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James Knobel  
Senior Vice President and  
Chief Nuclear Officer

June 15, 1999  
JPN-99-019

U.S. Nuclear Regulatory Commission  
Attn: Document Control Desk  
Mail Station PI-137  
Washington, DC 20555

SUBJECT: James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
**Withdrawal of Exemption Request  
Regarding Appendix R to 10 CFR 50  
Use of Core Spray to Achieve Safe Shutdown**

REFERENCES: See below.

Dear Sir:

As the result of recent developments, and discussions with industry representatives and the members of the NRC staff, the Authority is withdrawing its recent exemption request (Reference 1). This exemption dealt with the use of core spray for reactor coolant makeup to achieve safe shutdown in one fire area at the Authority's James A. FitzPatrick Nuclear Power Plant.

The BWR Owners' Group, in cooperation with General Electric and the Authority, has developed a position paper that addresses the use of safety relief valves (SRVs) and low-pressure systems (including core spray) as redundant safe shutdown paths on a generic basis. The paper, which was recently submitted to the NRC (Reference 3), examines the acceptability of using low-pressure systems from regulatory, safety and risk significance perspectives. The paper concludes that the use of SRVs and low-pressure systems is an acceptable methodology for achieving safe shutdown in accordance with the requirements of Section III.G.1 and 2 of Appendix R to 10 CFR 50.

The Authority will continue to work with the BWROG to resolve the NRC's concerns regarding this issue. However, the Authority may re-submit this exemption request if the generic resolution of this issue is not consistent with the current FitzPatrick licensing basis.

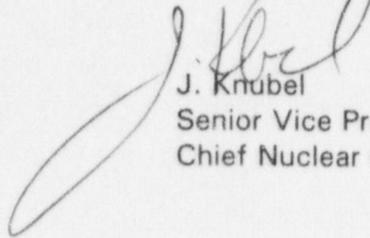
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The withdrawal of this exemption does not alter the Authority's previously stated position (Reference 2) regarding the ability of low-pressure systems (including core spray) to achieve safe shutdown at FitzPatrick and FitzPatrick's compliance with the requirements of Appendix R to 10 CFR 50.

There are no new commitments made by the Authority in this letter. If you have any questions, please contact Ms. C. D. Faison.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Knübel', is written over the typed name. The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

J. Knübel  
Senior Vice President and  
Chief Nuclear Officer

cc: Next Page

References:

1. NYPA letter, J. Knubel to USNRC (JPN-99-010) dated March 31, 1999 regarding response to Request for Additional Information and Revised Exemption Request - 10CFR50, Appendix R, Use of Core Spray to Achieve Safe Shutdown."
2. NYPA letter, W. A. Josiger to USNRC dated July 22, 1994 (JPN-94-034) regarding "Response to Request for Additional Information, FitzPatrick Appendix R Safe Shutdown Capability Assessment."
3. BWROG letter, W. Glenn Warren to USNRC (BWROG-99030) dated April 12, 1999 regarding "BWR Owners' Group Appendix R Fire Protection Committee Position on SRVs + Low Pressure Systems as 'Redundant' Shutdown Systems Under Appendix R." Includes report GE-NE-T43-00002-00-03, "BWROG Position on the Use of Safety Relief Valves and Low Pressure Systems as Redundant Safe Shutdown Paths, March 1999."

cc: Regional Administrator  
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