



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

November 6, 1996

Mr. Alex Marion, Director  
Engineering  
Nuclear Energy Institute  
1776 I Street, NW, Suite 400  
Washington, DC 20006-3708

SUBJECT: IMPLEMENTATION OF CONTAINMENT INSPECTION RULE

Dear Mr. Marion:

This responds to the request in your letter dated September 19, 1996 on the subject. The effective date of the revisions to 10 CFR 50.55a which endorse Subsections IWE and IWL of the 1992 ASME Boiler and Pressure Vessel Code (61 Federal Register 41311, August 8, 1996) is September 9, 1996. The Staff agrees with NEI that the repair and replacement criteria of IWE and IWL must be utilized in conjunction with the 10 CFR 50.55a(g)((6)(ii)(B) expedited examination (to be completed by September 9, 2001). However, the Staff disagrees with NEI's position that repair or replacement activities that may have to be undertaken by a licensee in response to a deficiency discovered between the effective date of the rule and September 9, 2001 need not be conducted in accordance with the provisions of Subsections IWE and IWL. It is the Staff's position that pursuant to 10 CFR 50.55a(g)(4)(v), all repair or replacement activities within the scope of Subsection IWE and IWL which are conducted after September 9, 1996 must be conducted in accordance with those subsections.

Nonetheless, the Staff recognizes that, as a practical matter, licensees may require a period of time to develop and implement procedures for repair and replacement which meet the requirements of Subsections IWE and IWL. In case of extreme hardship or unusual difficulty without a compensating increase in the level of quality or safety, or where there is a justifiable need to use an alternative that provides an acceptable level of safety, 10 CFR 50.55a(a)(3) permits the Director of the Office of Nuclear Reactor Regulation at his discretion to grant relief from the requirements of 10 CFR 50.55a. In general, relief requests from compliance with the repair and replacement requirements of Subsections IWE and IWL for a period of one year from September, 1996 would appear to be reasonable.

DFD310

RD-9

X - ID+R-12

X - O&M-7NEI

96-143

9611130161 961106  
PDR REVGP ERGNUMR:  
PDR

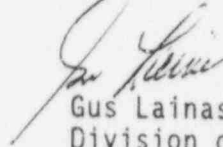
NRC FILE CENTER COPY

Alex Marion

- 2 -

The above discussion is intended to elaborate on inspection, repair and replacement aspects of the rule. We need some experience with the implementation of the rule and do not believe that a public workshop will be useful at this time.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gus Lainas", is written over the typed name.

Gus Lainas. Acting Director,  
Division of Engineering  
Office of Nuclear Reactor Regulation

Alex Marion

- 2 -

The above discussion is intended to elaborate on inspection, repair and replacement aspects of the rule. We need some experience with the implementation of the rule and do not believe that a public workshop will be useful at this time.

Sincerely,

ORIGINAL SIGNED BY

Gus Lainas, Acting Director,  
Division of Engineering  
Office of Nuclear Reactor Regulation

Distribution:

Central File

ECGB R/F

PDR

DISK/DOCUMENT NAME: G:\ASHAR\IWE&IWL.NEI

To receive a copy of this document, indicate in the box: "C" = Copy w/o attachment; "A" = Copy w/attachment; "N" = No Copy

OFC	ECGB:DE	E	BC/ECGB:DE	E	RES/DET/SGEB	C	OCC	E	DD:DE (Acting)	C
NAME	HAshar		GBagchi		AMurphy		STreby		JStrosnider	
DATE	10/28/96		10/28/96		10/30/96		10/30/96		11/1/96	
OFC	D:DE (Acting)	N								
NAME	GLainas									
DATE	11/6/96		1/ /96		1/ /96		1/ /96		1/ /96	

OFFICIAL RECORD COPY

96-143  
NRC FILE CENTER COPY