

April 21, 2005

Mr. C. J. Gannon, Vice President
Brunswick Steam Electric Plant
Carolina Power & Light Company
Post Office Box 10429
Southport, North Carolina 28461

SUBJECT: BRUNSWICK STEAM ELECTRIC PLANT, UNITS 1 AND 2 - REQUEST TO USE
MORE RECENT INSERVICE TESTING REQUIREMENTS FOR PRESSURE
RELIEF DEVICE TESTING (TAC NOS. MC5564 AND MC5565)

Dear Mr. Gannon:

By letter dated December 20, 2004, Carolina Power & Light Company (the licensee), also doing business as Progress Energy Carolinas, Inc., requested U. S. Nuclear Regulatory Commission (NRC) approval to use a portion of a more recent edition and addenda of the American Society of Mechanical Engineers (ASME) *Code for Operation and Maintenance of Nuclear Power Plants* (OM Code) for the Brunswick Steam Electric Plant (BSEP), Units 1 and 2 pursuant to paragraph 50.55a(f)(4)(iv) of Title 10 of the *Code of Federal Regulations* (10 CFR). Specifically, the licensee requested approval to apply the requirements of the 2001 Edition with the 2002 and 2003 Addenda of the ASME OM Code Mandatory Appendix I, *Inservice Testing of Pressure Relief Devices in Light-Water Reactor Nuclear Power Plants*, to all pressure relief devices subject to inservice testing (IST) requirements for the remainder of the BSEP, Units 1 and 2 third 120-month IST program interval, which is scheduled to end May 10, 2008. The applicable Code of Record for BSEP, Units 1 and 2 is the 1989 Edition of the ASME *Boiler and Pressure Vessel Code*, Section XI with no addenda.

The regulations in 10 CFR 50.55a(f)(4)(iv) state that inservice tests of pumps and valves may meet the requirements set forth in subsequent editions and addenda that are incorporated by reference in 10 CFR 50.55a(b), subject to the limitations and modifications listed in 10 CFR 50.55a(b), and subject to NRC approval. Portions of editions or addenda may be used provided that all related requirements of the respective editions or addenda are met. The 2001 Edition with the 2002 and 2003 Addenda of the ASME OM Code were incorporated by reference into 10 CFR 50.55a(b) on October 1, 2004 (69 FR 58804) with no new limitations or modifications. That revised regulation became effective on November 1, 2004.

The NRC staff finds that there are no limitations or modifications listed in 10 CFR 50.55a(b) that apply to the use of Mandatory Appendix I. Further, the NRC staff has identified no related requirements in the specified later ASME Code edition and addenda that would also need to be met to implement the requested Mandatory Appendix I. Therefore, pursuant to 10 CFR 50.55a(f)(4)(iv), the use of Mandatory Appendix I of the 2001 Edition with the 2002 and

C. Gannon

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2003 Addenda for IST of pressure relief devices is approved for the remainder of the BSEP third 120-month IST program interval.

If you have any questions regarding this approval, please contact the Brunswick Project Manager, Brenda Mozafari, at 301-415-2020.

Sincerely,

/RA/

Michael L. Marshall, Jr., Chief, Section 2
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-325 and 50-324

cc: See next page

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Brunswick Steam Electric Plant
Units 1 and 2

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