



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555
September 13, 1991

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: REQUEST FOR EXEMPTION FROM ALTERNATE ROD INJECTION (ARI) SYSTEM.
DIVERSITY REQUIREMENTS OF 10 CFR 50.62 (TAC NO. 81034)

By letter dated July 2, 1991, you requested an exemption from certain diversity requirements of 10 CFR 50.62, "Requirements for Reduction of Risk from Anticipated Transients Without Scram (ATWS) Events." Specifically, you requested that the NRC, in accordance with 10 CFR 50.12, grant relief from the requirement to have trip units in the ARI system be diverse from the trip units in the Reactor Protection System (RPS). The basis for your request was that applying the requirement of ARI diversity to the FitzPatrick Plant would not serve the underlying purpose of 10 CFR 50.62, which is to reduce risk from ATWS events.

The NRC staff has reviewed your request for exemption from the ARI system diversity requirements for the James A. FitzPatrick Nuclear Power Plant. We find that the basis for your request is similar to the appeal position submitted by the BWR Owner's Group (BWROG). This appeal position was denied by the NRC's Executive Director for Operations (EDO). The NRC's EDO, in a letter dated September 20, 1990, to Mr. George J. Beck, Chairman of the BWROG, indicated that the staff's position on ARI trip unit diversity was a proper implementation of 10 CFR 50.62. Specifically, the staff's position requires trip units in the ARI system to be diverse from the trip units in the reactor trip system. The staff concludes that you have not demonstrated that the ARI diversity requirements would result in undue hardship and have not presented "special circumstances" which satisfy the criteria of 10 CFR 50.12 for granting exemptions from the requirements of regulations. Therefore, your request for exemption from ARI system diversity requirements, dated July 2, 1991, is denied.

The NRC staff concludes that modifications implemented to satisfy the ARI diversity requirements of 10 CFR 50.62 will improve safety, are cost beneficial, and should proceed promptly. However, because of the engineering and procurement lead times associated with these modifications, requiring

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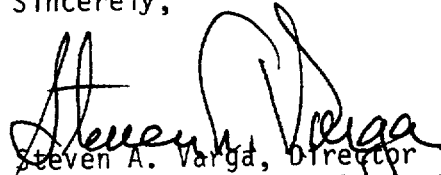
Mr. Ralph E. Beedle

- 2 -

September 13, 1991

implementation during the next refueling outage (January 1992) at FitzPatrick is not practical. Therefore, the staff finds that the FitzPatrick Plant must comply with the ARI diversity requirements of 10 CFR 50.62 prior to unit startup following the scheduled 1993 refueling outage.

Sincerely,

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

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

cc: See next page

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Power Authority of the State of New York

James A. FitzPatrick Nuclear
Power Plant

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Sincerely,

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

cc: See next page

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