



# U.S. Nuclear Regulatory Commission Office of Nuclear Reactor Regulation

## ***NRR OFFICE INSTRUCTION***

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### **Change Notice**

Office Instruction No.: **LIC-102, Revision 2**

Office Instruction Title: **Relief Request Reviews**

Effective Date: **August 24, 2009**

Approved By: **Ben Ficks**

Date Approved: **August 24, 2009**

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Responsible Organization: **NRR/DORL**

**Summary of Changes:** This version includes changes resulting from the Lean Six Sigma Project. The three main changes are: (1) review for “no legal objection” by the Office of the General Counsel is not required except for unique circumstances; (2) a streamlined template for both the relief transmittal letter and safety evaluation; and (3) transmission of requests for additional information and safety evaluations are done solely by electronic means. Details of the Lean Six Sigma Project are provided in the Project Close Out form in ADAMS ML091040782.

Training: **None.**

ADAMS Accession No.: **ML091380595**



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**NRR OFFICE INSTRUCTION**  
**LIC-102, Revision 2**  
**Relief Request Reviews**

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**1. POLICY**

NRR can give licensees permission to deviate from regulatory requirements contained in Title 10 of the *Code of Federal Regulation* Section 50.55a, "Codes and Standards." However, both licensees and NRR staff must follow specific provisions in the regulations.

**2. OBJECTIVES**

The objective of this office instruction is to give guidance for handling licensee's relief requests submitted in accordance with 10 CFR 50.55a.

**3. BACKGROUND**

When a licensee finds that it cannot meet the applicable American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (B&PV Code), or ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code) requirements, it can request relief. The most common types of relief concern Inservice Inspection (ISI) requirements of Section XI of the ASME B&PV Code, and Inservice Testing (IST) requirements of the ASME OM Code. There are other types of relief, however, which may be sought. Relief requests do not involve license amendments. The staff issues a letter with a safety evaluation (SE) to authorize the licensee's proposed alternative or to grant relief from an ASME B&PV Code or ASME OM Code requirement.

To improve the effectiveness and efficiency of the relief request process, the staff and the Nuclear Energy Institute (NEI) standardized the format for licensees' relief requests. NEI has developed a white paper, "Standard Format for Requests from Commercial Reactor Licensees Pursuant to 10 CFR 50.55a," Revision 1, dated June 7, 2004 (ML070100400). The guidance provided to the licensees is voluntary. The staff has developed a template for relief request transmittal letters and safety evaluations.

Note that although the term "relief request" is commonly used to address all licensee requests relative to 10 CFR 50.55a, requests made under 10 CFR 50.55a(a)(3) are more specifically called "alternatives" and are subject to different requirements specified in Section 4.2 below.

**4. BASIC REQUIREMENTS**

**4.1 Inspection and Testing Areas**

Most relief requests pertain to the ASME B&PV Code, Section XI, inservice inspection and ASME OM Code testing areas. Table 1 shows the various 10 CFR 50.55a subjects for which the staff may give relief for licensees to deviate from regulatory requirements related to the ASME B&PV or ASME OM Code.

**Table 1 – 10 CFR 50.55a Subject Areas**

<b>Areas</b>	<b>10 CFR 50.55a Paragraph</b>
Reactor Coolant Pressure Boundary	50.55a(c)
Quality Group B Components <sup>1</sup> Quality Group C Components <sup>1</sup>	50.55a(d) 50.55a(e)
In-service Testing	50.55a(f)
In-service Inspection	50.55a(g)
Protection Systems	50.55a(h)

**4.2 Methods to Give Licensees Permission to Deviate from Regulatory Requirements Pursuant to 10 CFR 50.55a(a)(3)(i) or 10 CFR 50.55a(a)(3)(ii)**

The licensee should submit the proposed alternatives to the NRC and obtain NRC approval prior to implementation of said alternatives. Alternatives submitted after the fact will not be evaluated by the staff (e.g., alternatives performed during the 10-year ISI interval without prior authorization, or alternatives submitted after the end of the subject 10-year ISI interval), and will not be approved retroactively.

The following methods may be used to give licensees permission to deviate from regulatory requirements related to codes and standards, and code cases:

- Authorize a licensee-proposed alternative in accordance with 10 CFR 50.55a(a)(3)(i) if it is determined that the alternative provides an acceptable level of quality and safety.
- Authorize a licensee-proposed alternative in accordance with 10 CFR 50.55a(a)(3)(ii) if it is determined that complying with the specified requirement would result in

<sup>1</sup> If application for construction permit, combined license or manufacturing license under part 52, or standard design approval or standard design certification is docketed after May 14, 1984.

hardship or unusual difficulty<sup>2</sup> without a compensating increase in the level of quality and safety.

**4.3 Methods to Give Licensees Permission to Deviate from Regulatory Requirements Pursuant to 10 CFR 50.55a(f)(5)(iii), (f)(6)(i), (g)(5)(iii), or (g)(6)(i)**

Requests for relief under 10 CFR 50.55a(g)(5)(iii) are not to be submitted to the NRC for evaluation prior to the licensee performing the ASME Code-required examination. Any licensee's submittal that contains a relief request under 10 CFR 50.55a(g)(5)(iii) prior to an examination will not be evaluated by the NRC staff. Requests for relief under 10 CFR 50.55a(f)(5)(iii) related to inservice testing are not subject to the restriction noted above for submittals under 10 CFR 50.55a(g)(5)(iii).

The following methods may be used to give licensees permission to deviate from regulatory requirements related to codes and standards:

- Grant relief and impose alternative requirements (if necessary) in accordance with 10 CFR 50.55a(f)(6)(i) for in-service testing items if it is determined that the ASME B&PV Code or ASME OM Code requirement is impractical<sup>3, 4</sup>.
- Grant relief and impose alternative requirements (if necessary) in accordance with 10 CFR 50.55a(g)(6)(i) for in-service inspection

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<sup>2</sup> Examples of hardship or unusual difficulty include, but are not limited to: having to enter multiple technical specification limiting conditions for operations, as low as is reasonably achievable (ALARA) concerns, creating excessive plant personnel hazards, creating significant hazards to plant personnel

<sup>3</sup> Examples of impracticality are as follows:

- being inaccessible for IST or ISI due to design features
- requiring major plant or hardware modification
- having high potential to cause a reactor trip
- causing system or component damage
- replacing equipment or in-line components
- existing technology will not give meaningful results

<sup>4</sup> If the staff cannot determine that the code requirement is impractical, the licensee's submittal can be evaluated to see if in-service testing or in-service inspection alternatives under (a)(3)(i) or (a)(3)(ii) can be authorized. On occasions the staff may grant relief pursuant to 10 CFR 50.55a(g)(6)(i) when licensees perform temporary non-Code repair of ASME Code Class 1, 2, and 3 components following the guidance of GL 90-05.

items if it is determined that the ASME B&PV Code or ASME OM Code requirement is impractical<sup>3,4</sup>.

- Requirements regarding the timeliness of licensee submittals under the provisions of 10 CFR 50.55a are given in 10 CFR 50.55a(f)(5)(iv) and 10 CFR 50.55a(g)(5)(iv). Submittals from licensees that do not comply with these requirements are not required by regulation to be accepted for review. When a licensee's submittal is determined to be not in compliance with the provisions mentioned above, the issue of the licensee's noncompliance with specific ASME Code requirements shall be forwarded to the appropriate Regional Office for enforcement action. Where NRR elects not to review a submittal that does not meet the timeliness requirement, NRR will provide an assessment of the safety significance of the inspection for which relief would have been requested to the appropriate Regional Office for its consideration within the scope of the enforcement action.

**4.4 Methods to Give Licensees Permission to Use a Later Edition and Addenda of the ASME Code That Are Incorporated by Reference in 10 CFR 50.55a Pursuant to 10 CFR 50.55a(f)(4)(iv) and 10 CFR 50.55a(g)(4)(iv)**

- Approve using later ASME OM Code editions and addenda in accordance with 10 CFR 50.55a(f)(4)(iv) for in-service testing items and 10 CFR 50.55a(g)(4)(iv) for in-service inspection items subject to the conditions listed in 10 CFR 50.55a(b). Licensees may use portions of the ASME Code editions or addenda if all related requirements of the respective editions or addenda are met.
- Proposed alternatives to use later editions and addenda of the ASME Code not incorporated by reference in 10 CFR 50.55a(b) must be submitted as an alternative in accordance with 10 CFR 50.55a(a)(3).

**4.5. ASME Code Cases**

The NRC's regulations in 10 CFR 50.55a(b) were amended to incorporate by reference NRC Regulatory Guides (RGs) listing approved ASME Code cases. Therefore, the text of existing Footnote 6 to § 50.55a was deleted and all references to Footnote 6 in § 50.55a were removed and replaced with new language. The new language specifies, where appropriate, that the optional ASME Code Cases that are incorporated by reference in § 50.55a(b) may be applied in lieu of the corresponding requirements of the ASME Code.

The NRC's regulations at 10 CFR 50.55a(b)(4), (b)(5), and (b)(6), now incorporate by reference specific revisions to the following RGs, respectively:

- RG 1.84, "Design, Fabrication, and Materials Code Case Acceptability, ASME Section III"
- RG 1.147, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1"
- RG 1.192, "Operation and Maintenance Code Case Acceptability, ASME OM Code"
- ASME Code Cases not approved for use are now listed in RG 1.193, "ASME Code Cases Not Approved For Use."

The NRC staff may authorize licensees to use a proposed alternative to an NRC-approved ASME Code case if a licensee requests pursuant to 10 CFR 50.55a(a)(3).

Use of ASME Code cases not yet approved for use as listed in RGs 1.84, 1.147 or 1.192 may be authorized if a licensee so requests pursuant to 10 CFR 50.55a(3). Use of such an ASME Code case is normally authorized until such time as the ASME Code case is published in a future revision of the appropriate NRC RG. At that time, if the licensee intends to continue implementing the ASME Code case, it must follow all provisions of the ASME Code case with limitations or conditions specified in the RG, if any. Authorization of a licensee to use a yet-to-be approved ASME Code case does not authorize any other licensee to use the ASME Code case without submitting an alternative pursuant to 10 CFR 50.55a(a)(3).

#### **4.6. Temporary Verbal Relief**

On rare occasions, the NRC staff may grant verbal authorizations as an alternative under 10 CFR 50.55a(a)(3) when, due to unforeseen circumstances, licensees need NRC authorization before the staff is able to issue its written SE.

Temporary verbal authorization for an alternative under 10 CFR 50.55a(a)(3) is subject to the following:

- The proposed alternative is in writing and all information that the staff requires to write the SE has been docketed.

- An identified need for the verbal authorization is recognized given the circumstances of the licensee's request.
- The NRC technical staff has completed its review and determined that the proposed alternative is technically justified, but has not yet formally documented it in an SE.
- The technical branch and the Division of Operating Reactor Licensing (DORL) branch chiefs have agreed to the verbal authorization.

Verbal authorization is most likely conveyed in a telephone conversation. As such, appropriate personnel who are normally involved in concurrence and signing a relief (see NRR Office Instruction ADM-200) must be present in the telephone conversation. The project manager should promptly (i.e., in one or two days) generate a record of the conversation, which will meet the definition of an Official Agency Record (OAR) and which must be entered into ADAMS and made publicly available in accordance with the guidance set forth in NRR Office Instruction ADM-304.

The staff should issue the final written authorization within 150 days after giving verbal authorization.

#### **4.7 Contents of Safety Evaluations (SEs) and Cover Letters**

Enclosure 1 is a template for the SE and cover letter transmitting the SE to the licensee. The list below refers to Tables 2 through 6 where guidance regarding contents of the SEs that satisfy various 10 CFR 50.55a paragraphs can be found:

<u>10 CFR 50.55a Paragraph</u>	<u>Table No.</u>
(a)(3)(i)	2
(a)(3)(ii)	3
(f)(4)(iv) & (g)(4)(iv)	4
(f)(6)(i)	5
(g)(6)(i)	6

Note that a licensee might refer to several 10 CFR 50.55a paragraphs in its submittal. This is acceptable but not desirable. The technical staff picks the single most applicable 10 CFR 50.55a paragraph that will be used by the staff in the SE and cover letter. This need not be discussed with the licensee.

Note that the staff can, under 10 CFR 50.55a(f)(6)(i) and (g)(6)(i), impose alternative requirements without having the licensee first committing to them. Under 10 CFR 50.55a(a)(3)(i) the staff authorizes alternatives proposed by the licensee and cannot impose additional requirements.

The Mechanical & Civil Engineering Branch reviews containment ISI relief requests. The Component Performance and Testing Branch reviews snubber-related relief requests.

As a result of unique wording in various paragraphs, the staff should note that it:

**authorizes** licensee-proposed alternatives in accordance with 10 CFR 50.55a(a)(3)(i) or 10 CFR 50.55a(a)(3)(ii), or

**grants** relief and imposes alternative requirements (if required) in accordance with 10 CFR 50.55a(f)(6)(i) or 10 CFR 50.55a(g)(6)(i), or

**approves** the use of later code editions and addenda in accordance with 10 CFR 50.55a(f)(4)(iv) or 10 CFR 50.55a(g)(4)(iv).

For denied relief requests, the Project Manager prepares a letter to the licensee stating that the relief request is denied for the reasons specified in the attached SE.

## 5. **RESPONSIBILITIES AND AUTHORITY**

A relief request is a standard fee-bearing licensing action. As such, the responsibility and authority of various individuals are established by current practice and appropriate guidance documents such as NRR Office Instruction ADM-200. Under current practice, the typical process for review of reliefs is illustrated in Enclosure 2.

NRC completed a Lean Six sigma Project on the review process for reliefs. Results may be found in the associated Lean Six Sigma Close Out form (ADAMS Accession No. ML091040782). The closeout of this project is the main driving force behind Revision 2 of LIC-102, with the main goal to significantly streamline the review process for reliefs. The streamlining is achieved by revising the responsibilities and authority of various individuals as follows, and by simplifying the safety evaluation and its concurrence process.

### Project Manager (PM)

The PM should be aware that Enclosure 2 only depicts a typical review process for reliefs. The review is initiated via the NRR Center for Planning and Analysis Branch by the PM taking out a fee-bearing TAC number under Activity Code "LR." The PM manages the review of a licensee-proposed relief "cradle-to-grave" according to the current practice used for all licensing actions.

The PM should expect that any request for additional information (RAI) from the review branch will be transmitted by e-mail from the review branch chief. In turn, the PM will transmit the RAI solely by e-mail to the licensee. Transmission of RAI or draft RAI by e-mail (provided the e-mail is properly docketed, reviewed, and distributed per existing communications guidance) is currently a common practice, coexisting with transmission by a signed letter; thus, the only change here is that for reliefs, e-mailing is specified as the only means of transmission\*. While there is no regulatory basis for any particular response time, the PM should typically request the licensee to respond within 30 days solely for timely completion of the review. The PM should promptly have the e-mail entered into ADAMS and made publicly available, if appropriate, per existing requirements and guidance (see Management Directive 3.53 page 115, ADAMS Document Template OIS-045, NRR Office Instructions ADM-304 and COM-203).

The PM will ascertain that the SE generated by the review branch follows the guidance of the SE template provided as Enclosure 1.

#### Technical Branch

The technical branch chief receives the work request via the NRR Center for Planning and Analysis Branch, assigns a reviewer(s), supervises activities of the assigned technical reviewer(s), and ensures that a quality SE which meets 10 CFR 50.55a requirements and standards established by Enclosure 1 is transmitted to the PM at the end of the review. The technical reviewer(s) performs the review as assigned by and under supervision of the technical branch chief.

Any RAI the technical branch generates is to be transmitted to the PM by e-mail, with proper distribution and docketing, from the review branch chief. Similarly, the safety evaluation is to be transmitted solely by e-mail, with proper distribution and docketing, from the review branch chief to the PM.

#### Licensing Assistant

The licensing assistant performs duties consistent with those associated with other licensing actions, except that the licensing assistant does not review any RAIs related to relief requests.

#### DORL Branch Chief

According to ADM-200, the DORL branch chief signs the cover letter transmitting the SE to the licensee, granting or denying the requested relief. The DORL branch chief ascertains that the relief package follows the template provided as Enclosure 1.

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\*Note that transmission of RAIs by e-mail is a practice established in 2004 by NRR Office Instruction LIC-101, which sets forth a number of ways to transmit RAIs. The Lean Six Sigma Project (Accession No. ML091040782) on reliefs directs that e-mailing is the sole method of RAI transmission.

**OGC**

OGC legal review of reliefs/alternatives is not required; if NRR Office letter ADM-200 is not revised accordingly, the guidance here governs. However, an NRR stakeholder may suggest, on the basis of perceived unique or special circumstances, that a relief/alternative be reviewed by OGC. When this happens, the determination of need for OGC review should be jointly made by the technical branch chief, DORL branch chief, and Subject Matter Expert for reliefs.

**6. PERFORMANCE MEASURES**

None.

**7. PRIMARY AND SECONDARY CONTACTS**

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**8. RESPONSIBLE ORGANIZATION**

NRR/DORL

**9. EFFECTIVE DATE**

August 24, 2009

**10. REFERENCE**

Title 10 of the Code of Federal Regulations 50.55a, "Codes and Standards."

**Enclosures:**

1. Cover letter template and SE template
2. Typical Flow Chart for Relief Request Review Process
3. Change History

**Table 2 – Authorizing a Proposed Alternative in Accordance With  
10 CFR 50.55a(a)(3)(i)**

<b>Purpose</b>	Authorize a licensee's proposed alternative in accordance with 10 CFR 50.55a(a)(3)(i).
<b>NRC Determination</b>	Determine if the licensee's proposed alternative provides an acceptable level of quality and safety.
<b>Guidance</b>	State the applicable ASME Code edition and addenda and describe the ASME Code requirement in the SE.
	Describe the licensee's proposed alternative in the SE.
	Give the basis for concluding that the licensee's proposed alternative provides an acceptable level of quality and safety.
	<p><b><u>For IST items:</u></b> Conclude in the SE that the proposed alternative provides an acceptable level of quality and safety. All other ASME OM Code requirements for which relief was not specifically requested and approved remain applicable.</p> <p><b><u>For ISI items:</u></b> Conclude in the SE that the proposed alternative provides an acceptable level of quality and safety. All other ASME Code, Section XI requirements for which relief was not specifically requested and approved remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.</p>
	Specify the duration of the authorized alternative in the SE conclusion. <sup>5</sup>
	When authorizing ASME Code Cases, conclude in the SE (see footnote 5) that "use of the ASME Code Case is authorized until such time as the ASME Code Case is published in a future version of RG 1.xxx and incorporated by reference in 10 CFR 50.55a(b). At that time, if the licensee intends to continue implementing this ASME Code Case, it must follow all provisions of ASME Code Case x-xxx with conditions as specified in RG 1.xxx and limitations as specified in § 50.55a(b)(4), (b)(5), and (b)(6), if any."
	Do not mention impracticality, burden, hardship, or unusual difficulty in the SE.

<sup>5</sup> The duration for which the staff authorizes alternatives or grant reliefs should be consistent with the regulations and with the duration the licensee requests. Under most circumstances, this duration is limited to one specific 10-year interval.

**Table 3 - Authorizing a Proposed Alternative in Accordance With  
10 CFR 50.55a(a)(3)(ii)**

<b>Purpose</b>	Authorize a licensee's proposed alternative in accordance with 10 CFR 50.55a(a)(3)(ii).
<b>NRC Determinations</b>	Determine if complying with the specified requirement would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.
<b>Guidance</b>	<p>State the applicable ASME Code edition and addenda and describe the ASME code requirement in the SE.</p> <p>Describe the hardship or unusual difficulty in the SE.</p> <p>Describe the licensee's proposed alternative in the SE.</p> <p>Give the basis for concluding that complying with the specified requirement would result in hardship or unusual difficulty without increase in the level of quality and safety.</p> <p>Specify the duration of the authorized alternative in the SE conclusion (see footnote 5).</p> <p>When authorizing ASME Code cases, conclude in the SE (see footnote 5) that "use of the ASME Code Case is authorized until such time as the ASME Code case is published in a future version of RG 1.xxx and incorporated by reference in 10 CFR 50.55a(b). At that time, if the licensee intends to continue implementing this ASME Code case, it must follow all provisions of ASME Code case x-xxx with conditions as specified in RG 1.xxx and limitations as specified in § 50.55a(b)(4), (b)(5), and (b)(6), if any."</p> <p>Do not mention impracticality.</p> <p><b><u>For IST items:</u></b></p> <p>Discuss in the SE why the proposed alternative provides reasonable assurance that the component or system is operationally ready.</p> <p>Conclude in the SE that the proposed alternative provides reasonable assurance that the component or system is operationally ready. All other ASME OM Code requirements for which relief was not specifically requested and approved in the subject requests for relief remain applicable.</p> <p><b><u>For ISI items:</u></b></p> <p>Discuss in the SE why the proposed alternative provides reasonable assurance of structural integrity or leak tightness of the subject component(s).</p> <p>Conclude in the SE that the proposed alternative provides reasonable assurance of structural integrity or leak tightness of the subject component(s).</p> <p>Conclude in the SE that complying with the specified requirement would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety. All other ASME Code, Section XI requirements for which relief was not specifically requested and approved in the subject requests for relief remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.</p>

**Table 4 – Approving Use of Later Code Editions and Addenda in Accordance With 10 CFR 50.55a(f)(4)(iv) or 10 CFR 50.55a(g)(4)(iv)**

<b>Purpose</b>	Approve the use of later ASME OM Code editions and addenda incorporated by reference in 10 CFR 50.55a in accordance with 10 CFR 50.55a(f)(4)(iv) for inservice testing items or approve the use of later ASME B&PV Code editions and addenda in accordance with 50.55a(g)(4)(iv) for inservice inspection items.
<b>Necessary Determination</b>	Determine if the proposed alternative addresses all related ASME Code requirements or if the alternative uses only portions of the later ASME Code edition and addenda. <sup>6</sup>
<b>Guidance</b>	State the applicable ASME Code edition and addenda and describe the ASME Code requirement.
	Describe the proposed alternative.
	Discuss adopting any limitations and modifications addressed in 10 CFR 50.55a(b).
	Do not mention impracticality, burden, hardship or unusual difficulty.

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<sup>6</sup> Later code editions and addenda might relax one area and strengthen a related area. The licensee should identify all related requirements and address both areas in its submittal.

**Table 5 – In-service Testing – Granting Relief in Accordance With  
10 CFR 50.55a(f)(6)(i)**

<b>Purpose</b>	<p>Grant relief and impose alternative requirements (if necessary) in accordance with 10 CFR 50.55a(f)(6)(i) for in-service testing items.</p> <p>Note: 10 CFR 50.55a(f)(6)(i) allows the imposition of additional requirements (if necessary) without having the licensee first commit to them.</p>
<b>NRC Determinations</b>	<p>Determine if the ASME Code requirement is impractical.</p> <p>Use the guidance below to determine if granting relief is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest giving due consideration to the burden upon the licensee that could result if the requirements were imposed on the facility.</p>
<b>Guidance</b>	<p>State the applicable ASME Code edition and addenda and describe the ASME Code requirement in the SE.</p> <p>Describe the licensee's proposed testing in the SE.</p> <p>Describe in the SE why it is impractical for the licensee to comply with the requirement.</p> <p>Describe in the SE how imposing the requirement (e.g., making the licensee replace a component, redesign the system, or shut down the plant) would be a burden on the licensee.</p> <p>Discuss in the SE why the proposed testing provides reasonable assurance that the component is operationally ready.</p> <p>Discuss any additional requirements the staff will impose.</p> <p>Conclude in the SE that it is impractical for the licensee to comply with the specified requirement.</p> <p>Conclude in the SE that the proposed testing provides reasonable assurance that the component is operationally ready.</p> <p>Conclude in the SE that "granting relief pursuant to 10 CFR 50.55a(f)(6)(i) is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest giving due consideration to the burden upon the licensee that could result if the requirements were imposed on the facility." All other ASME OM Code requirements for which relief was not specifically requested and approved in the subject requests for relief remain applicable.</p> <p>Specify the interval the relief is granted for in the SE conclusion (see footnote 5).</p> <p>Do not mention hardship or unusual difficulty in the SE.</p>

**Table 6 – In-service Inspection – Granting Relief in Accordance With  
10 CFR 50.55a(g)(6)(i)**

<p align="center"><b>Purpose</b></p>	<p>Grant relief and impose alternative requirements (if necessary) in accordance with 10 CFR 50.55a(g)(6)(i) for in-service inspection items.</p> <p>Note: 10 CFR 50.55a(g)(6)(i) allows the imposition of additional requirements (if necessary) without having the licensee first commit to them.</p> <p>Note: Granting of relief in accordance with 10 CFR 50.55a(g)(6)(i) cannot be applied to the requirements of 10 CFR 50.55a(g)(6)(ii). Deviations to 10 CFR 50.55a(g)(6)(ii) are evaluated pursuant to 10 CFR 50.55a(a)(3).</p>
<p align="center"><b>NRC Determinations</b></p>	<p>Determine if the ASME Code requirement is impractical.</p> <p>Use the guidance below to determine if granting relief is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest giving due consideration to the burden upon the licensee that could result if the requirements were imposed on the facility.</p>
<p align="center"><b>Guidance</b></p>	<p>Refer to ASME Code Case N-513 for additional guidance on relief requests of this kind. (ASME Code Case N-513-1 has been accepted for general use by RG 1.147, Rev. 15, with conditions.)</p> <p>State the applicable ASME Code edition and addenda and describe the ASME Code requirement in the SE.</p> <p>Describe the licensee's proposed inspection in the SE.</p> <p>Describe in the SE why it is impractical for the licensee to comply with the specified requirement.</p> <p>Describe in the SE how imposing the requirement (e.g., making the licensee replace a component, redesign the system, or shut down the plant) would be a burden on the licensee. Do not use the phrase "significant burden." A reviewer only needs to provide a case that an ASME Code requirement is a burden.</p> <p>Describe in the SE why the proposed inspection provides reasonable assurance of structural integrity or leak tightness of the subject component(s).</p> <p>Discuss any additional requirements that will be imposed.</p> <p>Conclude in the SE that it is impractical for the licensee to comply with the requirement.</p> <p>Conclude in the SE that the proposed inspection provides reasonable assurance of structural integrity or leak tightness of the subject component(s).</p> <p>Conclude in the SE that "granting relief pursuant to 10 CFR 50.55a(g)(6)(i) is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest giving due consideration to the burden upon the licensee that could result if the requirements were imposed on the facility." All other ASME Code, Section XI requirements for which relief was not specifically requested and approved in the subject request for relief remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.</p> <p>Specify the interval the relief is granted for in the SE conclusion.(see footnote 5).</p> <p>Do not mention hardship or unusual difficulty in the SE.</p>

**[Addressee]**

SUBJECT: \_\_\_\_\_ **[Plant Name, Unit No(s.)]** - RELIEF  
FROM THE REQUIREMENTS OF THE ASME CODE  
(TAC NO(S). \_\_\_\_\_)

Dear \_\_\_\_\_:

By letter dated \_\_\_\_\_, as supplemented by letters dated \_\_\_\_\_,  
**[licensee name]** (the licensee) submitted a request to the Nuclear Regulatory  
Commission (NRC) for **[relief from] [the use of alternatives to]** certain  
American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel  
Code (B&PV Code), Section XI **[or ASME Code for Operation and  
Maintenance of Nuclear Power Plants (OM Code)]** requirements at  
\_\_\_\_\_ **[Plant Name, Unit No(s.)]**.

Specifically, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR)  
**[Using one of the sample text below, briefly describe what the licensee  
requested]:**

- o 50.55a(a)(3)(i), the licensee requested to use the proposed alternative on the basis that the alternative provides an acceptable level of quality and safety.
- o 50.55a(a)(3)(ii), the licensee requested to use an alternative on the basis that complying with the specified requirement would result in hardship or unusual difficulty **[see footnote on page 3 of LIC-102, Rev. 2, for examples]**
- o 10 CFR 50.55a(f)(6)(i), the licensee requested relief and to use alternative requirements (if necessary), for in-service testing items on the basis that the code requirement is impractical.
- o 10 CFR 50.55a(g)(6)(i), the licensee requested relief and to use alternative requirements (if necessary), for in-service inspection items on the basis that the code requirement is impractical.
- o 10 CFR 50.55a(f)(4)(iv), the licensee requested to use later code editions and addenda for in-service testing items subject to the limitations and modifications listed in 10 CFR 50.55a(b).
- o 10 CFR 50.55a(g)(4)(iv), the licensee requested to use later code editions and addenda for in-service inspection items subject to the limitations and modifications listed in 10 CFR 50.55a(b).

**[This paragraph below should be essentially identical to Section 4.0, "Conclusion," of the SE.]** The NRC staff has reviewed the subject request and concludes, as set forth in the enclosed safety evaluation, that \_\_\_\_\_  
**[licensee name]** has adequately addressed all of the regulatory requirements set forth in \_\_\_\_\_

Enclosure 1 to LIC-102, Rev 2

If you have any questions, please contact the Project Manager \_\_\_\_\_.

Sincerely,

\_\_\_\_\_, Branch Chief  
Plant Licensing Branch X-X  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No(s). \_\_\_\_\_

Enclosure: Safety Evaluation

cc w/encl: Distribution via ListServ

DISTRIBUTION:

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LPL\_\_\_\_ Reading

[Reviewer(s)]

EDO Region Contact

RidsNrrPM[PMName]

RidsNrrLA[LAName]

RidsOgcRp

RidsAcrsAcnwMailCenter

Accession No. **ML**

OFFICE	LPL____/PM	LPL____/LA	TECH. BRANCH/BC	LPL____/BC
NAME				
DATE	/ /	/ /	/ /	/ /

**OFFICIAL RECORD COPY**

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

RELIEF REQUEST NO(S).      REGARDING      [COMPONENTS]

\_\_\_\_\_ [LICENSEE NAME]

\_\_\_\_\_ [PLANT NAME, UNIT NO(S).]

\_\_\_\_\_ [DOCKET NO(S).]

1.0 INTRODUCTION

By letter dated \_\_\_\_\_ (Accession No. \_\_\_\_\_), as supplemented by letter(s) dated \_\_\_\_\_, \_\_\_\_\_ (Accession Nos. \_\_\_\_\_), **[licensee name]** (the licensee) requested relief from the requirements of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (B&PV Code) **[or ASME Code for Operation and Maintenance of Nuclear Power Plants (OM Code)]** for **[brief description]**.

Specifically, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) **[Briefly describe the relief request. Include appropriate text from below per LIC-102, Rev. 2.]**

- o 50.55a(a)(3)(i), the licensee requested to use the proposed alternative on the basis that the alternative provides an acceptable level of quality and safety.
- o 50.55a(a)(3)(ii), the licensee requested to use the proposed alternative on the basis that complying with the specified requirement would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety.
- o 10 CFR 50.55a(f)(6)(i), the licensee requested relief and to use alternative requirements (if necessary), for in-service testing items on the basis that the code requirement is impractical.
- o 10 CFR 50.55a(g)(6)(i), the licensee requested relief and to use alternative requirements (if necessary), for in-service testing items on the basis that the code requirement is impractical.
- o 10 CFR 50.55a(f)(4)(iv), the licensee requested to use later code editions and addenda for in-service testing items subject to the limitations and modifications listed in 10 CFR 50.55a(b).
- o 10 CFR 50.55a(g)(4)(iv), the licensee requested to use later code editions and addenda for in-service inspection items subject to the limitations and modifications listed in 10 CFR 50.55a(b).

## 2.0 REGULATORY EVALUATION

**[Summarize appropriate portions of regulation, guidance documents, and ASME Code.]**

## 3.0 TECHNICAL EVALUATION

### 3.1 The Licensee's Relief Request [or Alternative]

**[Summarize the licensee's proposed relief/alternative, including but not limited to information on plant components involved, ASME Code requirement(s) affected, the proposed alternative and basis, precedents, etc. Typically this section is several sentences to several paragraphs long. Aim for clarity and readability. Do not reproduce lengthy portions of the licensee's application. Do not break this section up into multiple short subsections with sub-titles. If text is cited verbatim from the licensee's application, say so.]**

### 3.2 NRC Staff Evaluation

**[One of Tables 2, 3, 4, 5, or 6 must match the proposed relief/alternative; the review branch must address each issue in the appropriate Table.]**

**[Provide only the NRC staff's evaluation in this section. Do not reproduce verbatim lengthy portions of the licensee's application. Do not repeat what is already said in Section 3.1 above. Do not say the same thing more than one time. Do not break this section up into multiple short subsections with sub-titles unless the SE covers multiple reliefs/alternatives.]**

## 4.0 CONCLUSION

As set forth above, the NRC staff determines that **[use the wording for conclusion in LIC-102, Rev. 2, Table 2, 3, 4, 5, or 6]** \_\_\_\_\_. Accordingly, the NRC staff concludes that the licensee has adequately addressed all of the regulatory requirements set forth in 10 CFR 50.55a \_\_\_\_\_, and is in compliance with the ASME Code's requirements. Therefore, the NRC staff grants/authorizes/approves \_\_\_\_\_ at \_\_\_\_\_ **[plant name]** until \_\_\_\_\_ **[duration of relief/alternative, must be the same as that requested by the licensee]**.

**[For Inservice Testing relief requests, add this paragraph.]** All other ASME B&PV Code or ASME OM Code requirements for which relief was not specifically requested and approved remain applicable.

**[For Inservice Inspection relief requests, add this paragraph.]** All other ASME Code, Section XI requirements for which relief was not specifically requested and approved remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.

**[Note: The paragraph referencing the Authorized Nuclear Inservice Inspector only applies to inservice inspection relief requests, not to inservice testing relief requests.]**

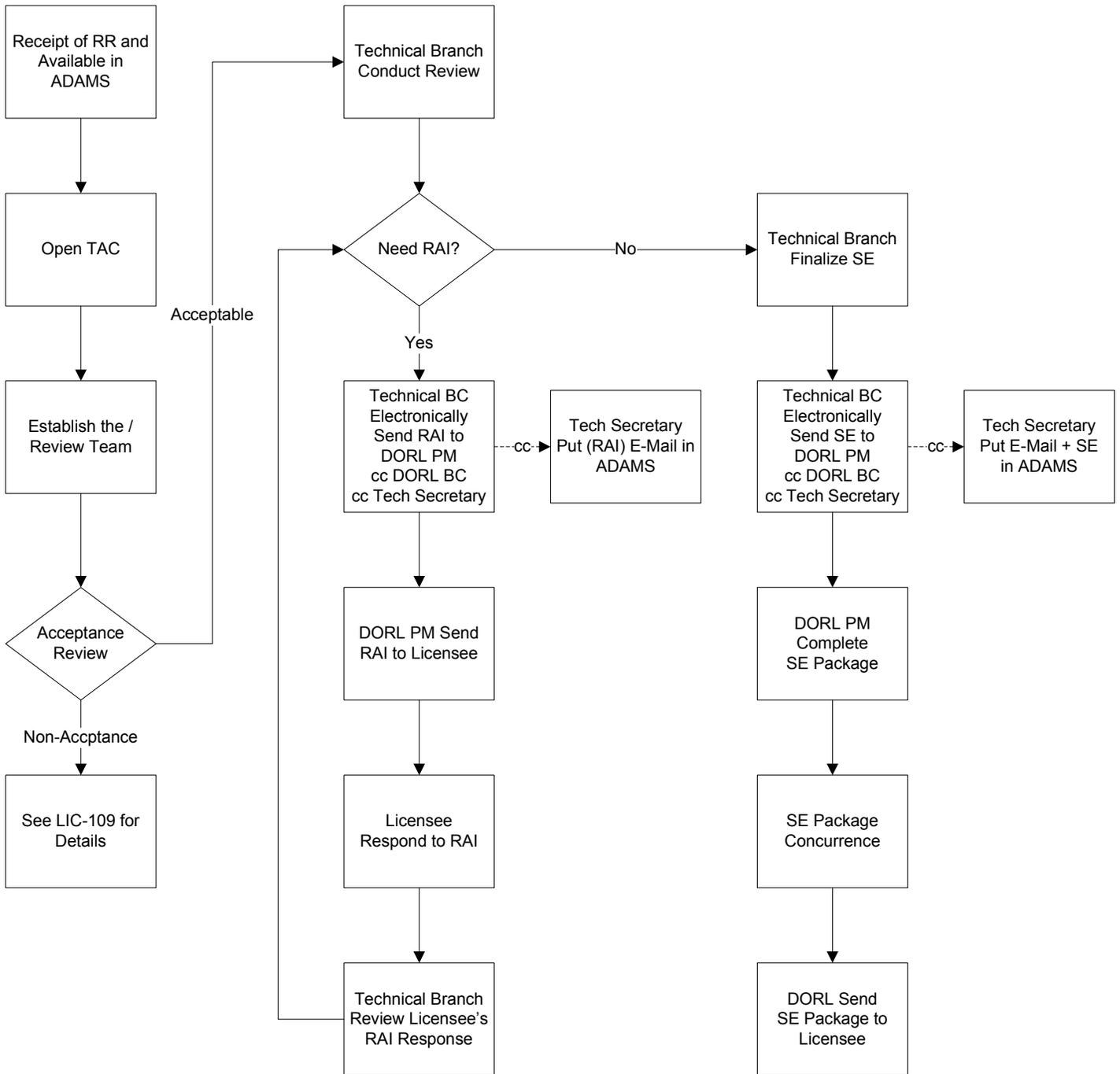
5.0 REFERENCES

**[If appropriate]**

Principal Contributor(s):

Date:

## Flow Chart for ASME Code Relief Request Review Process



## Change History

<b>LIC-102, Revision 2, Change History - Page 1 of 1</b>			
<b>Date</b>	<b>Description of Changes</b>	<b>Method Used to Announce &amp; Distribute</b>	<b>Training</b>
07/18/2002	Original Version converting OL 808 to Office Instruction LIC-102. This version includes new guidance on giving verbal relief, and gives examples of (1) impractical and (2) hardship or unusual difficulty.	E-mail to all staff	DLPM training on OL 808 completed FY 2000.
01/26/2005	This version includes changes to reflect an amendment to 10 CFR 50.55a(b) which incorporated by reference NRC Regulatory Guide (RGs) listing NRC approved ASME Code cases. Additionally, it provides guidance consistent with the staff's position and the industry white paper regarding use of alternatives for processing of relief requests related to reactor vessel shell welds. These changes are illustrated in redline/strikeout of this office instruction.	E-mail to all staff	None.
08/24/2009	This version includes changes resulting from the Lean Six Sigma Project. The three main changes are: (1) review for "no legal objection" by the Office of the General Counsel is not required except for unique circumstances; (2) a streamlined template for both the relief transmittal letter and safety evaluation; and (3) transmission of requests for additional information and safety evaluations are done solely by electronic means. Details of the Lean Six Sigma Project are provided in the Project Close Out form in ADAMS ML091040782.	E-mail to all staff	None