



ENTERGY

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January 5, 1996

U.S. Nuclear Regulatory Commission
Mail Station P1-137
Washington, D.C. 20555

Attention: Document Control Desk

SUBJECT: Response to Request for Additional Information Re Update of ISI/IST
Programs (TAC No. M89274)

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

Grand Gulf Nuclear Station
Docket No. 50-416
License No. NPF-29

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

Waterford 3 Steam Electric
Station
Docket No. 50-382
License No. NPF-38

CNRO-96/00001

Gentlemen:

Entergy Operations, Inc. is submitting this letter in response to the subject Request for Additional Information (RAI) dated 11/13/95 (GNRI-95/00203) from Mr. Paul W. O'Connor, Senior Project Manager (NRR) to Mr. C. Randy Hutchinson, Vice-President, Operations (Grand Gulf Nuclear Station). Although the request was addressed to the Grand Gulf station, this response represents Entergy Operations' position for all its nuclear sites.

Introduction

By letter dated October 21, 1993, Entergy Operations submitted proposed alternatives to the requirements of 10 CFR 50.55a, paragraphs (f)(4)(i), (f)(4)(iv), (g)(4)(i), and (g)(4)(iv), and asked that the alternatives be reviewed as a cost-beneficial licensing action (CBLA). As a result of this request, the Staff decided that the proposal involved generic considerations that would permit the Staff to reduce the regulatory burden on itself and licensees without a significant impact on safety. The Staff therefore initiated internal actions intended to culminate in proposed rulemaking similar to our proposed changes.

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Recognizing that the delay associated with rulemaking in lieu of CBLA approval would adversely affect Entergy Operations' facilities, the Staff proposed to approve an Entergy Operations' request to extend the current 10-year intervals for our plants.

By letter dated April 14, 1994, Entergy Operations requested an extension of the current 120-month intervals for Arkansas Nuclear One, Unit 1, for Grand Gulf Nuclear Station, and for Waterford Steam Electric Station, Unit 3, to avoid an unnecessary update of the Inservice Inspection/Inservice Testing (ISI/IST) programs during this interim period, while the Staff proceeded with the rulemaking effort. Consequently, the Staff issued a Safety Evaluation Report (SER) and authorized an extension of the current 120-month intervals for a period to include an additional refueling outage.¹

In the letter dated 11/13/95, the NRC requested additional information regarding our plans for updating the ISI and IST programs for our facilities and to inform the Staff of our expected update schedule. The letter informed us that the rulemaking, as presently envisioned, would require each licensee to update to a relatively recent edition of the ASME Code to establish a baseline. We were advised that the completion of the rulemaking process before September 1996 is unlikely. We were also advised that the Staff does not believe that further extensions of the current intervals are warranted. Because of this, the Staff recommended that we update to specific editions of the Code or that we propose actions that would ensure compliance with current regulations and be consistent with the proposed rule as currently envisioned.

Entergy Operations has been aware for some time that rulemaking would be delayed and therefore had already considered contingency plans to ensure that the effects on our scheduling and implementation of the ISI/IST programs would be minimized. While further interval extensions may not be warranted, we do not agree that rulemaking which requires an update to a baseline is acceptable since such an update would not constitute a substantial safety benefit.² We also believe

¹ By letter dated November 13, 1995, a similar interval extension was granted for the River Bend station.

² Entergy Operations' original CBLA request recognized that new editions/addenda of the ASME Code continue to be incorporated in 10 CFR 50.55a contrary to the requirements of the Backfit Rule (10 CFR 50.109). In fact, to the best of our knowledge, the Staff has never conducted a backfit analysis for an ASME Code update. While the Staff maintains that the Backfit Rule does not apply to ASME Code changes because the changes result from the "consensual" ASME process, we believe that such a position is legally indefensible.

The purpose of the Backfit Rule is to ensure that requirements imposed on licensees meet a two-fold test - first, the requirement must lead to a substantial safety benefit and secondly, even if a substantial safety benefit is shown to result, the magnitude of the benefit must be comparable to the implementation cost. Failing either test eliminates the change from consideration for rulemaking.

Since the NRC has consistently failed to apply the Backfit Rule to ASME Code updates, Entergy Operations' CBLA request proposed to apply the same two-fold test through a licensee evaluation. We only agreed to

that the interval-extension SER not only indicates that the Staff understands this, but demonstrates an acceptance of our reasoning that our plants, as currently licensed, provide an acceptable level of quality and safety.

Entergy Operations therefore requests approval of the following alternatives pursuant to 10 CFR 50.55a, paragraph (a)(3)(ii) based on (a) hardship without a compensating increase in the level of quality and safety and (b) the continuing assurance of an acceptable level of quality and safety. Failing this (as discussed later) Entergy Operations renews its request for a timely approval of our pending CBLA submittal.

Proposed Alternatives

Inservice Inspection/Repair and Replacement

At the end of their current intervals, all Entergy plants³ will update to the 1992 Edition (or later) of the ASME Code with the exception of IWE, IWL, App. VII, and App. VIII.⁴ This is consistent with our original request since only those portions of the Code determined to be cost-effective to Entergy are being adopted.

In addition, we would adopt portions of the 1993 Addenda as outlined below. This is in accordance with 10 CFR 50.55a, paragraph (g)(4)(iv) which states, in part, that "(p)ortions of editions and addenda may be used provided that all related requirements of the respective editions or addenda are

suspend our request upon our understanding that the Staff-proposed rulemaking would eliminate required 10-year Code updates and that any Code baseline would be evaluated under the Backfit Rule so that only those portions of the baseline Code Edition that met the backfit analysis test would be imposed upon licensees.

Our present understanding of the Staff's intent with regard to baselining is substantially different. Mandating updates to a prescribed baseline Code edition merely continues the previous NRC practice of ignoring the Backfit Rule with regard to ASME code updates. It is important to emphasize that while we believe that such an approach to proposed rulemaking is unacceptable, it is equally unacceptable in the current version of 10 CFR 50.55a. The fact that Code editions are today contained in CFR 50.55a in violation of the Backfit Rule should not be used to justify further violations.

³ Please note that the Arkansas Nuclear One, Unit 2 (ANO-2) interval ends in March of 2000. ANO-2 intends to update at that time to a Code edition and addenda that will be consistent with all the other Entergy plants. This will preclude an additional submittal when ANO-2 is required to update.

⁴ We are aware that the Staff is proceeding with rulemaking to impose these excepted requirements on all licensees; however, we believe that these requirements do not provide a substantial safety benefit, much less a benefit commensurate with the cost of implementation. Further, we do not believe that the imposition of these requirements is necessary to ensure compliance with current regulations nor to provide adequate protection to the health and safety of the public. We expect to provide the Staff with detailed comments once they publish the basis for the backfit analysis.

met." The following paragraphs of the ASME Boiler and Pressure Vessel Code, Section XI, 1992 Edition with 1993 Addenda, will be used in lieu of the ISI requirements of the 1992 Edition:

- I. General Pressure Test Requirements (IWA-5000)
 - A. Table IWA-5210-1,
 - B. IWA-5250 (a)(2), and
 - C. IWA-5265 (b)
- II. Class 1 Pressure Test Requirements
 - A. Table IWB-2500-1, Examination Categories B-E and B-P, and
 - B. Article IWB-5000 in its entirety
- III. Class 2 Pressure Test Requirements
 - A. Table IWC-2500-1, Examination Categories C-H, and
 - B. Article IWC-5000 in its entirety
- IV. Class 3 Pressure Test Requirements
 - A. Article IWD-5000 in its entirety

Inservice Testing

All Entergy plants will continue to comply with the versions of the Code currently in use at each plant.

We believe that this approach is consistent with the intent of our original submittal and that our bases for concluding that an acceptable level of quality and safety will be maintained continue to be valid for this proposal. In summary:

- Each EOI facility currently operates under acceptable (albeit earlier) ASME Code requirements. Implementation of these Code requirements provides an acceptable level of quality and safety.
- ASME Code changes which constitute a substantial safety benefit (e.g., augmented examination of the reactor vessel) are separately addressed by rulemaking [e.g., 50.55a (g)(6)(ii)(A)] as required by the Backfit Rule.

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We believe that the Staff's acceptance of these reasons is demonstrated in their SER and the underlying bases for this acceptance continue to apply. For example, the SER quoted the "Statements of Consideration" for the rule change that originally invoked the 120-month interval which states that:

... Section XI is a relatively mature Code and new Code changes generally deal with practical considerations of implementation of the application of new developments. New Code changes do not normally modify the safety aspects of the Code. Further, as stated in 50.55a, the Commission may impose new Code requirements at any time if safety considerations so dictate.

We agree; in fact, this is the basis for our contention that compliance with the currently specified requirements for automatic 10-year endorsement of updated editions imposes an undue burden without a commensurate safety increase.

The SER goes on to address the most significant changes to ISI and IST. Since it is our intent to update the ISI programs to a later edition and addenda, only the IST changes will be considered below.

The SER identified three significant changes to the IST program. The first concerned an expanded scope for safety and relief valves by reference to the ASME Operations and Maintenance Standard, Part 1 (OM-1). We believe that these changes are not a substantial safety benefit and, if these changes had been considered by the NRC to be a substantial safety benefit, the regulations require imposition by rulemaking, which has not occurred.

This is also true for the other two changes, i.e., reference values for monitoring degradation of power-operated valves and the addition of velocity units of measurement for pump vibration. In discussions of these changes the SER states that:

The use of reference values for establishing acceptance criteria for stroke timing power-operated valves is considered an improvement in the method, but the requirements in IWV-3410, along with the guidance in NRC GL 89-04, attachment 1, Position 5, "Limiting Values of Full-Stroke Times for power-Operated Valves," provide an adequate level of quality and safety for the current testing and will continue to be acceptable for an additional period of time. Similarly, the addition of velocity measurements in the later requirements for pump testing represents an improvement in the testing requirement; however, displacement (amplitude), as required by earlier Code edition, continues to be an option.

We agree with this philosophy and believe that these conclusions will continue to apply and may serve as the basis for your approval of our request.

We intend to provide any ISI/IST program that is updated, when it becomes effective. As there is no requirement for the NRC to review and approve the programs, we will implement the programs at the end of the current interval.

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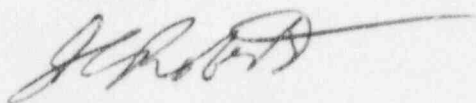
Summary

We believe the NRC has an obligation to act in a timely fashion to minimize adverse effects on Entergy Operations due to the extended rulemaking schedule for 10 CFR 50.55a. Over two years have passed since our original CBLA request and over a year and a half since the Staff agreed to disposition our request through rulemaking. With final rulemaking prospects unlikely for at least another year, we request that the Staff:

- Approve the alternative to 10 CFR 50.55a outlined above within 60 days to allow sufficient time for an orderly transition, or
- Approve the original CBLA request within 60 days to allow sufficient time for an orderly transition.

We would be pleased to talk further with the Staff about either of these requests or other alternatives. Please feel free to contact Sheri Mahoney at 601-437-6552.

Sincerely,



for
JGD/WBB

cc:

Mr. R. P. Barkhurst
Mr. J. L. Blount
Mr. L. J. Callan
Mr. J. N. Donohew
Mr. C. R. Hutchinson
Mr. G. Kalman
Mr. J. R. McGaha
Mr. R. B. McGehee
Mr. P. W. O'Connor
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Corporate File [7]