



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

December 18, 2008

Mr. Benjamin Waldrep, 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 NO. RR-40
TO USE THE 2001 EDITION, THROUGH THE 2003 ADDENDA, OF THE
AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE
VESSEL CODE, SECTION XI FOR THE THIRD 10-YEAR INSERVICE
INSPECTION INTERVAL (TAC NOS. MD9134 AND MD9135)

Dear Mr. Waldrep:

By letter dated June 24, 2008, Carolina Power & Light Company (the licensee), requested approval to use a later edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI for repair and replacement activities at the Brunswick Nuclear Plant (BSEP), Units 1 and 2. In Request Number RR-40 (RR-40), the licensee requested to use Article IWA-4000, "Repair/Replacement Activities," in the 2001 Edition, through the 2003 Addenda, of the ASME Code, Section XI for the performance of repair/replacement activities and the pressure test associated with these activities.

The requirements of paragraph 50.55a(g)(4)(iv) of Title 10 of *Code of Federal Regulations* (10 CFR) allow licensees to use subsequent editions and addenda of ASME Code, Section XI, provided that the editions and addenda are incorporated by reference in paragraph 10 CFR 50.55a(b), subject to the limitations and modifications listed in paragraph 10 CFR 50.55a(b), and subject to the Nuclear Regulatory Commission (NRC)'s approval. The requirements of 10 CFR 50.55a(b)(2) allow use of the 2001 Edition, through the 2003 Addenda, subject to the modifications and limitations imposed by 10 CFR 50.55a(b)(2).

The licensee has extended, in accordance to paragraph IWA-2430(d), the third 10-year inservice inspection (ISI) interval by one year at BSEP, Units 1 and 2. The extension of the third 10-year ISI interval does not alter the start of the fourth 10-year ISI interval that began on May 11, 2008. The applicable Code of Record for the third 10-year ISI interval for BSEP, Units 1 and 2 is the ASME Code, Section XI, 1989 Edition with no addenda. The licensee requested RR-40 in accordance with the requirements in 10 CFR 50.55a(g)(4)(iv) to use the 2001 Edition, through the 2003 Addenda, of the ASME Code for the remainder of BSEP, Units 1 and 2, third 10-year ISI interval that is scheduled to be completed by May 10, 2009. In addition, the licensee stated that it will comply with all applicable modifications and limitations specified in 10 CFR 50.55a.

Based upon the above information, the NRC staff finds the licensee's request, RR-40, use of a later edition of the ASME Code, Section XI for repair/replacement activities (IWA-4000), to be acceptable. Therefore, pursuant to 10 CFR 50.55a(g)(4)(iv), use of 2001 Edition, through the 2003 Addenda, of the ASME Code, Section XI, Article IWA-4000, subject to the modifications and limitations of 10 CFR 50.55a(b)(2), is approved for the remainder of the third 10-year ISI interval for BSEP, Units 1 and 2 that concludes on May 10, 2009.

B. Waldrep

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If you have any questions regarding this issue, please contact Farideh Saba at (301) 415-1447 or farideh.saba@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Boyce', written in a cursive style.

Thomas H. Boyce, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-325 and 50-324

cc: See next page

Carolina Power & Light Company

**Brunswick Steam Electric Plant,
Units 1 and 2**

cc:

Sandra Spencer, Mayor
City of Southport
201 East Moore Street
Southport, North Carolina 28461

Additional Distribution via ListServ

B. Waldrep

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If you have any questions regarding this issue, please contact Farideh Saba at (301) 415-1447 or farideh.saba@nrc.gov.

Sincerely,

/RA/

Thomas H. Boyce, Chief
Plant Licensing Branch II-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-325 and 50-324

cc: See next page

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