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William J. Cahill, Jr.  
Chief Nuclear Officer

November 26, 1996  
JPN-96-050

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
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Washington, DC 20555

Subject: James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
**Request for Relief From ASME Section XI Code  
Regarding Implementation Schedule For  
Containment Repair / Replacement Requirements**

Dear Sir:

This letter requests schedule relief from the primary containment repair and replacement provisions in the 1992 Edition of ASME Section XI, Subsection IWE. This ASME Code was incorporated by an amendment to NRC regulation 50.55a. The regulation has an effective date of September 9, 1996. This relief request, submitted pursuant to the provisions of 10 CFR 50.55a(g)(5)(iii), would defer the implementation date for the containment repair and replacement provisions by one year until September 9, 1997. Change in the implementation date will accommodate procedural, and possible personnel qualification changes, needed to implement this provision. The request, as presented in the attachment to this letter, applies only to the containment repair and replacement provisions of the amended regulation, and does not apply to the containment inservice inspection provisions of the regulation.

An accelerated review and determination is requested for this matter. If you have any questions, please contact Ms. C. Faison.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'William J. Cahill, Jr.'.

William J. Cahill, Jr.  
Chief Nuclear Officer

att: as stated

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**ATTACHMENT TO JPN-96-050**

**Relief Request from ASME Section XI Code Regarding  
Implementation Schedule for Containment Repair / Replacement Requirements**

**Code Requirement:**

1992 Edition of ASME Boiler & Pressure Vessel Section XI, Subsection IWE, include repair and replacement criteria for ASME Code Class MC (metallic containments). NRC regulation 10 CFR 50.55a was amended to incorporate this provision by adding paragraphs (g)(4)(v)(A) and (B). The effective date of the amended regulation was September 9, 1996.

**Code Relief Request:**

Defer the implementation date for the repair and replacement provisions in the referenced code by one year from September 9, 1996 to September 9, 1997. The relief is requested to accommodate procedural, and possible personnel qualification changes, needed to implement this provision.

**Proposed Alternative Requirements:**

Repairs / replacements to the primary containment will be performed in accordance with the FitzPatrick design basis requirements. For the FitzPatrick containment, the applicable code is ASME Boiler & Pressure Vessel, Section III, Subsection B, 1968 Edition including 1968 Summer Addenda.

**Basis for Relief Request:**

While the amended regulation established an implementation period of five years for the containment inservice inspection requirements, an implementation period was not established to accommodate development of the program plan, revisions to the repair / replacement procedures, and possible personnel qualification changes, to meet the new requirements. For example, the inspectors are qualified to ANSI N45.2.6-73 and ASTM D4537-86 for coating work rather than the qualification requirements in Subsection IWE. The relief request will defer the effective date for the repair and replacement provisions to September 9, 1997 to accommodate the necessary changes.

The relief request does not compromise the intent of the amended regulation. The intent of the regulation, according to the statement of considerations published with the amended regulation on August 8, 1996, was to adopt the periodic inspection requirements of the 1992 ASME Code as an effective means for managing age-related containment degradation. The NRC further stated that the rate of occurrence of corrosion and degradation of containment structures has

been increasing at nuclear power plants, and current containment inspection programs have not proven to be adequate to detect the types of degradation which have been reported. The Authority will implement the containment inspection provisions in accordance with the amended regulation, and therefore will meet the intent of the regulation.

The NRC statement of considerations did not identify any concerns with current containment repair and replacement practices performed in accordance with the plant's design basis; nor did they identify the intent for the regulatory changes regarding repairs and replacements.

A general walkdown of the FitzPatrick drywell was performed during the November 1996 outage to inspect for coating degradation and debris. The torus was desludged, and a coating examination was performed. Results of the torus and drywell coating examinations were satisfactory, with only limited spot coating repairs being performed.

To assure effective compliance with the newly imposed code requirements, the procedural and personnel changes discussed above must be implemented in a deliberate manner. In the absence of any identified deficiencies in the containment repair and replacement codes to which the plant was designed and licensed under, the proposed alternative will provide an acceptable level of quality and safety. Implementation of the new containment repair / replacement requirements as of September 9, 1996 is not practical and would result in unusual difficulties without a compensating increase in the level of quality and safety. Therefore, deferral of the implementation date for the repair and replacement provisions of the 1992 ASME Code will not compromise the structural integrity of the containment vessel, and is consistent with maintaining the continued health and safety of the public.