



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

August 30, 1993

Docket No. 50-333

Mr. Ralph E. Beedle
Executive Vice President - Nuclear Generation
Power Authority of the State of New York
123 Main Street
White Plains, New York 10601

Dear Mr. Beedle:

SUBJECT: ISSUANCE OF AMENDMENT AND ONE-TIME EXEMPTION FROM THE
REQUIREMENTS OF APPENDIX J TO 10 CFR PART 50 FOR CORE SPRAY
SYSTEM MINIMUM FLOW LINE REPAIRS FOR JAMES A. FITZPATRICK
NUCLEAR POWER PLANT (TAC NOS. M86828 AND M82829)

The Commission has issued the enclosed Amendment No. 196 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant. This amendment consists of changes to the Technical Specifications (TSs) in response to the Power Authority of the State of New York's (PASNY's) application transmitted by letter dated June 28, 1993.

The amendment revises TS 4.7.A.2.f to eliminate the requirement to perform a Type A, B, or C leak rate test following the completion of planned repairs to sections of Core Spray system minimum flow lines (3"-W23-152-7A, B) during the fall 1993 maintenance outage.

In addition, the NRC staff has reviewed PASNY's associated request for a one-time exemption from the requirements of Section IV.A. of Appendix J to 10 CFR Part 50. The request for exemption was included with PASNY's amendment request dated June 28, 1993. The one-time exemption concerns the requirement to perform a Type A, B, or C leak rate test following the completion of the planned repairs to sections of the Core Spray system minimum flow lines during the fall 1993 maintenance outage.

On the basis of the information supplied in PASNY's June 28, 1993, 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, following the completion of repairs to sections of the Core Spray system minimum flow lines is justified. Thus, your request for exemption is granted.

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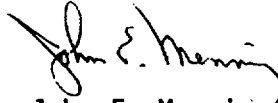
Mr. Ralph E. Beedle

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August 30, 1993

A copy of the related Safety Evaluation is enclosed. A copy of the Exemption and a Notice of Issuance are being forwarded to the Office of the Federal Register for publication.

Sincerely,



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

Enclosures:

1. Amendment No. 1⁰⁶ to DPR-59
2. Exemption
3. Safety Evaluation

cc w/enclosures:

See Next page

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James A. FitzPatrick Nuclear
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DATED: August 30, 1993

AMENDMENT NO. 196 TO FACILITY OPERATING LICENSE NO. DPR-59-FITZPATRICK

Docket File

NRC & Local PDRs

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J. Partlow, 12/G/18

E. Rossi, 9/A/2

J. Lieberman, 7/H/5

S. Varga, 14/E/4

J. Calvo, 14/A/4

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ACRS (10)

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R. Barrett, 8/H/7

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cc: Plant Service list



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

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 196
License No. DPR-59

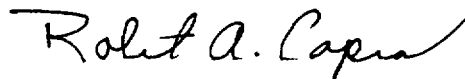
1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The application for amendment by Power Authority of the State of New York (the licensee) dated June 28, 1993, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the application, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, the license is amended by changes to the Technical Specifications as indicated in the attachment to this license amendment, and paragraph 2.C.(2) of Facility Operating License No. DPR-59 is hereby amended to read as follows:

(2) Technical Specifications

The Technical Specifications contained in Appendices A and B, as revised through Amendment No. 196, are hereby incorporated in the license. The licensee shall operate the facility in accordance with the Technical Specifications.

3. This license amendment is effective as of the date of its issuance to be implemented within 30 days.

FOR THE NUCLEAR REGULATORY COMMISSION



Robert A. Capra, Director
Project Directorate I-1
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Attachment:
Changes to the Technical
Specifications

Date of Issuance: August 30, 1993

ATTACHMENT TO LICENSE AMENDMENT NO. 196

FACILITY OPERATING LICENSE NO. DPR-59

DOCKET NO. 50-333

Revise Appendix A as follows:

Remove Page

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Insert Page

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4.7 (cont'd)

(5) Type C test.

Type C tests shall be performed during each reactor shutdown for refueling but in no case at intervals greater than two years.

(6) Other leak rate tests specified in Section 4.7.d shall be performed during each reactor shutdown for refueling but in no case at intervals greater than two years.

f. Containment modification *

Any major modification, replacement of a component which is part of the primary reactor containment boundary, or resealing a seal-welded door, performed after the preoperational leakage rate test shall be followed by either a Type A, Type B, or Type C test, as applicable, for the area affected by the modification. The measured leakage from this test shall be included in the test report. The acceptance criteria as appropriate, shall be met. Minor modifications, replacements, or resealing of seal-welded doors, performed directly prior to the conduct of a scheduled Type A test do not require a separate test.

* In accordance with an exemption from 10 CFR 50 Appendix J, a Type A, B, or C test is not required for the replacement of piping and welds which constitute the Core Spray System minimum flow lines (3"-W23-152-7A, B) during the 1993 maintenance outage.



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

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO EXEMPTION FROM APPENDIX J TO 10 CFR PART 50
AND TO AMENDMENT NO. 196 TO FACILITY OPERATING LICENSE NO. DPR-59
POWER AUTHORITY OF THE STATE OF NEW YORK
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
DOCKET NO. 50-333

1.0 INTRODUCTION

By letter dated June 28, 1993, the Power Authority of the State of New York (the licensee) submitted a request for changes to the James A. FitzPatrick Nuclear Power Plant, Technical Specifications (TSs). The requested changes would revise TS 4.7.A.2.f to eliminate the requirement to perform a Type A, B, or C leak rate test following the completion of planned repairs to sections of the Core Spray system minimum flow lines during the fall 1993 maintenance outage. The licensee's submittal of June 28, 1993, also requested a one-time exemption from the requirements of Section IV.A. of Appendix J to 10 CFR Part 50. The one-time exemption concerned the requirement to perform a Type A, B, or C leak rate test following the completion of the Core Spray system minimum flow line repairs.

2. EVALUATION

The licensee discovered the presence of pipe wall thinning in the two Core Spray system minimum flow lines (3"-W23-152-7A, B) as a result of augmented erosion/corrosion inspections that were conducted during the 1992 refueling outage. The wall thinning was attributed to cavitation-induced pitting due to the location of the restricting orifice in each of these lines. In view of the inspection findings, the licensee intends to replace approximately 5 feet of piping in each of these lines during the fall 1993 maintenance outage. This 3-week outage is scheduled for September 1993. The sections of piping to be replaced include the restricting orifices (14R0-27A, B) and the Core Spray minimum flow valves (14MOV-5A/5B). The planned repair constitutes a replacement of a component that is part of the primary containment boundary and would be performed in accordance with American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, and American National Standards Institute (ANSI) B31.1-1967 (the construction Code for the facility).

Section IV.A of Appendix J to 10 CFR Part 50, requires that a Type A, B, or C test (as applicable) be performed following any major modification or repair of a component which is part of the primary containment boundary. The

licensee has determined that the requirement to conduct a Type A, B, or C test following repairs is applicable to replacement of the sections of the Core Spray system minimum flow lines. However, because of the locations of the repairs, a Type B or C test cannot be performed. In addition, because of the setup and testing time involved and the significant delay it would cause on plant startup, a Type A primary containment integrated leak rate test is not practical. The licensee estimates that performance of a Type A test would extend the planned 3-week outage by a minimum of 3 to 4 weeks.

In lieu of a Type A, B, or C test, the licensee has proposed an alternate inspection program, including 100 percent radiography of the new welds, surface examination on new welds that form a portion of the primary containment boundary, and a system leakage test (in accordance with ASME Code, Section XI, 1980 Edition through Winter 1981 Addenda, paragraph IWA-5213) to ensure structural integrity and leak tightness. The staff has reviewed the licensee's alternate testing program and concluded that these nondestructive examinations will meet the 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. The licensee has stated that they will perform a Type A test during the next refueling outage that is currently scheduled to start in January 1995.

3.0 SUMMARY

On the basis of the testing that will be performed by the licensee to ensure the adequacy of repairs to the Core Spray system minimum flow lines, and in consideration of the problems involved with performing a leak rate test, and in recognition that the repairs and subsequent testing will be performed in accordance with the applicable ASME and ANSI Codes, the staff concludes that the requested one-time exemption from the testing requirements of Section IV.A. of Appendix J to 10 CFR Part 50 is acceptable. In addition, the requested change to TS 4.7.A.2.f is also acceptable since it merely reflects in the TSs the provisions of the one-time exemption.

4.0 STATE CONSULTATION

In accordance with the Commission's regulations, the New York State official was notified of the proposed issuance of the amendment. The state official had no comments.

5.0 ENVIRONMENTAL CONSIDERATION

The amendment changes a requirement with respect to installation or use of a facility component located within the restricted area as defined in 10 CFR Part 20. The NRC staff has determined that the amendment involves no significant increase in the amounts, and no significant change in the types, of any effluents that may be released offsite, and that there is no significant increase in individual or cumulative occupational radiation

exposure. The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration, and there has been no public comment on such finding (58 FR 39060). Accordingly, the amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Pursuant 10 CFR 51.22(b) no environmental impact statement or environmental assessment need be prepared in connection with the issuance of the amendment.

For the Exemption, pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the Federal Register on August 5, 1993 (58 FR 41812).

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

6.0 CONCLUSION

The Commission has 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, (2) such activities will be conducted in compliance with the Commission's regulations, and (3) the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Principal Contributor:
J. Menning

Date: August 30, 1993

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
POWER AUTHORITY OF THE)	Docket No. 50-333
STATE OF NEW YORK)	
)	
(James A. FitzPatrick)	
Nuclear Power Plant))	

EXEMPTION

I.

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59, which authorizes operation of the James A. FitzPatrick Nuclear Power Plant (the facility). The license provides, among other things, that the facility is subject to all the rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facility is a boiling water reactor located at the licensee's site in Oswego County, New York.

II.

Section IV.A. of Appendix J to 10 CFR Part 50 requires that a Type A, B, or C leak rate test (as applicable) be performed following any major modification or replacement of a component which is part of the primary containment boundary.

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Augmented erosion/corrosion inspections conducted by the licensee during the 1992 refueling outage revealed the presence of pipe wall thinning in the two Core Spray system minimum flow lines (3"-W23-152-7A, B). As a result of these inspections, the licensee plans to replace approximately 5 feet of piping in each of these lines during the fall 1993 maintenance outage. This 3-week outage is scheduled for September 1993. The planned repairs constitute a replacement of a component that is part of the primary containment boundary and will be performed in accordance with the requirements of American Society of Mechanical Engineers Boiler and Pressure Vessel Code (ASME Code), Section XI, and American National Standards Institute (ANSI) B-31.1-1967 (the construction code for the facility).

The licensee has determined that Section IV.A. of Appendix J to 10 CFR Part 50 requires that a Type A, B, or C leak rate test, as applicable, be performed following the completion of repairs to the Core Spray system minimum flow lines. However, because of the locations of the repairs, a Type B or C test cannot be performed. 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. The licensee estimates that performance of a Type A test would extend the planned 3-week outage by a minimum of 3 to 4 weeks.

By letter dated June 28, 1993, the licensee requested a one-time exemption from the Appendix J criteria and submitted an alternate testing program. This testing program consists of 100 percent radiography of the new welds, surface examination on new welds that form a portion of the primary

containment boundary, and a system leakage test (in accordance with ASME Code Section XI, 1980 Edition through Winter 1981 Addenda, paragraph IWA-5213).

The staff has reviewed the licensee's exemption request and prepared a safety evaluation (SE). This SE determined that the licensee's alternate testing program provides a comparable level of safety to that provided by Section IV.A. of Appendix J to 10 CFR Part 50.

The staff's SE supporting this exemption is dated August 30, 1993.

III.

The Commission's regulations at 10 CFR 50.12(2) specify that special circumstances must be present in order for an exemption to be granted. According to 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever 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.

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 components which form part of the boundary are replaced. In the case of the planned repairs of the Core Spray system minimum flow lines, this will be achieved and served by the nondestructive tests that will be performed.

In this case, the 100 percent radiography of the new welds, surface examinations on new welds that form a portion of the primary containment boundary, and a system leakage test will provide the equivalent of protection as that provided by a Type A, B, or C leak rate test. 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 50.12(a)(2)(ii).

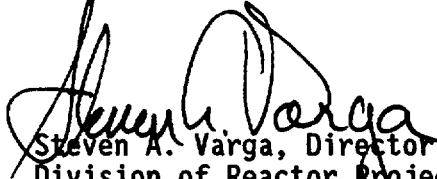
IV.

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 nondestructive testing on the repaired sections of the Core Spray system minimum flow lines to fulfill the requirement for a Type A, B, or C test.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (58 FR 41812).

For further details with respect to this action, see the licensee's request dated June 28, 1993, which is available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555 and at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York.

FOR THE NUCLEAR REGULATORY COMMISSION

A handwritten signature in black ink, appearing to read "Steven A. Varga", is written over the typed name and title.

Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 30th day of August 1993

For further details with respect to this action, see the licensee's request dated June 28, 1993, which is available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555 and at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York.

FOR THE NUCLEAR REGULATORY COMMISSION

Original signed by:

Steven A. Varga, Director
Division of Reactor Projects - I/II
Office of Nuclear Reactor Regulation

Dated at Rockville, Maryland,
this 30th day of August 1993

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CVogan <i>cv</i>	JMenning: <i>shm</i>	<i>See comment on P.3</i>	RACapra <i>RAC</i>	JCalvo <i>LB</i>	SVarga
7/14/93 <i>8/12/93</i>	7/14/93	8/16/93	8/27/93	8/30/93	8/30/93

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Mr. Ralph E. Beedle

- 2 -

August 30, 1993

A copy of the related Safety Evaluation is enclosed. A copy of the Exemption and a Notice of Issuance are being forwarded to the Office of the Federal Register for publication.

Sincerely,

Original signed by:

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

Enclosures:

1. Amendment No. 196 to DPR-59
2. Exemption
3. Safety Evaluation

cc w/enclosures:
See Next page

Distribution:
See attached sheet

LA:PDI-1	PM:PDI-1	EMCB	SCSB	OGC MARCO	D:PDI-1
CVogan	JMenning	JStrosnyder	RBacchetti	See comment on P.3. exemption	RACapra
7/14/93	7/14/93	8/16/93	8/16/93	8/16/93	8/27/93

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