, the licensee described how the inservice examinations performed during D2R16 did not satisfy the requirements of 10 CFR 50.55a(g)(6)(ii)(B), "Expedited Examination of Containment," and that they would need to be re-performed during D2R17. The licensee stated that the requested 90-day extension is a relatively short duration that would not permit a significant increase in any degradation that has developed since the previous examinations performed during D2R16, and will not present an undue risk to the public health and safety. The licensee also stated that since the first period containment inspections required by the 1992 Edition with 1992 Addenda were not completed during the D2R16 outage, the only next available opportunity will be the D2R17 outage. If a separate outage were required for performing containment inspections to meet the deadline of September 9, 2001, it would present undue hardship and costs due to lost generation, and increased radiological exposure.

In summary, the staff finds that: (1) the requested 90-day extension is a relatively short period that would not permit a significant increase in any degradation that has developed since the general visual examination performed during D2R16, (2) a separate outage for the performance of containment inspections to meet the deadline of September 9, 2001, would present undue hardship and costs due to lost generation, and (3) an extra shutdown would increase radiological exposure. On this basis, the staff concludes that (1) the exemption requested by the licensee will not present an undue risk to the public health and safety, (2) to meet the date required by the regulation would result in undue hardship or other costs, and (3) the exemption would provide only temporary relief from the applicable regulation. Therefore, the exemption is authorized pursuant to 10 CFR 50.12(a).

3.0 CONCLUSION

Based on its review of the information provided in the request for exemption, the staff concludes that (1) the exemption requested by the licensee will not present an undue risk to the public health and safety, (2) to meet the date required by the regulation would result in undue hardship or other costs, and (3) the exemption would provide only temporary relief from the applicable regulation. On this basis, the requested exemption is authorized pursuant to 10 CFR 50.12(a).

Principal Reviewer: Thomas Cheng, NRR

4.0 References

1. Letter from Preston Swafford, ComEd to NRC, "Request for Scheduling Exemption to the 10 CFR 50.55a(g)(6)(ii)(B) Requirements, Expedited Examination of Containment," dated December 8, 2000.
2. Letter from Preston Swafford, Exelon Nuclear to NRC, "Supplemental Information for Request for Scheduling Exemption 10 CFR 50.55a(g)(6)(ii)(B) Expedited Examination of Containment," dated February 2, 2001.
3. Letter from R. M. Krich, ComEd to NRC, "Request for Inservice Inspection Program Relief Regarding Containment Inspections by Approved Alternative Means," dated May 8, 2000.
4. Letter from A. J. Mendiola, NRC to O. D. Kingsley, ComEd, "Byron, Dresden and LaSalle - Evaluation of Relief Requests: Use of 1998 Edition of Subsections IWE and IWL of the ASME Code for Containment Inspection," dated September 18, 2000.