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UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D. C. 20555

August 27, 1980

Docket No. 50-333

Mr. George T. Berry
President and Chief Operating
Officer
Power Authority of the State
of New York
10 Columbus Circle
New York, New York 10019

Dear Mr. Berry:

Over the past six months, there have been verbal conversations as well as site visits at both the FitzPatrick and Indian Point 3 plants to discuss respective ISI/IST Programs. As a result of these activities, it has become clear that there are several differences of opinion between Power Authority personnel and the NRC's ISI/IST review team.

Your staff has taken the following three positions which we find significantly at variance with the staff's position: (1) Only ASME Boiler and Pressure Vessel Code, Section III, Safety Class 1, 2, and 3 valves will be included in the respective IST Programs; (2) Testing will be performed only if there is no loss of redundancy during such tests; and (3) Only safety-related piping as defined in the IST Program will be inspected as part of the respective ISI Program. The enclosure to this letter delineates the staff's position vis-a-vis the above.

Please be advised at this time that we do not agree with your positions. Therefore, we cannot grant relief on an interim basis for your current 20 month test cycle. For FitzPatrick and Indian Point 3, the 20 month cycle began on July 29, 1980. The staff will continue to review your ISI/IST Programs in consonance with the enclosed positions. You are requested at this time to review your positions and to advise the staff formally of your final position within 30 days of receipt of this letter. In the event that you continue to feel that your positions are appropriate, we would like to propose a management level meeting. Such a meeting should be held as soon as possible.

If we can be of assistance, please advise.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Ippolito".

Thomas A. Ippolito, Chief
Operating Reactors Branch #2
Division of Licensing

Enclosure: As stated

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Mr. George T. Berry

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August 27, 1980

cc:

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ISI/IST STAFF POSITIONS

1. The NRC staff has defined the scope of the inservice testing (IST) program to include all safety related valves, where safety related is defined as those valves that are needed to mitigate the consequences of an accident and/or to shutdown the reactor and to maintain the reactor in a shutdown condition. (The definition of safety related is independent of whether the valves are ASME code classed.) This expansion in the scope of the IST program is allowed by 10 CFR 50.55a paragraph (g)(6)(ii) which permits the staff to require augmented inspections. In particular, we are concerned about the exclusion of containment isolation valves from the IST program.
2. The licensee must adequately provide explicit justification for requested relief. Relief from testing is dependent in part, on the staff's finding of impracticality on a case basis. (Relief in accordance with 10 CFR 50.55a will not be granted based solely on a reduction in redundancy due to testing.) Unless such justification is provided for each component, the relief sought will not be forthcoming.

The following information is necessary to justify relief:

- a. Identify component for which relief is requested:
 - (1) Name and number as given in FSAR,
 - (2) Function,
 - (3) ASME Section III Code Class, and
 - (4) For valve testing, also specify the ASME Section XI valve category as defined in IWV-2000;
- b. Specifically identify the ASME Code requirement that has been determined to be impractical for each components;
- c. Provide information to support the determination that the requirement in (b) is impractical; i.e., state and explain the basis for requesting relief;
- d. Specify the inservice testing that will be performed in lieu of the ASME Code Section XI requirements; and
- e. Provide an explanation as to why the proposed inservice testing will provide an acceptable level of quality and safety.

Requests for relief from Section XI requirements will be granted by the staff if the applicant has adequately demonstrated both of the following:

- a. Compliance with the code requirements would result in hardships or unusual difficulties without a compensating increase in the level of safety; or noncompliance will provide an acceptable level of quality and safety; and

- b. Proposed alternatives to the code requirements of portions thereof will provide an acceptable level of quality and safety.
3. Piping must be classed according to Regulatory Guide 1.26. However, the definition of safety related as used in the IST program cannot be extended to the Regulatory Guide. In particular, we are concerned that the Chemical Volume and Control system is not a code class system (see item 1 above).