



John C. Brons
Executive Vice President
Nuclear Generation

September 28, 1989
JPN-89-062

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Mail Station P1-137
Washington, D.C. 20555

SUBJECT: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
**Exemption from 10 CFR 50 Appendix J and
Proposed Change to the Technical Specifications
Regarding Containment Leak Rate Testing (JPTS-89-025)**

- References:
1. NYPA letter, J.C. Brons to the NRC, dated July 14, 1988 (JPN-88-033), regarding a Request for Exemption from Containment Integrated Leak Rate Test - Retest Schedule.
 2. NYPA letter, J.C. Brons to the NRC, dated November 9, 1988 (JPN-88-060), regarding a Proposed Change to the Technical Specifications Regarding Containment Leak Rate Testing.
 3. NRC letter, D.E. LaBarge to J.C. Brons, dated November 16, 1988, granting an exemption from Appendix J.
 4. NRC letter, D.E. LaBarge to J.C. Brons, dated February 17, 1989, issuing Amendment 125 to the FitzPatrick Technical Specifications.

Dear Sir:

In accordance with the provisions of 10CFR50.12 and 10CFR50.91(a)(5), the Authority requests that the NRC exempt FitzPatrick from certain provisions of Appendix J to 10CFR50 and issue an emergency change to the James A. FitzPatrick Technical Specifications. Both are required prior to start-up from the current maintenance outage. The Authority plans to end the current outage on October 3, 1989 which is less than 30 days from the date of this application. The Authority requests that this application for amendment be processed on an emergency basis under the provisions of 10 CFR 50.91(a)(5) since insufficient time exists to provide for a 30 day public comment period without delaying the resumption of power operation. As described in the attachments, these requests satisfy the criteria for exemptions (10CFR50.12) and emergency technical specification changes (10CFR50.91(a)(5)). For the reasons detailed below and in the attachments, this situation could not have been foreseen or avoided.

This exemption request and amendment proposes the necessary changes to allow the repair of weld 10-14-884A on the Core Spray test line without having to perform an

ILRT. The next Type A ILRT is scheduled to be conducted during the 1990 refueling outage.

In-service inspections conducted during the current mid-cycle maintenance outage has revealed the presence of a slag inclusion within weld 10-14-884A on the Core Spray system test return line (10"-W23-152-9B). In accordance with the requirements of ASME Section XI and ANSI B-31.1-1967 (the construction code for FitzPatrick) the weld is being repaired and reinspected prior to plant startup. 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 (torus) shell and is part of the primary containment pressure boundary.

Although this type of repair to the containment pressure boundary is not specifically covered by Technical Specification 4.7.A.2.f or 10 CFR 50 Appendix J Section IV.A, the Authority considers that the intent of Appendix J and the Technical Specifications would require that the repair be Type A, B, or C tested as applicable. Because of the location of the weld repair, pressure testing can only be accomplished by performing a Type A primary containment integrated leakage rate test (ILRT).

The Authority will perform 100% radiography of the repaired weld in lieu of the hydro-test. In addition to the requirements of the code, a surface examination and an in-service functional test will be performed. This assures that no surface flaw exists which could lead to a leakage path. These non-destructive examinations meet the intent of the existing Technical Specification 4.7.A.2.f which is to assure that modifications to the containment pressure boundary are leak-tight.

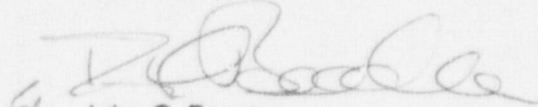
This situation is very similar to one the Authority experienced in 1988 concerning the replacement of the HPCI turbine exhaust line manual block valve (23-HPI-11). The Authority identified the fact that replacement of this valve would create a new weld in the primary containment pressure boundary which could not be leak tested locally. The Authority requested similar exemptions in References 1 and 2 to allow installation of this valve without having to perform a Type A ILRT. These requests were granted by the NRC in References 3 and 4 respectively.

Enclosed for filing is the signed original of a document entitled "Application for Amendment to Operating License," with Attachments I, II, and III thereto, comprising a request for exemption from 10 CFR 50 Appendix J, a statement of the proposed changes to the Technical Specifications and the associated Safety Evaluation.

In accordance with 10 CFR 50.91, a copy of this application and the associated attachments are being provided to the designated New York State official.

Should you or your staff have any questions regarding the proposed changes, please contact Mr. J.A. Gray, Jr. of my staff.

Very truly yours,



John C. Brons
Executive Vice President
Nuclear Generation

cc: U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

Office of the Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 136
Lycoming, NY 13093

Mr. David E. LaBarge
Project Directorate I-1
Division of Reactor Projects - I/II
U.S. Nuclear Regulatory Commission
Mail Stop 14 B2
Washington, D.C. 20555

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