

OCT 0 1 1989

Docket No. 50-333

Mr. John C. Brons
Executive Vice President, Nuclear Generation
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

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Dear Mr. Brons:

SUBJECT: EXEMPTION FROM THE REQUIREMENTS OF APPENDIX J TO 10 CFR PART 50
FOR THE CORE SPRAY SYSTEM FLOW TEST PIPE WELD REPAIR (TAC NO. 74882)

By letter dated September 28, 1989, the Power Authority of the State of New York (PANSY) requested a one-time exemption from the requirement of Section IV.A of Appendix J to 10 CFR Part 50 concerning the performance of a Type A, B or C Leak Rate Test on Weld Number 10-14-884A on the "B" Core Spray test line which has been repaired during the present maintenance outage.

On the basis of the information supplied in your September 28, 1989 letter, and as discussed in the enclosed Exemption, the staff has concluded that the requested one-time exemption from the testing requirements of Section IV.A of Appendix J to 10 CFR Part 50 for the weld repairs performed on the Core Spray System test return line 10"-W23-152-9B (weld number 10-14-884A), is justified for the period up to the next refueling outage for the Fitzpatrick Nuclear Power Station. Thus, your request for exemption is granted.

A copy of the Exemption is being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by

David E. LaBarge, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

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Enclosures:

1. Exemption
2. Safety Evaluation

cc w/enclosures:
See next page

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

October 3, 1989

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Mr. John C. Brons
Executive Vice President, Nuclear Generation
Power Authority of the State
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123 Main Street
While Plains, New York 10601

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Sincerely,

A handwritten signature in cursive script, appearing to read "D. LaBarge".

David E. LaBarge, Project Manager
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Enclosures:

1. Exemption
2. Safety Evaluation

cc w/enclosures:
See next page

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Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

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As part of the Inservice Inspection Program conducted during the current mid-cycle maintenance outage, the licensee discovered the presence of a slag inclusion within Weld No. 10-14-884A on the "B" Core Spray System test return pipe (10"-W23-152-9B) to the primary containment suppression chamber. In accordance with the requirements of ASME Section XI and ASME B-31.1-1967 the weld has been repaired and reinspected. The weld is located on a section of piping between the Core Spray Test return valve 14MOV-26B and the primary containment pressure suppression chamber shell and is part of the primary containment pressure boundary.

Although this type of repair to the containment pressure boundary is not specifically discussed in Appendix J to 10 CFR Part 50, the licensee considers, and the staff agrees, that the intent of the regulation requires that a Type A, Type B, or Type C leak rate test, as applicable, be conducted. However, because of the location of the weld repair, a Type B or C test are not applicable. Also, because of the setup and testing time involved and the significant delay it would have on plant startup, a Type A Primary Containment Integrated Leak Rate Test is not feasible.

In lieu of a Type A, Type B, or Type C Leak Rate Test, the licensee has, by letter dated September 28, 1989, requested an exemption from the Appendix J criteria and submitted an alternate testing program. This testing program consists of 100 percent radiography, surface examination and an inservice flow test which will be conducted in accordance with the applicable ANSI and ASME codes.

The staff have reviewed the licensee's exemption, request and prepared a safety evaluation. This safety evaluation determined that the licensee's

alternate testing program provides comparable level of safety to that provided by Section IV.A of Appendix J to 10 CFR Part 50.

Our Safety Evaluation supporting this Exemption is dated October 3, 1989.

III.

The underlying purpose of the requirements of Section IV.A of Appendix J to 10 CFR Part 50 is to ensure that the primary containment integrity is not compromised or that repairs do not result in unacceptable leakage when replacing components which form part of the boundary. In the case of the Core Spray System weld repair, this is achieved and served by the non-destructive tests which were performed.

In this case, the licensee's examinations of the weld repair for the "B" Core Spray System full flow test pipe (Weld No. 10-14-884A), consisting of radiography, surface examinations and flow test, will provide the equivalent level of protection as that provided by the Type A, Type B, or Type C Leak Rate Tests. Therefore, application of the rule in these circumstances is not necessary to achieve the underlying purpose of the rule and the Commission's staff finds that there are special circumstances in this case which satisfy the standards of 10 CFR Part 50.12 (a)(2)(ii). Additionally, imposition of the leak rate testing requirement would involve procurement and setup of additional test equipment, establishment of a complex test environment and boundary conditions, and a significant delay in the planned plant startup date. Therefore, the staff also finds that there are special circumstances in this case which also satisfy the standards of 10 CFR Part 50.12(a)(2)(iii).

IV.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), this exemption as described in Section III, is authorized by law, and will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and special circumstances are present for the exemption, in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purposes of Section IV.A of Appendix J to 10 CFR Part 50. Therefore, the Commission hereby grants the exemption from Section IV.A to allow the satisfactory results from the non-destructive tests conducted on the weld repair on the "B" Core Spray System full flow test return line to fulfill the requirements of a Type A, Type B, or Type C Test.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting this Exemption will have no significant impact on the environment (54 FR 40759).

For further details with respect to this action, see the licensee's request dated September 28, 1989, which is available for inspection at the Commission's Public Document Room, 2120 L Street N.W., Washington, D.C., and at the State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York, 13126.

This Exemption is effective upon issuance and is applicable for the operating cycle following startup from the 1989 maintenance outage.

Dated at Rockville, Maryland, this day of October 1989.

FOR THE NUCLEAR REGULATORY COMMISSION



Gus Lainas, Acting Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
REQUEST FOR EXEMPTION FROM 10 CFR PART 50 APPENDIX J LEAK RATE
TEST - CORE SPRAY FULL FLOW TEST WELD REPAIR
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
DOCKET NO. 50-333

1.0 INTRODUCTION

By letter dated September 28, 1989, Power Authority of the State of New York, the licensee for James A. Fitzpatrick Nuclear Power Plant, requested a one-time exemption from Section IV.A of Appendix J to 10 CFR Part 50 to allow repair of Weld No. 10-14-884A on the "B" Core Spray System full flow test pipe connected to the primary containment suppression chamber without performing a leak rate test following the repair. In lieu of a Type A, Type B or Type C test, the licensee proposed an alternate testing program consisting of 100 percent radiography, surface examination, and in-service flow test of the subject piping to ensure its leak tightness.

2.0 EVALUATION

As part of the Inservice Inspection Program conducted during the current mid-cycle maintenance outage, the licensee discovered the presence of a slag inclusion within Weld No. 10-14-884A on the "B" Core Spray System test return pipe (10"-W23-152-9B) to the Primary Containment Suppression Chamber. In accordance with the requirements of ASME Section XI and ANSI B-31.1-1967 the weld has been repaired and reinspected. The weld is located on a section of piping between the Core Spray test return valve 14MOV-26B and the primary containment pressure suppression chamber shell and is part of the primary containment pressure boundary.

Although this type of repair to the containment pressure boundary is not specifically discussed in Appendix J to 10 CFR Part 50, the licensee considers, and the staff agrees, that the intent of the regulation is that a Type A, Type B, or Type C leak rate test, as applicable, be conducted. However, because of the location of the weld repair, a Type B or C test is not applicable. Also, because of the setup and testing time involved, the significant delay it would have on plant startup, and in consideration of the equivalent level of protection provided by the alternate tests, a Type A Primary Containment Integrated Leak Rate Test is not justifiable.

The staff has reviewed the licensee's alternate testing program of 100 percent radiography, surface examination, and in-service flow test involving the subject piping and concluded that these tests are sufficient to assure the structural and leak tight integrity of the subject piping. Therefore, the staff concludes that these non-destructive examinations of the weld meets the

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intent of Section IV.A of Appendix J to 10 CFR Part 50, which is to assure that modifications to the containment pressure boundary are leak tight. It is recommended that the licensee's one-time exemption request from Section IV.A of Appendix J to 10 CFR Part 50 be approved. The licensee has further committed to perform a Type A test during the refueling outage in 1990.

3.0 SUMMARY

On the basis of the testing performed by the licensee to ensure the adequacy of the repair to the weld in the "B" Core Spray full flow test pipe to the Suppression Chamber, and in consideration of the problems involved with performing a leak rate test, and in recognition that the repairs and subsequent testing is in conformance with the applicable ASME and ANSI codes, the staff concludes that the licensee's request for a one-time exemption from the testing requirements of Section IV.A of Appendix J to 10 CFR Part 50 for the weld repair during the remainder of the present operating cycle is acceptable. The weld repair will be included in the tests to be performed during the 1990 refueling outage.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to 10 CFR 51.21, 51.32 and 51.35, and environmental assessment and finding of no significant impact was published in the Federal Register on October 3, 1989 (54 FR 40759).

Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this amendment will not have a significant effect on the quality of the human environment.

5.0 CONCLUSION

We have concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Dated:

PRINCIPAL CONTRIBUTOR:

D. LaBarge