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W3F1-96-0180  
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PR

October 28, 1996

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Washington, D.C. 20555

Subject: Exemption from 10 CFR Part 50.55a  
Waterford 3 SES  
Docket No. 50-382  
License No. NPF-38

River Bend Station  
Docket No. 50-458  
License No. NPF-47

Arkansas Nuclear One - Units 1 and 2  
Docket Nos. 50-313 and 50-368  
License Nos. DPR-51 and NPF-6

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

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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.

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.

Development and implementation of repair and replacement programs will involve an extensive effort and cannot practically be implemented at Entergy sites on an immediate basis. These programs require the same phase-in and development period as other code requirements. 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.

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. This exemption will allow the implementation of the above requirements to be delayed until the beginning of the required inspections at each site,

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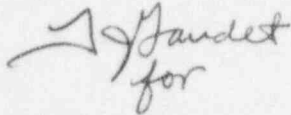
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but in no case greater than 5 years. This will allow sufficient time to develop the necessary programs and procedures prior to implementation of the expedited inspection requirements.

We believe that compliance with this regulation would result in undue hardship and other costs that are significantly in excess of those contemplated when the regulation was adopted. This exemption would allow the temporary relief necessary for us to comply with the regulation. We therefore believe that this meets the requirements for an exemption as allowed by 10 CFR Part 50.12.

Should you have any questions regarding this matter, please contact me at (504) 739-6242 or Glenn Robin at (504) 739-6633.

Yours truly,

Handwritten signature of James J. Fisicaro, with the word "for" written below it.

James J. Fisicaro  
Director  
Nuclear Safety

JJF/DMU/tjs  
Attachment

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