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September 10, 1996

U.S. Nuclear Regulatory Commission
Mail Station P1-37
Washington, D.C. 20555

Attention: Document Control Desk

Subject: Grand Gulf Nuclear Station
Docket No. 50-416
License No. NPF-29
Exemption from 10 CFR Part 50.55a

GNRO-96/00103

Gentlemen:

Recently, the NRC amended its regulations to incorporate by reference the 1992 Edition with the 1992 Addenda of Subsection IWE and Subsection IWL of the ASME Boiler and Pressure Vessel Code. The amendments were published in the *Federal Register* on August 8, 1996 (61 Fed. Reg. 41303) and became effective on September 9, 1996 as required by the Federal Register Notice. The amendments require licensees to adopt specific procedures for the inservice inspection, repair, and replacement of Class MC and Class CC metallic and concrete containment components.

The rulemaking incorporated a provision for an expedited examination schedule. This expedited schedule was thought necessary to prevent delays in implementation that would be encountered if the subsections were implemented through routine updates of the Inservice Inspection (ISI) programs. The expedited schedule ensures that the first period of the first inspection interval examinations will be completed within 5 years from the effective date of the rule. No specific emphasis was placed on the repair and replacement portions of the invoked code. This implies that the new requirements would be adopted through the same methodologies currently prescribed by the code.

As we interpreted the new rule, we would be required to include Subsections IWE and IWL in the next update of our ISI program or concurrent with the expedited inspection requirements. This is consistent with other code publications incorporated by reference in the regulations and provides a reasonable time for implementation.

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We were subsequently advised that the Staff's interpretation of the rule required licensees to conduct Code repairs and replacements beginning September 9, 1996. This interpretation of the rule is not only inconsistent with our interpretation, but also with the NRC's discussion of the rule and with the backfit evaluation done for the proposed rule. There is no discussion in either of these documents that explicitly justifies implementing the repair and replacement provisions earlier than the inspection program. The Staff's interpretation leads to the conclusion that repair and replacement requirements have significantly more safety significance than the inspection requirements. Given that this significance is not discussed in the backfit statement, nor in any of the published discussions of the proposed rule, it appears to be a "hidden" backfit. In fact, even though there were numerous industry comments on the proposed rule, none of the commenters apparently recognized that immediate implementation of repair and replacement rules would be required.

The Staff's interpretation would not only require immediate implementation of the repair and replacement requirements, but also implies immediate implementation of any subsequent IWE or IWL requirements incorporated by reference into the regulations. Development and implementation of repair and replacement programs cannot practically be implemented at GGNS on an immediate basis. These programs require the same phase-in and development period that other code requirements do. Part 50.55a currently recognizes this need and accommodates it by allowing a 12 month "lock-in" period (see 10 CFR 50.55a (g) (4) (ii)) for licensees to develop any new program required by this part. It seems illogical not to provide some period for implementation of these requirements or for any future requirements incorporated by reference in future regulations.

Immediate implementation is not practical for several reasons. Currently, there is no program in place to identify what constitutes code repairs and replacements for the containment. GGNS is currently committed to ASME Section XI, 1977 Edition through the Summer 1979 Addenda for the performance of repairs or replacements to the ASME Section III, Class 1, 2 or 3 piping systems. At GGNS, and typical to most facilities, boundary diagrams or line lists are maintained that identify these boundaries of ASME Section XI jurisdiction. When maintenance or modification activities are required, plant personnel (planners) use these boundary diagrams or line list in conjunction with other plant procedures to determine if the activity is required to be performed as an ASME Section XI Repair or Replacement.

In order to adopt and apply the 1992 Edition with the 1992 Addenda of ASME Section XI, Subsections IWE and IWL, for repairs and replacements of containment items, a method similar to that described above would be required. Without this tool, plant personnel who develop work orders for maintenance and modification activities would not be able to determine the applicability of IWE or IWL to the activity.

The meaning of the term "containment" may seem obvious, but in fact, is not. Some of the boundaries are not clear and may require significant efforts to define them in an understandable and well defined manner. Equipment such as personnel locks consist of a significant number of individual components that must be clearly identified so that plant personnel can determine if the subject component is within the jurisdictional boundaries of ASME Section XI, Subsections IWE and IWL.

This initial effort is significant, but is only the first step of the extensive effort required to fully implement IWE/IWL for repairs and replacements. In addition, because of the preservice requirements that are required for repairs and replacements, the inspection and examination requirements of IWE/IWL would have to be implemented at the same time as the repair/replacement program. Although it appears that the Staff's interpretation is only mandating the repair and replacement rules, several other requirements would also have to be implemented. The other requirements include:

1. The ability to perform examinations listed in IWE-2500-1 and IWL-2500-1 for preservice of repairs and replacements.
2. Inspection and NDE procedures meeting the requirements of IWE/IWL.
3. NDE personnel qualification program that meets the 1992 Edition, 1992 Addenda, IWA-2000 requirements.
4. Procedures for evaluating preservice findings (IWE/IWL-3000).

Because we cannot currently comply with the regulation as interpreted, we hereby apply for an exemption to the new requirements for a period of 5 years. This will allow us sufficient time to phase in the new requirements concurrent with our implementation of the expedited inspection requirements. We believe that compliance with this regulation would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted and that the exemption would allow the temporary relief necessary for us to make a good faith effort to comply. We therefore believe that this meets the requirements for an exemption as allowed by 10 CFR Part 50.12.

Yours truly,



CRH/WBB

cc:

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