



50-416

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

January 30, 1997

Mr. Joseph J. Hagan
Vice President, Operations GGNS
Entergy Operations, Inc.
P. O. Box 756
Port Gibson, MS 39150

SUBJECT: DENIAL OF EXEMPTION FROM IMPLEMENTATION OF 10 CFR 50.55a AMENDMENT
REGARDING REPAIR AND REPLACEMENT ASPECTS OF THE RULE, GRAND GULF,
UNIT 1 (TAC NO. M96621)

Dear Mr. Hagan:

By letter dated September 10, 1996, you requested an exemption from the subject rule published in the Federal Register on August 8, 1996 (61 FR 41303). The subject rule required the licensees of operating nuclear reactors to start implementing the requirements of Subsection IWE, "Requirements for Class MC and Metallic Liners of Class CC Components of Light Water Cooled Plants," and Subsection IWL, "Requirements for Class CC Concrete Components of Light-Water Cooled Plants," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code) from the effective date of September 9, 1996. It provided for a period of 5 years within which the licensees must complete the first inspection (of the first interval) of the containment structures utilizing the requirements of the rule (i.e., effective September 9, 2001). Also, any repair and replacement activities for the containment structure, that are within the scope of the rule, must be performed using Subsections IWE and IWL, effective September 9, 1996.

In your letter, you requested an exemption from immediately implementing the requirements of the rule for the repairs and replacement activities required by Subsections IWE and IWL that may have to be performed between September 9, 1996, and September 9, 2001. You stated that immediate implementation of Subsections IWE and IWL was impractical, providing the details in your letter, and requested an exemption from the new requirements for a period of 5 years from the effective date of September 9, 1996, or until September 9, 2001.

As noted in the enclosed safety evaluation, the staff has reviewed your request and determined, because 10 CFR 50.55a(a)(3) and (g)(6)(i) permit relief from, and the use of alternatives to, the requirements of 10 CFR 50.55a (i.e., the new requirements in IWE and IWL), that the proper avenue for relief from compliance with the repair and replacement requirements of Subsections IWE and IWL is a relief request in accordance with 10 CFR 50.55a, and not an exemption from the subject rule.

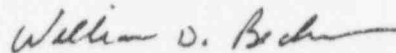
NRC FILE CENTER COPY

DF011/

Therefore, based on this, the staff denies your exemption request. In addition, your submittal does not contain sufficient justification to obtain relief from the new requirements in IWE and IWL pursuant to 10 CFR 50.55a in that you have not (1) proposed an alternative which would provide an acceptable level of quality or safety, (2) shown compliance with the requirements of IWE and IWL would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, or (3) shown that these requirements are impractical for your facility.

Therefore, relief cannot be granted unless you submit the necessary information under 10 CFR 50.55a.

Sincerely,



William D. Beckner, Director
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-416

Enclosure: Safety Evaluation

cc w/encl: See next page

Mr. Joseph J. Hagan

- 2 -

Therefore, based on this, the staff denies your exemption request. In addition, your submittal does not contain sufficient justification to obtain relief from the new requirements in IWE and IWL pursuant to 10 CFR 50.55a in that you have not (1) proposed an alternative which would provide an acceptable level of quality or safety, (2) shown compliance with the requirements of IWE and IWL would result in hardship or unusual difficulty without a compensating increase in the level of quality and safety, or (3) shown that these requirements are impractical for your facility.

Therefore, relief cannot be granted unless you submit the necessary information under 10 CFR 50.55a.

Sincerely,

ORIGINAL SIGNED BY:

William D. Beckner, Director
Project Directorate IV-1
Division of Reactor Projects III/IV
Office of Nuclear Reactor Regulation

Docket No. 50-416

Enclosure: Safety Evaluation

cc w/encl: See next page

DISTRIBUTION:

Docket File

J. Roe
J. Dyer, RIV
C. Hawes
H. Ashar

PUBLIC
E. Adensam (EGA1)
ACRS
W. Beckner

PD4-1 r/f
J. Donohew
OGC (15B18)
G. Bagchi

Document Name: GG96621.EXE

SE Memo dated November 13, 1996
*See Previous Concurrence

OFC	PM/PD4-1	(A)LA/PD4-1	BC/ECGB*	OGC*	PD/PD4-140A
NAME	JDonohew/cf	CHawes CMT	GBagchi	MYoung	WBeckner
DATE	1/30/97	1/30/97	01/15/97	01/21/97	1/30/97
COPY	YES/NO	YES/NO	YES/NO	YES/NO	YES/NO

OFFICIAL RECORD COPY

Mr. Joseph J. Hagan
Entergy Operations, Inc.

Grand Gulf Nuclear Station

cc:

Executive Vice President
& Chief Operating Officer
Entergy Operations, Inc.
P. O. Box 31995
Jackson, MS 39286-1995

Wise, Carter, Child & Caraway
P. O. Box 651
Jackson, MS 39205

Winston & Strawn
1400 L Street, N.W. - 12th Floor
Washington, DC 20005-3502

Director
Division of Solid Waste Management
Mississippi Department of Natural
Resources
P. O. Box 10385
Jackson, MS 39209

President,
Claiborne County Board of Supervisors
Port Gibson, MS 39150

Regional Administrator, Region IV
U.S. Nuclear Regulatory Commission
611 Ryan Plaza Drive, Suite 1000
Arlington, TX 76011

Senior Resident Inspector
U. S. Nuclear Regulatory Commission
Route 2, Box 399
Port Gibson, MS 39150

Nuclear Operating Plant Services
Bechtel Power Corporation
9801 Washington Boulevard
Gaithersburg, MD 20878

General Manager GGNS
Entergy Operations, Inc.
P. O. Box 756
Port Gibson, MS 39150

Attorney General
Department of Justice
State of Louisiana
P. O. Box 94005
Baton Rouge, LA 70804-9005

State Health Officer
State Board of Health
P. O. Box 1700
Jackson, MS 39205

Office of the Governor
State of Mississippi
Jackson, MS 39201

Attorney General
Asst. Attorney General
State of Mississippi
P. O. Box 22947
Jackson, MS 39225

Vice President, Operations Support
Entergy Operations, Inc.
P.O. Box 31995
Jackson, MS 39286-1995

Director, Nuclear Safety
and Regulatory Affairs
Entergy Operations, Inc.
P.O. Box 756
Port Gibson, MS 39150