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

May 19, 2009

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 – APPROVAL OF RELIEF REQUEST NO. 22 – FIRST INTERVAL IWE/IWL CONTAINMENT PROGRAM ALTERNATIVE FOR CONTAINMENT INSERVICE INSPECTION INTERVAL EXTENSION (TAC NO. ME0154)

Dear Mr. Carlin:

By letter dated November 21, 2008, as supplemented by letter dated March 20, 2009, the R.E. Ginna Nuclear Power Plant, LLC (the licensee) submitted Relief Request (RR) No. 22, First Interval IWE/IWL Containment Program Alternative for Containment Inservice Inspection (CISI) Interval Extension. The licensee requested relief from the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, "Rules for In-service Inspection of Nuclear Power Plant Components." Specifically, the licensee requested relief to extend the interval of the R.E. Ginna Nuclear Power Plant (Ginna) containment inservice inspection program by approximately 4 months over and beyond the 12-month extension allowed by Section XI of the ASME Code. The relief is requested pursuant to 10 CFR 50.55a(a)(3)(i) on the basis that the proposed alternative provides an acceptable level of quality and safety.

The Nuclear Regulatory Commission (NRC) staff completed its review of the submittals, and has concluded that the licensee's proposed alternative provides an acceptable level of quality and safety. Therefore, RR No. 22 is authorized, pursuant to 10 CFR 50.55a(a)(3)(i), to allow the licensee to extend the end date for the first 10-Year CISI interval at Ginna from September 2008 to December 31, 2009. Details of the NRC staff's review are set forth in the enclosed safety evaluation.

Sincerely,

John P. Boska

John P. Boska, Acting Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244

Enclosure:
Safety Evaluation

cc w/encl: Distribution via ListServ

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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

EXTENSION OF FIRST CONTAINMENT INSERVICE INSPECTION INTERVAL

RELIEF REQUEST NO. 22

R.E. GINNA NUCLEAR POWER PLANT, LLC

R.E. GINNA NUCLEAR POWER PLANT

DOCKET NO. 50-244

1.0 INTRODUCTION

By letter dated November 21, 2008 (Reference 1), R.E. Ginna Nuclear Power Plant, LLC, the licensee for the R.E. Ginna Nuclear Power Plant (Ginna), submitted Relief Request (RR) No. 22. Specifically, the RR sought relief to extend the first 10-Year (120-month) Containment Inservice Inspection (CISI) interval for Ginna by approximately 16 months, from September 8, 2008, to December 31, 2009, to enable the CISI interval and the Inservice Inspection (ISI) (for Class 1, 2, and 3 components) programs to be aligned into a common interval. The First CISI interval was originally scheduled to end on September 8, 2008, and the current ISI interval ends on December 31, 2009. Paragraph IWA-2430(d) of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, allows the 10-Year interval to be extended by as much as 12 months. The proposed extension would enable the licensee to use a common edition and addenda of the ASME Code, Section XI, for its CISI and ISI programs for the next and successive future intervals. This would eliminate the need to maintain two programs that have different code requirements caused by the difference in the start/end dates of the intervals of the two programs. The licensee has submitted the RR pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a(a)(3)(i), on the basis that the proposed alternative would provide an acceptable level of quality and safety.

By letter dated February 9, 2008 (Reference 2), the Nuclear Regulatory Commission (NRC) staff issued its request for additional information (RAI) to the licensee. The licensee provided its response to the NRC staff's RAIs by letter dated March 20, 2009 (Reference 3). The staff's review addresses the ability of the licensee's proposed alternative to maintain an acceptable level of quality and safety, after altering the inspection interval of the CISI program, to ensure integrity of the containment.

2.0 REGULATORY EVALUATION

10 CFR 50.55a(a)(3)(i) states that proposed alternatives to the requirements of paragraphs (c), (d), (e), (f), (g), and (h) of the section (i.e., 10 CFR 50.55a "Code and standards") or portions thereof may be used when authorized by the Director of the Office of Nuclear Reactor Regulation, provided the applicant demonstrates that the proposed alternatives would provide an acceptable level of quality and safety. The licensee has submitted RR No. 22, pursuant to 10 CFR 50.55a(a)(3)(i), to extend its first 120-month CISI interval by approximately 16 months,

which is 4 months beyond that allowed by paragraph IWA-2430(d) of the ASME Code, Section XI.

Pursuant to 10 CFR 50.55a(g)(4), components which are classified as ASME Code Class 1, 2, and 3 components (including supports) and components classified as Class MC and Class CC pressure retaining components and their integral attachments must meet the requirements, except the design and access provisions and preservice examination requirements, set forth in the ASME Code, Section XI, to the extent practical within the limitations of design, geometry, and materials of construction of the components. Specifically, 10 CFR 50.55a(g)(4)(ii) requires that inservice examination of components and system pressure tests conducted during successive 120-month intervals, subsequent to the initial 120-month interval, must comply with requirements of the latest edition and addenda of Section XI of the ASME Code incorporated by reference in paragraph 10 CFR 50.55a(b) of the regulations, 12 months before the start of the 120-month interval, subject to the limitations and modifications listed therein.

3.0 TECHNICAL EVALUATION

3.1 Relief Request No. 22: Extension of First CISI Interval by 16 months

Pursuant to 10 CFR 50.55a(a)(3)(i), the licensee has requested relief to extend the first (current) 120-month CISI interval for Ginna by approximately 16 months. IWA-2430(d) allows an extension of up to 1 year (12 months).

3.1.1 ASME Code Components Affected:

The affected components are those covered by examinations of Subsections IWE and IWL of the ASME Code, Section XI.

Code Class:	Class MC and Class CC pressure retaining components and their integral attachments
Code Reference:	ASME Code, Section XI, paragraphs IWA-2430(d) and IWA 2432
Examination Category:	All Examination Categories under Subsections IWE and IWL (Subsection IWL inspection frequencies/schedule will remain unchanged for successive intervals)
Item Number:	All item numbers under Subsections IWE and IWL
Description:	Class MC pressure retaining components, metallic shell and penetration liners of Class CC components, and Class CC concrete components
Component Number:	Class MC and Class CC pressure retaining components

3.1.2 Applicable Code Edition and Addenda:

The applicable Code of Record for the first CISI interval, with original duration from September 9, 1998 to September 8, 2008, but sought to be extended by this RR, is the ASME Code, Section XI, 1992 Edition and 1992 Addenda. After extending the first CISI interval date

beyond September 8, 2008, to December 31, 2009, as proposed in RR No. 22, the common ASME Code of Record for the Second 120-month interval of the CISI and ISI programs, proposed to begin January 1, 2010, and end on December 31, 2019, will be the 2004 Edition of the ASME Code, Section XI (see response to RAI 1(a) in Reference 3).

3.1.3 Applicable Code Requirement from which Relief is Requested:

Relief is sought from the requirements of paragraphs IWA-2430(d) and IWA-2432 of the ASME Code, Section XI, 1992 Edition and 1992 Addenda.

Paragraph IWA-2432 of the 1992 Edition and 1992 Addenda of ASME Code requires that the inspection intervals under Inspection Program B be of 10 years duration, except as modified by IWA-2430(d).

Paragraph IWA-2430(d) states that: For components inspected under Program B, each of the inspection intervals may be extended or decreased by as much as 1 year. Adjustments shall not cause successive intervals to be altered by more than 1 year from the original pattern of intervals.

3.1.4 Licensee's Reason for Request:

The licensee stated that it is requesting an approximately 4-month extension beyond the 12-month extension, allowed by paragraph IWA-2430(d), for the first CISI interval at Ginna to enable the CISI interval and the ISI interval (for Class 1, 2, and 3 components) to be aligned into a common interval. The proposed extension would enable the licensee to use a common edition and addenda of the ASME Code, Section XI, for its CISI and ISI programs for the second and other future intervals. This would eliminate the need to maintain two programs that have different Code requirements, caused by the difference in the start/end dates of the intervals of the two programs, without impacting quality or safety. The first CISI interval was originally scheduled to end on September 9, 2008, and the first ISI interval ends on December 31, 2009.

3.1.5 Licensee's Proposed Alternative and Basis for Use:

In lieu of the requirements of IWA-2430(d) and IWA-2432, stated in Section 3.1.3 of this Safety Evaluation (SE), the licensee proposed the following alternatives with regard to the end date of the first CISI interval:

(i) The first CISI interval shall end no later than December 31, 2009.

(ii) All examinations required for the first CISI interval per ASME Section XI Code of Record have been completed and were in compliance with the requirements of Inspection Program B prior to September 9, 2008. The licensee clarified, in its response in Reference 3 to RAI 1(c), that all examinations for the first CISI interval were completed at the conclusion of the March 2008 refueling outage.

The licensee stated that the first CISI interval (September 9, 1998, through September 8, 2008) for the Ginna was established to implement the expedited examination requirements for containments imposed by the regulations in 10 CFR 50.55a in September 1996. The licensee chose to establish the new inspection interval for containment to make the end of the first period of the first inspection interval (for IWE) coincide with the end of the expedited examination

period, which was September 9, 2001. As a result, the CISI interval does not coincide with the corresponding ISI interval for ASME Class 1, 2, and 3 components. This resulted in different editions and addenda of Section XI of the ASME Code being required for the CISI and ISI programs.

The licensee stated that the proposed alternative would allow alignment of the CISI interval into a common interval with the ISI interval, using a common edition and addenda of Section XI of the ASME Code, for the next and successive 120-month intervals.

The licensee stated that the proposed alternative has distinct advantages, in that there will be fewer procedures to maintain since the procedures will meet the requirements of one edition/addenda of the ASME Code, instead of multiple editions/addenda. This also reduces the potential of applying incorrect ISI requirements for specific repair/replacement or component examinations. The use of common procedures and documents will reduce the administrative burden of complying with different CISI and ISI requirements, without a reduction in the quality or safety of both programs.

The licensee stated that IWA-2430 of ASME Code, Section XI, does not address requirements for establishing inspection intervals for Subsection IWL examinations. However, the licensee stated that it intends to establish a 120-month inspection interval for IWL examinations, consistent with the interval start and end dates of the ISI interval for purposes of complying with the 120-month interval update requirements of 10 CFR 50.55a(b)(2)(vi) and 10 CFR 50.55a(g)(4)(ii). The licensee clarified, in its response to RAI 3 dated March 20, 2009, that for the IWL examinations of Class CC components, the inspection schedule in place, based on 5-year frequencies, would not be changed by changing the interval date for the second CISI to coincide with the start and end dates of the fifth ISI interval. The licensee further clarified that the IWL inspection schedule for future CISI intervals would not be affected by this RR, since it will be based on the date when the last examination was performed (plus or minus 1 year), and not based on the start date of the new interval.

Based on the above discussion, the licensee concluded that the proposed alternative provides an acceptable level of quality and safety for the CISI program for Ginna.

3.1.6 Duration of Proposed Alternative:

RR No. 22 is applicable to the end date of the first 120-month CISI interval at Ginna, which was originally scheduled to end on September 8, 2008. The end date for the first CISI interval proposed by this RR is December 31, 2009. Thus, the proposed duration of this request is until December 31, 2009.

3.1.7 Staff Evaluation:

In RR No. 22, the licensee has sought relief to extend the first 10-Year CISI interval (originally September 9, 1998 thru September 8, 2008) for Ginna by approximately 16 months from September 8, 2008, to December 31, 2009, to enable the inspection intervals for the CISI program (for IWE and IWL examinations of the containment) and the ISI program (for Class 1, 2, and 3 components) to be aligned into a common interval. The ISI program interval dates are not affected by this RR. The first CISI interval was originally scheduled to end on September 8, 2008, and the current ISI interval ends on December 31, 2009. Paragraph IWA-2430(d) of the ASME Code, Section XI, allows the 10-year interval to be extended by as much as 1 year

(12 months). The proposed extension would enable the licensee to use a common edition and addenda of the ASME Code, Section XI, for its CISI and ISI programs for the next and successive future intervals. This would eliminate the need to maintain two programs that have different Code requirements caused by the difference in the start/end dates of the intervals of the two programs. There are distinct advantages in implementing the same Code requirements in a common interval for the two programs. The advantages include the reduction of administrative burden of maintaining different sets of procedures and requirements, and thus reducing situations of applying the wrong requirements.

In response to RAI 1, dated March 20, 2009, the licensee provided the following additional information. The licensee stated that as a result of this RR, the proposed start date and end date for the second CISI interval (which will be aligned with the next 120-month ISI interval), covering IWE and IWL examinations, would be January 1, 2010, and December 31, 2019, respectively. The licensee stated that the Code of Record for the second CISI interval will be the 2004 Edition of the ASME Code, Section XI, which is consistent with 10 CFR 50.55a(g)(4)(ii). The licensee stated that the first refueling outage in the second CISI interval, in which IWE and IWL examinations will be performed, is scheduled for the spring of 2011. The licensee stated that all IWE and IWL required examinations for the first CISI interval were completed at the conclusion of the 2008 refueling outage in March 2008. The licensee stated that there is one refueling outage scheduled for the fall of 2009, which would be credited to the first (current) CISI interval. However, there are no IWE or IWL examinations currently scheduled for the fall 2009 outage.

In RAI 2, the NRC staff requested the licensee to provide highlights of findings, and their disposition, including any augmented examinations, from the recent IWE and IWL examinations performed on the containment as part of the first CISI interval.

In its response to RAI 2, dated March 20, 2009, the licensee provided a summary of findings of the IWE and IWL examinations, including augmented examinations performed during the first CISI interval and how the indications found were addressed. The staff finds the response acceptable because the licensee provided the requested information and adequately addressed the findings. Based on its review of the information provided, the staff finds that the indications were appropriately addressed by repair and/or performing augmented examinations and met the acceptance criteria in accordance with the Code. The required IWE and IWL examinations for the first CISI interval were all completed at the conclusion of the March 2008 refueling outage. Based on the information provided, the staff finds that the Ginna containment structure (steel liner, concrete and post-tensioning system) did not show any significant adverse conditions and is in reasonably good condition.

Based on the above, the NRC staff has determined that the licensee's proposed alternative, the extension of the first CISI interval approximately 16 months, (which is about 4 months beyond that allowed by IWA-2430(d)) in conjunction with all the required containment examinations for the first CISI interval having been satisfactorily completed in compliance with Code requirements and acceptance criteria, will provide an acceptable level of quality and safety.

4.0 CONCLUSION

Based on the information provided in the licensee's submittal dated November 21, 2008 (Reference 1) and responses to the NRC staff's RAI dated March 20, 2009 (Reference 3), the staff concludes that the licensee's proposed alternative to the requirements of the ASME Code,

Section XI, IWA-2430(d) and IWA-2432, is acceptable because it will provide an acceptable level of quality and safety. Therefore, pursuant to 10 CFR 50.55a(a)(3)(i), RR No. 22 is authorized to allow the licensee to extend the end date for the first 10-year CISI interval at Ginna from September 8, 2008, to December 31, 2009.

5.0 REFERENCES

1. Letter dated November 21, 2008, from Joseph E. Pacher, Constellation Energy, R.E.Ginna Nuclear Power Plant LLC, to USNRC regarding R.E. Ginna Nuclear Power Plant: First Interval IWE/IWL Containment Program – Submittal of RR No. 22 (ADAMS Accession No. ML083540098)

2. Letter dated February 9, 2009, from D. Pickett, USNRC to J. Carlin, Ginna LLC, with regard to Request for Additional Information Re: First Interval IWE/IWL Containment Program RR No. 22 – R.E. Ginna Nuclear Power Plant (TAC No. ME0154) (ADAMS Accession No. ML090300566)

3. Letter dated March 20, 2009, from Joseph E. Pacher, Constellation Energy, R.E.Ginna Nuclear Power Plant LLC, to USNRC regarding R.E. Ginna Nuclear Power Plant: Response to RAI Associated with RR No. 22 (ADAMS Accession No. ML090890190)

Principal Contributor: G. Thomas

Date: May 19, 2009

May 19, 2009

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 – APPROVAL OF RELIEF REQUEST NO. 22 – FIRST INTERVAL IWE/IWL CONTAINMENT PROGRAM ALTERNATIVE FOR CONTAINMENT INSERVICE INSPECTION INTERVAL EXTENSION (TAC NO. ME0154)

Dear Mr. Carlin:

By letter dated November 21, 2008, as supplemented by letter dated March 20, 2009, the R.E. Ginna Nuclear Power Plant, LLC (the licensee) submitted Relief Request (RR) No. 22, First Interval IWE/IWL Containment Program Alternative for Containment Inservice Inspection (CISI) Interval Extension. The licensee requested relief from the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, "Rules for In-service Inspection of Nuclear Power Plant Components." Specifically, the licensee requested relief to extend the interval of the R.E. Ginna Nuclear Power Plant (Ginna) containment inservice inspection program by approximately 4 months over and beyond the 12-month extension allowed by Section XI of the ASME Code. The relief is requested pursuant to 10 CFR 50.55a(a)(3)(i) on the basis that the proposed alternative provides an acceptable level of quality and safety.

The Nuclear Regulatory Commission (NRC) staff completed its review of the submittals, and has concluded that the licensee's proposed alternative provides an acceptable level of quality and safety. Therefore, RR No. 22 is authorized, pursuant to 10 CFR 50.55a(a)(3)(i), to allow the licensee to extend the end date for the first 10-Year CISI interval at Ginna from September 2008 to December 31, 2009. Details of the NRC staff's review are set forth in the enclosed safety evaluation.

Sincerely,

/RA/
John P. Boska, Acting Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-244
Enclosure:
Safety Evaluation
cc w/encl: Distribution via ListServ

Distribution:

PUBLIC	LPLI-1 r/f	RidsNrrDeEmcb
RidsNrrDorlLpl1-1	RidsNrrPMDPickett	RidsNrrLASLittle
RidsOgcMailCenter	RidsRegion1MailCenter	
RidsAcrsAcnw&mMailCenter	GDentel, R1	

ADAMS Accession No. : ML091070144

OFFICE	LPLI-1/GE	LPLI-1/PM	LPLI-1/LA	EMCB/BC	OGC	LPLI-1/BC(A)
NAME	JGall	DPickett	SLittle	MKhanna by memo	BHarris	JBoska
DATE	04 /4 / 09	04 / 30 / 09	04 / 29/ 09	04 / 13 / 09	05 /04 / 09	04 / 19 / 09

OFFICIAL RECORD COPY