

June 18, 2008

Mr. John T. Carlin
Vice President R.E. Ginna Nuclear Power Plant
R.E. Ginna Nuclear Power Plant, LLC
1503 Lake Road
Ontario, NY 14519

SUBJECT: R.E. GINNA NUCLEAR POWER PLANT – ACCEPTANCE REVIEW
REGARDING FOURTH TEN-YEAR INTERVAL INSERVICE INSPECTION
PROGRAM SUBMITTAL OF RELIEF REQUEST NUMBERS 18, 19, 20, AND 21
(TAC NOS. MD8732 – MD8735)

Dear Mr. Carlin:

By letter dated May 10, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081400722), R. E. Ginna Nuclear Power Plant, LLC (the licensee) submitted Relief Request Nos. 18, 19, 20, and 21 for the Fourth Ten-Year Interval Inservice Inspection Program for the R. E. Ginna Nuclear Power Plant. The licensee proposed to defer related reactor vessel Examination Category B-A, B-D, B-F, B-K, B-N-2, and B-N-3 examinations from the 2009 refueling outage to the 2011 refueling outage. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this request. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Pursuant to Sections 50.55a(a)(3)(i) and 50.55a(a)(3)(ii) of Title 10 of the *Code of Federal Regulations* (10 CFR), the applicant shall demonstrate that the proposed alternatives would provide an acceptable level of quality and safety, or that compliance with the specified requirements of Section 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality or safety.

On June 11, 2008, the NRC staff held a conference call with Tom Harding, Jay Wells and others of your staff to discuss the results of the staff's acceptance review. It is our understanding that Relief Request No. 18 will be withdrawn and will be resubmitted at some future date. The revised submittal will be based upon WCAP-16168-NP, Revision 2, "Risk-Informed Extension of the Reactor Vessel Inservice Inspection Interval," in concert with the guidance provided by Regulatory Guide 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," in accordance with the limitations and conditions specified in Section 4.0 of the staff's safety evaluation for the WCAP dated May 8, 2008 (ADAMS Accession No. ML081060053).

Relief Request No. 19 included four separate technical justifications for the extension in the inspection interval, one of which is a change in risk justification (i.e., Section D). Section D states that the change in risk associated with the proposed extension of the inspection interval was estimated, in part, using the results of computer runs of the Westinghouse Win-Structural Reliability and Risk Assessment (SRRA) computer code. The submittal further states that the use of this code for the purpose of estimating piping weld failure probabilities "has been

reviewed and approved for use by the NRC.” The licensee compared the resulting change in risk estimate with the acceptance guideline in RG 1.174 and concluded that the requested change was acceptable because the change risk guidelines had been met. As discussed during the conference call, the NRC staff has concluded that this use of the change in risk estimate based, in part, on the SRRA code results is outside the limitations explicitly imposed on the methodology and the licensee has not provided an analysis to justify why the proposed use is conservative or otherwise acceptable. Therefore, the NRC staff does not find Relief Request No. 19 acceptable to begin its detailed technical review.

The NRC staff recommended that Relief Request No. 19 be resubmitted without a risk argument. The justification shall demonstrate that the proposed alternative provides an acceptable level of quality and safety or that compliance with the code requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

The NRC staff requested that Relief Request No. 19 be resubmitted within 15 days of the conference call (i.e., June 26, 2008). This will enable the NRC staff to begin its detailed technical review. If the information responsive to the NRC staff’s request is not received by the above date, the relief request will not be accepted for review pursuant to 10 CFR 2.101, and the NRC will cease its review activities associated with the relief request. If Relief Request No. 19 is subsequently accepted for review, you will be advised of any further information needed to support the staff’s detailed technical review by separate correspondence.

Finally, the NRC staff concluded that Relief Request Nos. 20 and 21 provides technical information in sufficient detail to enable the staff to proceed with its detailed technical review and make an independent assessment regarding the acceptability of the relief requests in terms of regulatory requirements and the protection of public health and safety and the environment. If additional information is needed for the staff to complete its technical review, you will be advised by separate correspondence.

If you have any questions, please contact me at 301-415-1364

Sincerely,

/RA/

Douglas V. Pickett, Senior Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244

cc: See next page

reviewed and approved for use by the NRC.” The licensee compared the resulting change in risk estimate with the acceptance guideline in RG 1.174 and concluded that the requested change was acceptable because the change risk guidelines had been met. As discussed during the conference call, the NRC staff has concluded that this use of the change in risk estimate based, in part, on the SRRRA code results is outside the limitations explicitly imposed on the methodology and the licensee has not provided an analysis to justify why the proposed use is conservative or otherwise acceptable. Therefore, the NRC staff does not find Relief Request No. 19 acceptable to begin its detailed technical review.

The NRC staff recommended that Relief Request No. 19 be resubmitted without a risk argument. The justification shall demonstrate that the proposed alternative provides an acceptable level of quality and safety or that compliance with the code requirements would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.

The NRC staff requested that Relief Request No. 19 be resubmitted within 15 days of the conference call (i.e., June 26, 2008). This will enable the NRC staff to begin its detailed technical review. If the information responsive to the NRC staff’s request is not received by the above date, the relief request will not be accepted for review pursuant to 10 CFR 2.101, and the NRC will cease its review activities associated with the relief request. If Relief Request No. 19 is subsequently accepted for review, you will be advised of any further information needed to support the staff’s detailed technical review by separate correspondence.

Finally, the NRC staff concluded that Relief Request Nos. 20 and 21 provides technical information in sufficient detail to enable the staff to proceed with its detailed technical review and make an independent assessment regarding the acceptability of the relief requests in terms of regulatory requirements and the protection of public health and safety and the environment. If additional information is needed for the staff to complete its technical review, you will be advised by separate correspondence.

If you have any questions, please contact me at 301-415-1364

Sincerely,
/RA/
 Douglas V. Pickett, Senior Project Manager
 Plant Licensing Branch I-1
 Division of Operating Reactor Licensing
 Office of Nuclear Reactor Regulation

Docket No. 50-244

cc: See next page

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