



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555

July 28, 1992

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: SAFETY EVALUATION FOR INSERVICE TESTING (IST) PROGRAM RELIEF
REQUESTS, JAMES A. FITZPATRICK NUCLEAR POWER PLANT, (TAC NO. M83717)

By letter dated June 1, 1992, the Power Authority of the State of New York (PASNY) submitted Revision 5 of the James A. FitzPatrick Nuclear Power Plant Inservice Testing Program. Revision 5 addressed the anomalies identified in the NRC staff's January 8, 1992, Safety Evaluation (SE). The staff has reviewed PASNY's response to the IST program anomalies and evaluated the new or revised relief requests contained in Revision 5.

The enclosed Safety Evaluation (SE) was prepared by the NRC staff to provide the results of its review. The Code of Federal Regulations, 10 CFR 50.55a(g), requires certain Class 1, 2, and 3 pumps and valves in water-cooled nuclear power facilities to meet the inservice testing requirements stated in the ASME Boiler and Pressure Vessel Code (Code), Section XI, Subsections IWP, "Inservice Testing of Pumps in Nuclear Power Plants," and IWV, "Inservice Testing of Valves in Nuclear Power Plants." Guidance on acceptable alternatives to Code requirements has been provided for certain aspects of inservice testing by the NRC in Generic Letter (GL) 89-04, "Guidance on Developing Acceptable Inservice Testing Programs."

The staff is granting relief from the testing requirements where compliance would result in a hardship without a compensating increase in safety, or where the proposed alternative testing provides an acceptable level of quality and safety.

PASNY is required to comply with the IST Program defined in Revision 5 where relief has been granted by the enclosed SE. IST Program changes, such as additional relief requests or changes to approved relief requests, should be submitted for NRC staff review, but should not be implemented prior to review and approval by the NRC. New or revised relief requests meeting the positions in GL 89-04 should be submitted to the NRC staff, but can be implemented provided the guidance in GL 89-04, Section D, is followed.

NRC FILE CENTER COPY

9208030147 920728
PDR ADOCK 05000333
P PDR

Mr. Ralph E. Beedle

- 2 -

July 28, 1992

IST Program changes that involve additions or deletions of components from the IST Program should be provided to the NRC in periodic revisions. Any changes to the IST program relief requests that result from the enclosed SE should be submitted within 1 year of the date of this SE, or by January 8, 1993, if the revisions address interim relief granted by NRC's SE of January 8, 1992. These are designated as requiring additional action in Table 1 of the enclosed SE.

Pursuant to 10 CFR 50.55a(a)(3)(i) and 10 CFR 50.55a(a)(3)(ii), we have determined that the granting of relief herein is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. In making this determination, we have given due consideration to the burden that could result if those requirements were imposed on your facility. This letter grants the relief.

This action closes TAC No. M83717.

Sincerely,



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

Enclosure:
As stated

cc w/enclosure:
See next page

Mr. Ralph E. Beedle
Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

cc:

Mr. Gerald C. Goldstein
Assistant General Counsel
Power Authority of the State
of New York
1633 Broadway
New York, New York 10019

Ms. Donna Ross
New York State Energy Office
2 Empire State Plaza
16th Floor
Albany, New York 12223

Resident Inspector's Office
U. S. Nuclear Regulatory Commission
Post Office Box 136
Lycoming, New York 13093

Mr. Harry P. Salmon, Jr.
Resident Manager
James A. FitzPatrick Nuclear
Power Plant
Post Office Box 41
Lycoming, New York 13093

Mr. J. A. Gray, Jr.
Director Nuclear Licensing - BWR
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Supervisor
Town of Scriba
Route 8, Box 382
Oswego, New York 13126

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

Charles Donaldson, Esquire
Assistant Attorney General
New York Department of Law
120 Broadway
New York, New York 10271

Regional Administrator, Region I
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

July 28, 1992

IST Program changes that involve additions or deletions of components from the IST Program should be provided to the NRC in periodic revisions. Any changes to the IST program relief requests that result from the enclosed SE should be submitted within 1 year of the date of this SE, or by January 8, 1993, if the revisions address interim relief granted by NRC's SE of January 8, 1992. These are designated as requiring additional action in Table 1 of the enclosed SE.

Pursuant to 10 CFR 50.55a(a)(3)(i) and 10 CFR 50.55a(a)(3)(ii), we have determined that the granting of relief herein is authorized by law, will not endanger life or property or the common defense and security, and is otherwise in the public interest. In making this determination, we have given due consideration to the burden that could result if those requirements were imposed on your facility. This letter grants the relief.

action closes TAC No. M83717.

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

Enclosure:
As stated
cc w/enclosure:
See next page

DISTRIBUTION:

| | |
|-------------------|----------------------------|
| Docket File | NRC & Local PDRs |
| PDI-1 Reading | TMurley/FMiraglia, 12/G/18 |
| JPartlow, 12/G/18 | CRossi, 11/E/4 |
| JLieberman, 7/H/5 | SVarga |
| JCalvo | RACapra |
| CVogan | BMcCabe |
| OGC | EJordan, MNBB 3701 |
| GHill (4) | ACRS (10) |
| OPA | OC/LFMB |
| Rlobel, 17/G/21 | Plant File |
| PCampbell, 7/D/23 | CCowgill, RGN-1 |

*SEE PREVIOUS CONCURRENCE

| | | | | | |
|--------|----------|----------|----------|---------|-------|
| OFFICE | LA:PDI-1 | PM:PDI-1 | OGC* | D:PDI-1 | |
| NAME | CSVogan | BMcCabe | JHull | RACapra | |
| DATE | 7/1/92 | 7/28/92 | 07/22/92 | 7/28/92 | / /92 |

OFFICIAL RECORD COPY
FILENAME: FIT83717.SER

DF01