

NRC 2001-018

10 CFR 50.12
10 CFR 50.55a(b)(2)

April 9, 2001

Document Control Desk
U. S. Nuclear Regulatory Commission
Mail Station P1-17
Washington, DC 20555-0001

Ladies/Gentlemen:

DOCKETS 50-266 AND 50-301
EXEMPTION FROM 10 CFR 50.55a
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

Licensees are required to update their Inservice Inspection (ISI) programs to the latest ASME Section XI Code referenced in 10 CFR 50.55a 12 months before the commencement of the next ten-year inservice inspection interval. The updates for Point Beach Nuclear Plant (PBNP) Units 1 and 2 will become effective in mid-2002. Accordingly, selection of the applicable edition and addenda of Section XI must be made by mid-2001.

In accordance with the provisions of 10 CFR 50.12, "Specific Exemptions," Nuclear Management Company, LLC (NMC), licensee for PBNP Units 1 and 2, requests an exemption from the requirements of 10 CFR 50.55a, "Code and Standards." We are requesting this exemption to allow the application of the ASME Section XI Code 1998 Edition with Addenda through 2000, "Rules for Inservice Inspection of Nuclear Power Plant Components" for the fourth ISI interval. 10 CFR 50.55a currently references ASME Section XI Code 1995 Edition with 1996 Addenda.

As specified in 10 CFR 50.12, the Commission may grant exemptions from the regulations when special circumstances are present. We believe the requested exemption satisfies the special circumstances criterion of 10 CFR 50.12(a)(2)(iv) in that operation in accordance with the requested exemption will result in a benefit to the public health and safety. Our evaluation supporting this determination is attached.

Via letter dated February 8, 2001, PBNP requested relief from the requirements of 10 CFR 50.55a(b)(2) for the Fourth 10-Year ISI Interval. Relief Requests RR-1-24 and RR-2-30, were submitted in accordance with 10 CFR 50.55a(a)(3)(i). Upon further review and in discussions with the NRC staff, it was concluded these relief requests should have been submitted as an exemption to 10 CFR 50.55a. Accordingly, the relief request(s) are withdrawn.

Please contact us if there are questions regarding this exemption request.

Sincerely,

A handwritten signature in black ink, appearing to read "T J Webb", written in a cursive style.

Thomas J. Webb
Licensing Director

FAF/jlk

Attachment

cc: NRC Resident Inspector
NRC Project Manager

NRC Regional Administrator
PSCW

NUCLEAR MANAGEMENT COMPANY, LLC
POINT BEACH NUCLEAR PLANT, UNITS 1 AND 2

EXEMPTION FROM 10 CFR 50.55a(b)2

Plants for Which Exemption is Requested:

Point Beach Nuclear Plant Unit 1	Docket 50-266
Commercial Service Date:	December 21, 1970

Point Beach Nuclear Plant Unit 2	Docket 50-301
Commercial Service Date:	October 1, 1972

Code of Federal Regulations Requirements:

10 CFR 50.55a(b)(2) - As used in this section, references Section XI of the ASME Boiler and Pressure Vessel Code refer to Section XI, Division 1, and include editions through the 1995 Edition and addenda through the 1996 Addenda. (Note: this is the expected language of 10 CFR 50.55a as of July 1, 2001).

10 CFR 50.55a(g)(4)(ii) - Inservice examination 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 Code incorporated by reference in paragraph (b) of this section 12 months prior to the start of the 120-month inspection interval, subject to the limitations and modifications listed in paragraph (b) of this section.

Exemption Requested:

Exemption is requested from using the 1995 Edition of ASME Section XI with Addenda through 1996 for the Fourth 10-Year Inservice Inspection Interval. Instead, PBNP requests to use the 1998 Edition of ASME Section XI with Addenda through 2000.

This exemption will not be applicable for the IWE/IWL Containment ISI Program nor the Inservice Testing Program.

Justification for Using ASME Section XI 1998 Edition with Addenda Through 2000:

ASME Section XI is an industry consensus document written by industry representatives with NRC involvement. It is constantly evolving to incorporate the latest knowledge and experience of the nuclear industry. This knowledge is gathered by a large range of experts in various technical fields, many of whom are able to test ideas in a controlled environment and/or gather data from sources within the nuclear power and similar industries. The information is then thoroughly discussed to determine its validity to inservice inspection. Analytical analysis is performed on many of the ideas to test their validity.

Peer review is performed during the ASME meetings (and often between committee members outside the conferences) to discuss what improvements are needed and if value can be added to all proposed changes. Existing requirements are revisited to determine if they remain valid and if they should be improved, strengthened or eliminated.

Industry events are brought to the ASME meetings and discussed. This has often led to the incorporation of additional requirements to ensure the focus of inservice inspection is appropriate. This has also refocused inservice inspection requirements to the areas where they are most needed and effective.

The latest editions and addenda of Section XI incorporate all the improvements approved by the ASME. Many of the Code Cases the NRC has approved via Regulatory Guides 1.84 and 1.147 have been incorporated. These improvements add value to the ISI process in that they continually refocus the industry on problem areas and evaluate and implement technological developments.

10 CFR 50.12 states the Commission may grant an exemption from requirements contained in 10 CFR 50 provided:

1. The requested exemption is authorized by law: No law exists that precludes the use of later Editions of ASME Section XI. 10 CFR 50.12 allows the use of alternatives to 10 CFR 50 when an exemption is granted by the Commission.
2. The requested exemption does not present an undue risk to the public health and safety: 10 CFR 50.55a requires PBNP to update the ISI Program every ten years after the commercial service date to the latest edition of ASME Section XI referenced in the Rule. This is currently the 1995 Edition and addenda through the 1996 Addenda. By using the 1998 Edition and addenda through the 2000 Addenda, PBNP would be incorporating the latest inservice inspection technology available at this time.

Due to the progress made in inservice inspection technology over the last several years, the ISI Program will become more focused on the problems found within the nuclear industry. Additional requirements for NDE personnel can be found, ensuring the qualifications for these people are held to the highest standards.

Use of the later edition of ASME Section XI would allow PBNP to use the latest improvements made to the Code as of the start of our Fourth 10-Year Interval. Use of the exemption will incorporate the advances in inservice inspection technology that may not have been available using the 1995 Edition with 1996 Addenda. By using a later edition of Section XI, the risk to public health and safety is not

3. The requested exemption will not endanger the common defense and security

The common defense and security are not endangered by approval of this exemption request. By allowing the use of a later edition of ASME Section XI, the common defense and security are maintained and the ISI examinations will continue to be focused on the areas of greatest concern, ensuring PBNP maintains an adequate margin of safety.

10 CFR 50.12(a)(2)(ii): The underlying purpose of 10 CFR 50.55a is to satisfy the requirement that the pressure retaining boundaries of the reactor coolant system and other systems important to safety have sufficient margin to ensure they meet the quality standards commensurate with the importance of the safety function performed. Allowing use of the ASME Section XI 1998 Edition with Addenda through 2000 would allow use of the latest ASME approved rules for inservice inspection.

10 CFR 50.12(a)(2)(iv): The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the granting of this exemption. Applying a later Edition of Section XI than the edition referenced in 10 CFR 50.55a(b) continues to ensure the public health and safety are maintained

Updating to the 1998 Edition of ASME Section XI with Addenda through 2000 will allow PBNP to use the latest improvements made to the Code. The 1998 Edition with Addenda through 2000 has been announced as the possible replacement for the currently referenced 1995 Edition with 1996 Addenda of Section XI. This is anticipated to become effective after the date PBNP is required to select the Section XI edition/addenda for the Fourth 10-Year Inspection Interval. We are required to make this selection on July 1, 2001.

Alternate Requirement Requested:

PBNP Units 1 and 2 will update the ISI Programs for both units to the ASME Section XI Code, 1998 Edition with the 2000 Addenda. The updated ISI Programs will be effective for the Fourth 10-Year Inservice Inspection Interval.

Nondestructive examination procedures will be updated to the requirements of the selected Edition of Section XI effective for the Fourth Interval. Examinations performed after the ISI Program update will be to the new procedures.

PBNP will implement the Appendix VIII supplements of the 1998 Edition of Section XI with Addenda through 2000 on the schedule as determined in 10 CFR 50.55a(g)(6)(ii)(C)(1).

If the 1998 Edition of Section XI with Addenda through 2000 is referenced in a future revision of 10 CFR 50.55a, PBNP will incorporate any restrictions placed upon this edition and addenda.

Implementation Schedule

The update to the 1998 Edition with Addenda through 2000 or later Edition of ASME Section XI will be effective for the PBNP Units 1 and 2 during the Fourth Ten-Year Interval, that is scheduled to begin on July 1, 2002.