



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

August 20, 2009

Mr. Charles Pardee
President and Chief Nuclear Office
Exelon Nuclear
4300 Winfield Road
Warrenville, IL 60555

SUBJECT: CLINTON POWER STATION, UNIT NO.1 - RELIEF REQUEST FOR
USE OF SUBSEQUENT EDITION AND ADDENDA FOR THE
AMERICAN SOCIETY OF MECHANICAL ENGINEERS (ASME) CODE
FOR INSERVICE TESTING (TAC NO. ME0217)

Dear Mr. Pardee:

By letter to the Nuclear Regulatory Commission (NRC) dated December 3, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML083380760), AmerGen Energy Company, LLC (AmerGen), the licensee, submitted a request for approval to use a portion of a later edition and addenda of the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code) for the inservice testing (IST) program at Clinton Power Station, Unit No. 1 (CPS). Specifically, approval was requested to apply the requirements of paragraph ISTC-3540, "Manual Valves," of the 2004 Edition of the ASME OM Code related to the IST of manually operated valves. AmerGen requested approval through the remainder of CPS's second 10-year IST interval, which began on January 1, 2000, and ends on December 31, 2009.

At the time of the application, AmerGen was the licensee for CPS. AmerGen was a wholly-owned subsidiary of Exelon Generation Company, LLC (EGC). On January 8, 2009, EGC eliminated AmerGen and transferred the operating licenses of the AmerGen reactor plants to EGC. By letter dated January 9, 2009 (ADAMS Accession No. ML090120538), EGC adopted and endorsed docketed submittals that requested specific licensing actions that were made by AmerGen, and requested that the NRC staff continue to process those pending actions on the schedules previously agreed to by AmerGen.

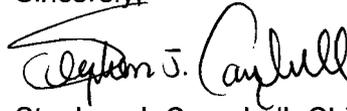
The NRC staff has completed its review of this relief request. The details of the NRC staff's review are included in the enclosed safety evaluation. Accordingly, this relief request is acceptable, and subject to the limitations and modifications listed in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.55a(b)(3)(vi). Therefore, pursuant to 10 CFR 50.55a(f)(4)(iv), the NRC staff approves the request to use the 2004 Edition of the ASME OM Code, Paragraph ISTC-3540.

C. Pardee

- 2 -

If you have any questions, please contact the Clinton Project Manager, Mrs. Cameron Goodwin, at 301-415-3719.

Sincerely,

A handwritten signature in black ink that reads "Stephen J. Campbell". The signature is written in a cursive style with a large, sweeping initial "S".

Stephen J. Campbell, Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-461

Enclosure:
As stated

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

RELIEF REQUEST FOR USE OF SUBSEQUENT CODE FOR INSERVICE TESTING

EXELON GENERATION COMPANY, LLC

CLINTON POWER STATION, UNIT NO. 1

DOCKET NO. 50-461

1.0 INTRODUCTION

By letter dated December 3, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML083380760), AmerGen Energy Company, LLC (AmerGen), the licensee, submitted a request for approval to use portions of a later edition and addenda of the American Society of Mechanical Engineers (ASME) Code for Operation and Maintenance of Nuclear Power Plants (OM Code) for the inservice testing (IST) program at Clinton Power Station, Unit No. 1 (CPS). Specifically, approval was requested to apply the requirements of paragraph ISTC-3540, "Manual Valves," of the 2004 Edition of the ASME OM Code related to IST of manually operated valves. AmerGen requested approval through the end of the current (second) IST interval, which ends on December 31, 2009.

At the time of the application, AmerGen was the licensee for CPS. AmerGen was a wholly-owned subsidiary of Exelon Generation Company, LLC (EGC). On January 8, 2009, EGC eliminated AmerGen and transferred the operating licenses of the AmerGen reactor plants to EGC. By letter dated January 9, 2009 (ADAMS Accession No. ML090120538), EGC adopted and endorsed docketed submittals that requested specific licensing actions that were made by AmerGen, and requested that the U.S. Nuclear Regulatory Commission (NRC) staff continue to process those pending actions on the schedules previously agreed to by AmerGen.

2.0 REGULATORY EVALUATION

Title 10 of the *Code of Federal Regulations* (10 CFR), Part 50, Section 50.55a(f), requires that IST of certain ASME Code Class 1, 2, and 3 pumps and valves be performed at 120-month (10-year) IST program intervals in accordance with the specified ASME Code and applicable addenda incorporated by reference in the regulations, except where alternatives have been authorized or relief has been requested by the licensee and granted by the NRC pursuant to paragraphs (a)(3)(i), (a)(3)(ii), or (f)(6)(i) of 10 CFR 50.55a. In accordance with 10 CFR 50.55a(f)(4)(ii), licensees are required to comply with the requirements of the latest edition and addenda of the ASME Code incorporated by reference in the regulations 12 months prior to the start of each 120-month IST program interval. In accordance with 10 CFR 50.55a(f)(4)(iv), IST 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 NRC approval. Portions of editions or addenda may be used provided that all related requirements of the respective editions and addenda are met.

NRC guidance contained in Generic Letter (GL) 89-04, "Guidance on Developing Acceptable Inservice Testing Programs," provides alternatives to ASME Code requirements which are acceptable. Further guidance is given in GL 89-04, Supplement 1, and NUREG-1482 Revision 1, "Guidance for Inservice Testing at Nuclear Power Plants."

3.0 TECHNICAL EVALUATION

3.1 Affected Components

All active function manual valves in the CPS IST program.

3.2 Applicable Code

The applicable Code of record for CPS is the ASME OM Code, 1987 Edition with 1988 Addenda. This Code requires that active Category A and B valves be tested nominally every 3 months, with certain exceptions.

3.3 Proposed Portion of Subsequent Code Edition and Addenda

The licensee requested approval to use the portions of the 2004 Edition of the ASME OM Code related to IST of manually operated valves. *Federal Register*, Volume 73, Number 176, dated September 10, 2008 (72 FR 52730) incorporates by reference the 2004 Edition of the ASME OM Code for IST programs in 10 CFR 50.55a(b).

Specifically, the licensee would apply the requirements of paragraph ISTC-3540, which state that "manual valves shall be full-stroke exercised at least once every 5 years, except where adverse conditions may require the valve to be tested more frequently to ensure operational readiness. Any increased testing frequency shall be specified by the owner. The valve shall exhibit the required change of obturator position."

The licensee proposes to apply paragraph ISTC-3540 to all active function manual valves in the IST program at CPS. In accordance with the limitation imposed by 10 CFR 50.55a(b)(3)(vi), manual valves must be exercised on a 2-year interval rather than a 5-year interval specified in paragraph ISTC-3540 of the 2004 Edition, provided that adverse conditions do not require more frequent testing. The licensee stated that adverse conditions have not been observed for manual valves within the scope of the IST program. Therefore, a test exercise interval of less than 2 years would not be required.

3.4 Technical Bases

Federal Register, Volume 73, Number 176, dated September 10, 2009 (73 FR 52730) incorporates by reference the 2004 Edition of the ASME OM Code for IST programs in 10 CFR 50.55a(b), subject to the modifications and limitations imposed by 10 CFR 50.55a(b)(3).

3.5 Duration of Proposed Request

The duration of the proposed request is through the second IST interval, which ends December 31, 2009, for CPS.

3.6 NRC Staff Evaluation

The requirements of 10 CFR 50.55a(f)(4)(iv) allow licensees to use subsequent editions and addenda of the ASME OM Code, provided that editions and addenda are incorporated by reference in 10 CFR 50.55a(b), subject to the limitations and modifications listed in 10 CFR 50.55a(b)(3), and subject to Commission approval. Portions of editions or addenda may be used provided that all related requirements of the respective editions or addenda are met. The requirements of 10 CFR 50.55a(b) allow use of the 2004 Edition of the ASME OM Code, subject to the modifications and limitations imposed by 10 CFR 50.55a(b)(3).

The licensee has requested approval to exercise manual valves in accordance with paragraph ISTC-3540 of the 2004 Edition of the ASME OM Code. The licensee also acknowledged the requirement to test the manual valves consistent with the limitation imposed by 10 CFR 50.55a(b)(3)(vi), on a 2-year interval rather than the 5-year interval specified in the 2004 Edition of the ASME Code, provided that adverse conditions, as defined in footnote 2 to paragraph ISTC-3540, do not require more frequent testing. The NRC staff has identified no additional related requirements in the specified ASME OM Code Edition that needs to be met in order to implement the use of paragraph ISTC-3540.

4.0 CONCLUSION

Based on the above evaluation, the staff finds the licensee's request to use the 2004 Edition of the ASME OM Code, paragraph ISTC-3540, for manual valve IST for the remainder of the second 10-year IST interval at CPS acceptable, and subject to the limitations and modifications listed in 10 CFR 50.55a(b)(3)(vi). Therefore, pursuant to 10 CFR 50.55a(f)(4)(iv), the staff approves the request to use the 2004 Edition of the ASME OM Code, Paragraph ISTC-3540.

Principal Contributor: RWolfgang, NRR

Date: August 20, 2009

C. Pardee

- 2 -

If you have any questions, please contact the Clinton Project Manager, Mrs. Cameron Goodwin, at 301-415-3719.

Sincerely,

/RA/

Stephen J. Campbell, Chief
Plant Licensing Branch III-2
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-461

Enclosure:
As stated

cc w/encl: Distribution via Listserv

DISTRIBUTION:

PUBLIC
LPL3-2 R/F
RidsRgn3MailCenter Resource
Resource RidsAcrcAcnw_MailCTR
Resource RidsNrrDorlLpl3-2 Resource
Resource RidsNrrDciCptb Resource
RidsNrrPMCGoodwin
SBagley, EDO, RIII
RidsNrrLATHarris Resource
RidsOgcRp Resource

ADAMS Accession No. ML092300587 NRR-028

*By memo dated

OFFICE	LPL3-2/PM	LPL3-2/LA	CPTB/BC	LPL3-2/BC
NAME	CGoodwin	THarris	JMcHale*	SCampbell
DATE	08/20/09	08/20/09	02/20/09	08/20/09

OFFICIAL RECORD COPY