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

December 2, 2009

Mr. Samuel L. Belcher
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
Lycoming, NY 13093

SUBJECT: NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2 - USE OF LATER CODE EDITION AND ADDENDA OF ASME CODE, SECTION XI, FOR INSERVICE INSPECTION PROGRAMS (TAC NOS. ME1398 AND ME1399)

Dear Mr. Belcher:

By letter dated May 28, 2009 (Agencywide Document Access and Management System Accession No. ML091540195), Nine Mile Point Nuclear Station, LLC (the licensee), requested approval for the use of the 2004 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, for the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP1 and NMP2) Inservice Inspection (ISI) Programs. The 2004 Edition of the ASME Code would become the code of record for the fourth 10-year ISI interval for NMP1 and the third 10-year ISI interval for NMP2. Both NMP1 and NMP2 currently utilize the 2001 Edition with the 2003 Addenda of the ASME Code. The duration of this request would be for the remainder of the NMP1 fourth 10-year ISI interval which ends on August 22, 2019, and the NMP2 third 10-year ISI interval which ends on April 4, 2018.

The Nuclear Regulatory Commission (NRC) staff has reviewed the licensee's submittal and concludes that its request to update the current ISI interval program plans for NMP1 and NMP2 to utilize the 2004 Edition of the ASME Code, Section XI, subject to the limitations and modifications identified in 10 CFR 50.55a(b), is authorized pursuant to 10 CFR 50.55a(g)(4)(iv), for the remainder of the NMP1 fourth 10-year ISI interval and the NMP2 third 10-year ISI interval. The results of the NRC staff's review are provided in the enclosed safety evaluation.

If you have any questions regarding this approval, please contact Richard Guzman, at 301-415-1030 or Richard.Guzman@nrc.gov.

Sincerely,

Nancy L. Salgado

Nancy L. Salgado, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-220 and 50-410

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

REQUEST TO USE LATER CODE EDITION AND ADDENDA FOR

THE INSERVICE INSPECTION PROGRAMS

NINE MILE POINT NUCLEAR STATION, LLC

NINE MILE POINT NUCLEAR STATION, UNIT NOS. 1 AND 2

DOCKET NOS. 50-220 AND 50-410

1.0 INTRODUCTION

By letter dated May 28, 2009 (Agencywide Document Access and Management System (ADAMS) Accession No. ML091540195), pursuant to Title 10 of the Code of Federal Regulations (10 CFR) Section 50.55a(g)(4)(iv), Nine Mile Point Nuclear Station, LLC (NMPNS, or the licensee) requested approval for the use of the 2004 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, for the Nine Mile Point Nuclear Station, Unit Nos. 1 and 2 (NMP1 and NMP2) Inservice Inspection (ISI) Programs. The 2004 Edition of the ASME Code would become the code of record for the fourth 10-year ISI interval for NMP1 and the third 10-year ISI interval for NMP2. Both NMP1 and NMP2 currently utilize the 2001 Edition with the 2003 Addenda of the ASME Code. The duration of this request would be for the remainder of the NMP1 fourth 10-year ISI interval which ends on August 22, 2019, and the NMP2 third 10-year ISI interval which ends on April 4, 2018.

2.0 REGULATORY REQUIREMENTS

10 CFR 50.55a(g) requires that ISI of the ASME Code Class 1, 2, and 3 components be performed in accordance with Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," of the ASME Code and applicable addenda, except where specific relief has been granted by the Commission pursuant to 10 CFR 50.55a(g)(6)(i). 10 CFR 50.55a(g)(4)(ii) states that ISI of components and system pressure tests conducted during successive 120-month inspection intervals must comply with the requirements of the latest edition and addenda of the ASME Code incorporated by reference in paragraph (b) of 10 CFR 50.55a 12 months before the start of the 120-month inspection interval (or the optional ASME Code cases listed in Nuclear Regulatory Commission (NRC) Regulatory Guide 1.147, Revision 15, that are incorporated by reference in paragraph (b) of that section), subject to the limitations and modifications listed in paragraph (b) of 10 CFR 50.55a.

10 CFR 50.55a(g)(4)(iv) states that ISI of components and system pressure tests may meet the requirements set forth in subsequent editions and addenda that are incorporated by reference in paragraph (b) of 10 CFR 50.55a, subject to the limitations and modifications listed in paragraph (b) of 10 CFR 50.55a, 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. 10 CFR 50.55a(b)(2) cites that the 2004 Edition of the ASME Code, Section XI has been approved for licensee use subject to any applicable limitations and modifications addressed in 10 CFR 50.55a(b).

3.0 TECHNICAL EVALUATION

The licensee requested NRC approval to use the 2004 Edition (no Addenda) of ASME Code, Section XI in its entirety for the NMP1 and NMP2 ISI programs, including applicable modifications and limitations listed in 10 CFR 50.55a(b). Thus, all related ASME Code requirements will be met.

As required to 10 CFR 50.55a(g)(4)(ii), the ISI program for each 10-year interval must comply with the requirements in the latest edition and addenda of Section XI of the ASME Code incorporated by reference in 10 CFR 50.55a(b) 12 months prior to the start of the interval. Based on the scheduled start dates for the ISI intervals (August 23, 2009, for the NMP1 Fourth ISI Interval and April 5, 2008, for the NMP2 Third ISI Interval), the applicable ASME Code for both NMP1 and NMP2 was the 2001 Edition with 2003 Addenda. The NRC subsequently amended 10 CFR 50.55a(b) on September 10, 2008 (73 FR 52730), to incorporate by reference the 2004 Edition (no Addenda) of ASME Code, Section XI. NMP1 and NMP2 are part of the Constellation Energy fleet of nuclear power plants. Submittal of this request is consistent with the Constellation Energy's goal of standardizing the ASME Code requirements applicable to the ISI programs for its fleet nuclear power plants.

For NMP1, NMPNS previously submitted three 10 CFR 50.55a requests associated with the ISI program. The NMPNS Request Nos. 1ISI-001A and 1ISI-02 were approved by NRC letters dated August 3, 2009 (two letters), ADAMS Accession No. ML092010256 and ML091980454, respectively, for use during the license renewal period of extended operation (August 23, 2009, to August 22, 2029). NMPNS Request No. 1ISI-003, submitted by letter dated March 16, 2009 (ADAMS Accession No. ML090860860), is presently under NRC review. These three 10 CFR 50.55a requests are unaffected by this request to use the 2004 Edition (no Addenda) of ASME Code, Section XI (other than the ASME Code edition referenced in the 10 CFR 50.55a requests).

For NMP2, the NRC previously authorized three 10 CFR 50.55a requests associated with the ISI program. The licensee's Request No. 2ISI-001A was approved by NRC letter dated November 5, 2007 (ADAMS Accession No. ML072830047), for use through the end of the NMP2 license renewal extended period of operation. The licensee's Request Nos. 2ISI-007 and 2ISI-009 were approved by NRC letter dated December 1, 2008 (ADAMS Accession No. ML083190494), for use during the third 10-year ISI Interval. These three NRC-approved requests are unaffected by this request to use the 2004 Edition (no Addenda) of ASME Code, Section XI (other than the referenced ASME Code edition) and remain applicable to the NMP2 ISI program for the third 10-year ISI Interval.

The purpose of the requirements listed in 50.55a(g)(4)(ii) are to prescribe a mechanism for updating the ISI program requirements to match the evolving ASME Code. The licensee's alternative would accelerate the adoption of new ASME Code requirements through the use of 10 CFR 50.55a(g)(4)(iv) and is consistent with the intent of 50.55a(g)(4)(ii). The 2004 Edition of the ASME Code, Section XI and the requirements for the ISI programs therein has been

approved for use by the NRC in 10 CFR 50.55a(b)(2), subject to the limitations and modifications identified in 10 CFR 50.55a(b). Therefore, the NRC staff finds acceptable, the licensee's request to update the current ISI interval program plans for NMP1 and NMP2 to utilize the 2004 Edition of the ASME Code, Section XI, subject to the limitations and modifications identified in 10 CFR 50.55a(b).

4.0 CONCLUSION

The NRC staff concludes that the request by NMPNS to use the 2004 Edition of the ASME Code, Section XI with no addenda, subject to the limitations and modifications identified in 10 CFR 50.55a(b), for all applicable components, component supports, and welds included within the scope of the ASME Code, Section XI, ISI programs in NMP1 and NMP2 is authorized consistent with 10 CFR 50.55a(g)(4)(iv) for the remainder of the fourth 10-year ISI interval for NMP1 and of the third 10-year ISI interval for NMP2.

Principal Contributor: D. Widrevitz

Date: December 2, 2009

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Mr. Samuel L. Belcher
Vice President Nine Mile Point
Nine Mile Point Nuclear Station, LLC
P.O. Box 63
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Sincerely,

/RA/

Nancy L. Salgado, Chief
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
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Accession Number: ML093310427 * SE input provided by memo. No substantial changes made.

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