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

August 22, 2024

Ken J. Peters
Executive Vice President and
Chief Nuclear Officer
Attention: Regulatory Affairs
Vistra Operations Company LLC
Comanche Peak Nuclear Power Plant
6322 N FM 56
P.O. Box 1002
Glen Rose, TX 76043

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2 – RELIEF TO USE LATER CODE EDITION FOR INSERVICE INSPECTION PROGRAM (EPID L-2023-LLR-0048)

Dear Ken Peters:

By letter dated September 15, 2023, Vistra Operations Company LLC (Vistra OpCo, the licensee) submitted a relief request to the requirements of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code, Section XI, for Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2 (Comanche Peak, Units 1 and 2).

Specifically, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a(g)(4)(iv), the licensee proposed to use the 2019 Edition of ASME BPV Code, Section XI, for the remainder of the fourth inservice inspection (ISI) and containment ISI (CISI) intervals.

The U.S. Nuclear Regulatory Commission (NRC) staff has reviewed the subject request, as set forth in the enclosed safety evaluation, and finds that Vistra OpCo has adequately addressed all of the regulatory requirements set forth in 10 CFR 50.55a(g)(4)(iv). Therefore, the NRC staff concludes that the use of the 2019 Edition of the ASME BPV Code, Section XI, for the remainder of the fourth ISI and CISI intervals at Comanche Peak, Units 1 and 2 is acceptable, The NRC staff approves the use of 2019 Edition of the ASME BPV Code Section XI for the remainder of the fourth ISI and CISI intervals at Comanche Peak, Units 1 and 2.

All other ASME BPV 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.

If you have any questions, please contact the Project Manager, Samson Lee, at 301-415-3168 or via email at Samson.Lee@nrc.gov.

Sincerely,

Jennivine K. Rankin

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Date: 2024.08.22 14:30:03 -04'00'

Jennivine K. Rankin, Chief
Plant Licensing Branch IV
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-445 and 50-446

Enclosure:
Safety Evaluation

cc: Listserv

UNITED STATES
NUCLEAR REGULATORY COMMISSION
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SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION

REQUEST TO USE A LATER EDITION OF THE AMERICAN SOCIETY OF MECHANICAL ENGINEERS BOILER AND PRESSURE VESSEL CODE, SECTION XI

VISTRA OPERATIONS COMPANY LLC

COMANCHE PEAK NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2

DOCKET NOS. 50-445 AND 50-446

1.0 INTRODUCTION

By letter dated September 15, 2023 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML23259A000), Vistra Operations Company, LLC (Vistra OpCo, the licensee) submitted a request to use a later edition of the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel (BPV) Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components," at Comanche Peak Nuclear Power Plant, Unit Nos. 1 and 2 (Comanche Peak, Units 1 and 2).

Specifically, pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 50.55a(g)(4)(iv), "Applicable ISI [inservice inspection] Code: Use of subsequent Code editions and addenda," the licensee requested to use the 2019 Edition of ASME BPV Code, Section XI, for the remainder of the fourth ISI and containment ISI (CISI) intervals.

2.0 REGULATORY EVALUATION

Specific editions and addenda, or portions thereof, of the ASME BPV Code, Section XI have been incorporated by reference into 10 CFR 50.55a(a)(1)(ii). The editions and addenda of the ASME BPV Code, Section XI are subject to the conditions in 10 CFR 50.55a(b)(2).

The regulations in 10 CFR 50.55a(g)(4), "Inservice inspection standards requirement for operating plants," state, in part, that ASME Code Class 1, 2, and 3 components (including supports) must meet the requirements, except the design and access provisions and the preservice examination requirements, set forth in Section XI of the applicable editions and addenda of the ASME BPV Code to the extent practical within the limitations of design, geometry, and materials of construction of the components.

Paragraph 50.55a(g)(4)(iv) of 10 CFR states:

> *Applicable ISI Code: Use of subsequent Code editions and addenda.* Inservice examination of components and system pressure tests may meet the

> requirements set forth in subsequent editions and addenda that are incorporated by reference in paragraph (a) of this section [10 CFR 50.55a], subject to the conditions listed in paragraph (b) of this section, and subject to Commission [U.S. Nuclear Regulatory Commission (NRC)] approval. Portions of editions or addenda may be used, provided that all related requirements of the respective editions or addenda are met.

Paragraph 50.55a(b)(2)(xxxii) of 10 CFR states:

> *Section XI condition: Summary report submittal.* When using ASME BPV Code, Section XI, 2010 Edition through the latest edition and addenda incorporated by reference in paragraph (a)(1)(ii) of this section, Summary Reports and Owner's Activity Reports described in IWA–6230 must be submitted to the NRC. Preservice inspection reports for examinations prior to commercial service must be submitted prior to the date of placement of the unit into commercial service. For preservice and inservice examinations performed following placement of the unit into commercial service, reports must be submitted within 120 calendar days of the completion of each refueling outage.

3.0 TECHNICAL EVALUATION

3.1 Licensee's Request

3.1.1 Components for Which the Subsequent Code Edition is Requested

All Class 1, 2, and 3, MC (metal containment) and CC (concrete containment) items.

3.1.2 Current Code Edition and Addenda of Record

The licensee's current Code of record for Comanche Peak, Units 1 and 2, is the 2007 Edition through the 2008 Addenda. The licensee's fourth ISI interval ends on August 12, 2030, for Unit 1 and August 2, 2033, for Unit 2. The licensee's fourth CISI interval ends on September 8, 2031, for Units 1 and 2.

3.1.3 Proposed Subsequent Code Edition

Pursuant to 10 CFR 50.55a(g)(4)(iv), the licensee proposed to use the 2019 Edition of ASME BPV Code Section XI for the remainder of the fourth ISI and CISI intervals at Comanche Peak, Units 1 and 2.

3.1.4 Duration of the Use of the Later Code Edition

The duration of this request is for the remainder of the fourth ISI and CISI interval for each plant, as shown in Section 3.1.2 of this safety evaluation.

3.1.5 NRC Staff Evaluation

Based on the requirements in 10 CFR 50.55a(g)(4)(iv), the NRC staff considered the following criteria in its review of the licensee's application:

1. The proposed edition or addenda of the ASME BPV Code are incorporated by reference in 10 CFR 50.55a(a).

2. The proposed edition or addenda of the ASME BPV Code are subject to the conditions listed in 10 CFR 50.55a(b).

3. The licensee requested NRC approval to use the subsequent edition or addenda of the ASME BPV Code.

4. If only portions of editions or addenda are to be used, all related requirements of the respective editions or addenda are met.

The licensee requested to use the 2019 Edition of ASME BPV Code Section XI, which has been incorporated by reference in 10 CFR 50.55a(a). Therefore, the first criterion above has been satisfied.

The licensee requested to use the 2019 Edition of ASME BPV Code Section XI in its entirety, which is subject to the conditions listed in 10 CFR 50.55a(b). Therefore, the second criterion above has been satisfied.

The NRC staff determined that the licensee's letter dated September 15, 2023, constitutes a request to the Commission for approval to use a subsequent edition of ASME BPV Code Section XI. Therefore, the third criterion above has been satisfied.

The licensee requested to use the 2019 Edition of ASME BPV Code, Section XI in its entirety. Therefore, the fourth criterion is not applicable.

The NRC staff finds that the licensee has adequately addressed all regulatory requirements set forth in 10 CFR 50.55a(g)(4)(iv) since the four criteria above have been satisfied.

4.0 CONCLUSION

As set forth above, the NRC staff finds that the licensee has adequately addressed all of the regulatory requirements set forth in 10 CFR 50.55a(g)(4)(iv). Therefore, the NRC staff concludes that the use of the 2019 Edition of the ASME BPV Code Section XI for the fourth ISI and CISI intervals at Comanche Peak, Units 1 and 2, is acceptable. The NRC staff approves the use of 2019 Edition of the ASME BPV Code Section XI for the remainder of the fourth ISI and CISI intervals at Comanche Peak, Units 1 and 2.

All requirements of the ASME BPV Code Section XI, as incorporated by reference in 10 CFR 50.55a, for which relief were not specifically requested and approved remain applicable, including third-party review by the Authorized Nuclear Inservice Inspector.

Principal Contributors: M. Benson, NRR
E. Palmer, NRR
S. Lai, NRR

Date: August 22, 2024

SUBJECT: COMANCHE PEAK NUCLEAR POWER PLANT, UNIT NOS. 1 AND 2 – RELIEF TO USE LATER CODE EDITION FOR INSERVICE INSPECTION PROGRAM (EPID L-2023-LLR-0048) DATED AUGUST 22, 2024

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