

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the matter of

Entergy Operations, inc.            )  
(Grand Gulf Nuclear station,       )  
  Unit No. 1)                        )  
  Docket No. 50-416

EXEMPTION

I.

Entergy Operations, Inc. (the licensee), is the holder of Facility Operating License No. NPF-29 (the license), which authorizes operation of the Grand Gulf Nuclear Station. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now and hereafter in effect.

The facility consists of a boiling water reactor located at the licensee's site in Claiborne County, Mississippi.

II.

By letter dated June 25, 1991, the licensee applied for an amendment to Operating License No. NPF-29 to change certain provisions of the Technical Specifications (TS). In its letter, the licensee also requested an exemption from the Commission's regulations. The exemption is from a requirement in Appendix J to 10 CFR Part 50 that certain surveillance tests be conducted during the same refueling outage.

The specific requirement is contained in Section III.D.1(a) of Appendix J to 10 CFR Part 50, and states in part that "...a set of three Type A tests shall be performed, at approximately equal intervals, during each 10-year service period. The third test of each set shall be conducted when,

the plant is shut down for the 10-year plant inservice inspections." The Type A tests are defined in Section II.F of Appendix J as those "...tests intended to measure the primary reactor containment overall integrated leakage rate... at periodic intervals...." The 10-year inservice inspection is that series of inspections performed every 10 years in accordance with Section XI of the ASME Boiler and Pressure Vessel Code and Addenda as required by 10 CFR 50.55a. The time required to perform the integrated leak rate tests (ILRTs) necessitates that they be performed during refueling outages. The interval between ILRTs should be 40 months for three tests to be performed during each 10-year period. Since refueling outages do not necessarily coincide with a 40-month interval, a permissible variation of 10 months is typically authorized in the TS issued with an operating license to allow flexibility in scheduling the IRLTs.

The second of the set of three ILRTs for the Grand Gulf plant was successfully conducted in April 1989 during Refueling Outage 3 (RF03). The Grand Gulf TS require that the next ILRT be conducted between October 1991 and June 1993. It can thus be conducted during Refueling Outage 5, which will probably start in April 1992.

Because of the time it takes, the 10-year ISI required by 10 CFR 50.55a must also be conducted during a refueling outage. The next ISI will be performed during the Refueling Outage 7 (RF07) starting in June 1995. If the requested exemption is not granted, Section III.D.1(a) of Appendix J would require an additional ILRT in April 1992, about 36 months after the previous ILRT. This schedule would conform with the interval set forth in the TS, but the test would not fall during the 10-year ISI.

Additionally, this schedule would necessitate another test during RF07. In these circumstances, to require compliance with the 40±10-month test interval would not be consistent with either the intent or the underlying purpose of the rule, which calls for three Type A tests to be performed at approximately equal intervals during each 10-year service period.

In its exemption request dated June 25, 1991, the licensee cites from Appendix J that "the purpose of the tests is to assure that...leakage through the primary reactor containment and systems and components penetrating primary containment shall not exceed allowable leakage rate values as specified in the technical specifications...." The licensee asserts, and the NRC staff agrees, that the Type A test conducted in April 1989 met the underlying purpose of the rule in demonstrating the required overall leak-tightness of the primary containment. Accordingly, another Type A test in the forthcoming refueling outage is not necessary to meet the intent of the rule. Another ILRT in the forthcoming refueling outage would not add significantly to the assurance that the overall leakage rate of the primary containment and its penetrations remain within the value specified in the Grand Gulf TS and certainly would go beyond the intent of the rule that requires these tests to be conducted at approximately equal intervals.

On this basis, we find that the licensee has demonstrated that the "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule..." [10 CFR 50.12(a)(2)(ii)].

The Type A test and the 10-year ISI are independent of each other and provide assurances of different plant characteristics. The Type A tests assure the required leak-tightness to demonstrate compliance with the guidelines of 10 CFR Part 100. The 10-year ISI provides assurance of the structural integrity of the structures, systems, and components in compliance with 10 CFR 50.55a. Accordingly, there is no safety-related reason for coupling them in the same refueling outage.

On this basis, the NRC staff finds the licensee to have demonstrated, as required by 10 CFR 50.12(a)(2), that special circumstances are present. Furthermore, the staff finds that the uncoupling of the Type A test from the 10-year ISI will not present an undue risk to the public health and safety.

### III.

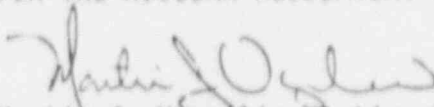
Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest, and hereby grants an exemption with respect to one of the requirements of 10 CFR Part 50, Appendix J, Section III.D.1(1):

Grand Gulf Nuclear Station Technical Specifications may be revised to require that the IRLTs be performed solely according to the  $40 \pm 10$ -month frequency, not in conjunction with the 10-year inservice inspection. This Exemption does not alter the existing requirement that three ILRTs be performed during each 10-year service period.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the quality of the human environment (57 FR 6046).

This exemption is effective upon issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

  
Martin J. Virgilio, Acting Director  
Division of Reactor Projects - III/IV/V  
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland  
this 20th day of February, 1992