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JPN-93-023

U. S. Nuclear Regulatory Commission
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SUBJECT: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
**Application of Technical Specification 3.0.D to
East and West Cable Tunnel Full Area Suppression System**

- REFERENCES:
1. NRC letter R. A. Capra to R. E. Beedle dated September 10, 1992 regarding issuance of exemptions from requirements of 10 CFR part 50, Appendix R, for the James A. Fitzpatrick Nuclear Power Plant.
 2. NYPA letter R. E. Beedle to USNRC dated November 20, 1992 (JPN-92-006) regarding proposed changes to the Technical Specifications, general limited conditions for operation revision.
 3. NRC letter B. C. McCabe to R. E. Beedle dated December 17, 1992 regarding issuance of Amendment 184 for James A. FitzPatrick Nuclear Power Plant.

Dear Sir:

This letter confirms a recent telephone discussion between the NRC and the Authority regarding the application of Technical Specification 3.0.D to conditions previously covered by two temporary exemptions from the requirements of Appendix R to 10 CFR 50. The Authority does not require an extension to either exemption because the existing plant conditions are addressed by the provisions of Technical Specification 3.0.D.

Temporary Exemptions

In September of 1992, the NRC granted two temporary exemptions from the requirements of Appendix R until modifications to bring the plant into compliance with Appendix R are complete (Reference 1). The first of these two exemptions addressed the adequacy of the existing fire suppression system in the east and west cable tunnels. The

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second exemption concerned fire barrier penetration seals on bondstrand, greenthread and polyvinyl chloride (PVC) piping. Interim compensatory measures to reduce the threat of fire were implemented.

The Authority estimated that modifications to the east and west cable tunnels would be completed by July 31, 1993. Modifications associated with bondstrand, greenthread and PVC piping penetrations were scheduled for completion by November 30, 1992. While the exemptions (Reference 1) refer to the Authority's schedules for the installation of these modifications, the exemptions themselves do not have an explicit expiration date.

Fire Barrier Penetration Seals on Bondstrand, Greenthread and PVC Piping

On November 20, 1992, the Authority filed an application for changes to FitzPatrick's Technical Specification Section 3.0.D and the associated Bases. The changes were consistent with NRC Generic Letter 87-09 and Standard Technical Specifications (Reference 2). The Authority requested that its application be handled on an exigent basis to permit plant startup because modifications to piping made of bondstrand, greenthread and PVC piping had been unavoidably delayed.

With one exception, the new provisions of Section 3.0.D prohibit changing modes "when the conditions for the associated Limiting Condition for Operation are not met the associated ACTION requires a plant shutdown..." Mode changes are permitted by 3.0.D "when conformance to them (the ACTION requirements) permits continued operation of the facility for an unlimited period of time."

FitzPatrick Technical Specification 3.12.F.2 permits continued plant operation for an unlimited period of time with inoperable fire barrier penetration seals provided certain action requirements are satisfied. Approval of the requested changes would permit plant startup (a mode change) with inoperable penetration seals associated with piping made of these materials. The Authority's application was subsequently granted as Amendment 184 (Reference 3) in December of 1992.

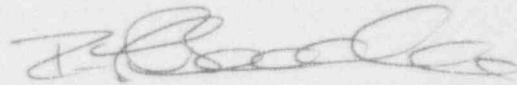
East and West Cable Tunnel Suppression System

Installation of a new suppression system in the east and west cable tunnels has been delayed approximately five months and will not be completed until the end of December. FitzPatrick Technical Specification 3.12.B permits continued plant operation for an unlimited period of time with inoperable east and west cable tunnel suppression system provided certain action requirements are satisfied.

As discussed with the NRC staff, the Authority has satisfied and will continue to satisfy the provisions of Specifications 3.0.D and 3.12.B until installation of the new suppression system is complete. This is consistent with the Authority's prior use of Specification 3.0.D and Generic Letter 87-09.

If you have any questions, please contact Mr. J. A. Gray, Jr.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'R. Beedle', with a stylized, cursive script.

Ralph E. Beedle

cc: Regional Administrator
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