



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

October 7, 2013

Vice President, Operations  
Entergy Operations, Inc.  
River Bend Station  
5485 US Highway 61N  
St. Francisville, LA 70775

SUBJECT: RIVER BEND STATION, UNIT 1 - UNACCEPTABLE WITH OPPORTUNITY TO  
SUPPLEMENT INFORMATION NEEDED FOR ACCEPTANCE OF REQUEST  
FOR RELIEF (TAC NO. MF2733)

Dear Sir or Madam:

By letter dated August 19, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13239A072), Entergy Operations, Inc. (Entergy, the licensee), submitted a Request for Relief (RR) for the River Bend Station, Unit 1. The RR was from the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, Section III, Table ND-4622.7. The purpose of this letter is to provide the results of the U.S. Nuclear Regulatory Commission (NRC) staff's acceptance review of this amendment. The acceptance review was performed to determine if there is sufficient technical information in scope and depth to allow the NRC staff to complete its detailed technical review. The acceptance review is also intended to identify whether the application has any readily apparent information insufficiencies in its characterization of the regulatory requirements or the licensing basis of the plant.

Entergy has proposed this RR pursuant to Section 50.55a(a)(3)(i) of Title 10 of the *Code of Federal Regulations* (10 CFR), which states the applicant shall demonstrate that the proposed alternatives would provide an acceptable level of quality and safety.

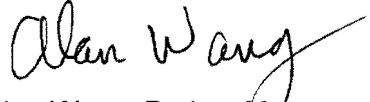
The NRC staff has reviewed your application and concluded that the information delineated in the enclosure to this letter is necessary to enable the staff to make an independent assessment regarding the acceptability of the proposed relief request in terms of regulatory requirements and the protection of public health and safety and the environment.

In order to make the application complete, the NRC staff requests that Entergy supplement the application to address the information requested in the enclosure by October 30, 2013. This will enable the NRC staff to begin its detailed technical review. If the information responsive to the NRC staff's request is not received by the above date, the application will not be accepted for review pursuant to 10 CFR 2.101, and the NRC will cease its review activities associated with the application. If the application is subsequently accepted for review, you will be advised of any further information needed to support the staff's detailed technical review by separate correspondence.

The information requested and associated time frame in this letter were discussed with Mr. Barry Burmeister of your staff on September 30, 2013.

If you have any questions, please contact me at (301) 415-1445.

Sincerely,

A handwritten signature in black ink that reads "Alan Wang". The signature is written in a cursive style with a long, sweeping tail on the "g".

Alan Wang, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-458

Enclosure:  
Supplement Information Needed  
for Acceptance of Request for Relief

cc w/encl: Distribution via Listserv

SUPPLEMENTAL INFORMATION NEEDED FOR ACCEPTANCE

OF REQUEST FOR RELIEF

OFFICE OF NUCLEAR REACTOR REGULATION

RIVER BEND STATION, UNIT 1

DOCKET NO. 50-416

By letter dated August 19, 2013 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13239A072), Entergy Operations, Inc. (Entergy, the licensee), submitted a Request for Relief (RR) for the River Bend Station, Unit 1 (RBS). The RR was from the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section III, Table ND-4622.7. As part of the acceptance review process, the U.S. Nuclear Regulatory Commission (NRC) staff has determined that the information delineated below is necessary to enable the NRC staff to make an independent assessment regarding the acceptability of the proposed request for relief in terms of regulatory requirements and the protection of public health and safety and the environment.

1. In the first paragraph of the letter proposing the alternative to the Code Requirements, the licensee requests relief from ASME Code, Section III requirements under Title 10 of the *Code of Federal Regulations* (CFR) Section 50.55a, "Codes and Standards," paragraph (a)(3)(i). Section III of the ASME Code is incorporated into regulation in 10 CFR 50.55a, paragraph (b) and by reference into paragraphs (c), (d), and (e). However, paragraphs (c), (d), and (e) only apply to plants whose application for a construction permit is docketed after May 14, 1984, which does not apply to RBS (construction permit issued March 25, 1977). As such, since Section III of the ASME Code is incorporated into 10 CFR 50.55a(b) for RBS and 10 CFR 50.55a(a)(3) does not include paragraph (b) within the requirements for which alternatives may be authorized, the NRC lacks the regulatory authority to authorize the alternative to the ASME Code requirements proposed by RBS.

The NRC staff notes that ASME Code, Section XI IWA-4221(b)(1) states, "When replacing an existing item, the new item shall meet the Construction Code to which the original item was constructed." The regulations in 10 CFR 50.55a(g)(4) specify that ASME Code Class 1, 2, and 3 components (including supports) must meet the requirements set forth in the ASME Code, Section XI, except the design and access provisions and the pre-service examination requirements. Given that Section XI of the ASME Code, including repair and replacement activities, is required by 10 CFR 50.55a(g)(4), 10 CFR 50.55a(a)(3) authorizes NRC to approve alternatives to the Code, provided requirements for alternatives are met. Therefore, the NRC staff believes that the licensee's objectives would be met and that the NRC staff would have authority to authorize a proposal by Entergy for an alternative to ASME Code, Section XI, IWA 4221.

Enclosure

2. In the first paragraph of the letter proposing the alternative to the Code requirements, the licensee indicates that pursuant to 10 CFR 50.55a(3)(i), the proposed alternatives would provide an acceptable level of quality and safety. The NRC staff finds that this determination may not be applicable. As part of the NRC staff's initial review of the documentation for the proposed alternative, the NRC staff notes some degradation of material properties associated with failure to perform the Code-required preheat. Given that the current Code requirements incorporated by reference in 10 CFR 50.55a constitute the minimum acceptable safety standard for general applicability, the NRC staff does not currently believe that the proposed alternative could be authorized under paragraph 10 CFR 50.55a(3)(i).

The NRC staff notes that the removal of the valves from service does constitute a hardship, albeit a minor one, associated with the effort and risks associated with the removal of the current valves. While the NRC staff has not reviewed the data supplied in sufficient detail to make any final determination, it appears to the NRC staff that it would be more appropriate to review this proposed alternative to the requirements of the ASME Code under 10 CFR 50.55a(a)(3)(ii) which states that compliance with the specified requirements of Section 50.55a would result in hardship or unusual difficulty without a compensating increase in the level of quality or safety.

The information requested and associated time frame in this letter were discussed with Mr. Barry Burmeister of your staff on September 30, 2013

If you have any questions, please contact me at (301) 415-1445.

Sincerely,

*/RA/*

Alan Wang, Project Manager  
Plant Licensing Branch IV  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket No. 50-458

Enclosure:  
Supplement Information Needed  
for Acceptance of Request for Relief

cc w/encl: Distribution via Listserv

DISTRIBUTION:

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LPL4 Reading File  
RidsNrrDorl Resource  
RidsNrrDorlDpr Resource  
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RidsNrrLAJBurkhardt Resource  
RidsNrrPMRiverBend Resource  
RidsRgn4MailCenter Resource

**ADAMS Accession No. ML13274A099**

OFFICE	NRR/DORL/LPL4/PM	NRR/DORL/LPL4/PM	NRR/DORL/LPL4/LA	NRR/DORL/LPL4/BC	NRR/DORL/LPL4/PM
NAME	MBartlett	AWang	JBurkhardt	MMarkley	AWang
DATE	10/2/13	10/2/13	10/2/13	10/4/13	10/7/13

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