



Ralph E. Beedle
Executive Vice President
Nuclear Generation

April 12, 1993
JPN-93-027

Regional Administrator
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406

SUBJECT: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Fire Protection Program
NRC Generic Letter 86-10

REFERENCES: 1. NRC letter, M. W. Hodges to H. P. Salmon, Jr., dated July 10, 1992, regarding the June 24, 1992 Enforcement Conference.
2. NRC Generic Letter 86-10, D. G. Eisenhower to All Power Reactor Licensees and Applicants for Power Reactor Licenses, dated April 24, 1986, regarding Implementation of Fire Protection Requirements.

ATTACHMENT: 1. Assessment of NYPA's Implementation of the Recommendations of Generic Letter 86-10

Dear Sir:

In Reference 1, the NRC asked the Authority to provide an assessment of why the recommendations in Generic Letter 86-10 (Reference 2) were not implemented. The Authority concludes that the recommendations were not implemented because:

- 1) The Authority had completed an Appendix R evaluation and submitted it to the NRC.
- 2) The NRC was reviewing the Authority's evaluation.
- 3) FitzPatrick had been successfully inspected for Appendix R compliance when the Generic Letter was issued.
- 4) The Generic Letter contains guidance on acceptable methods for complying with 10 CFR 50.48 or Appendix R.

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These items are discussed in Attachment 1. Currently, the Authority has implemented or is in the process of implementing the recommendations of Generic Letter 86-10. In addition, the Authority has established procedure NLG-21 ("Assessment of and Response to NRC Generic Letters") to assure that a documented assessment is conducted for Generic Letters which do not require a written response.

As will be discussed in LER 92-15, Supplement 1, the Authority believes, notwithstanding the limitations and deficiencies in the 1985 Appendix R Analysis, that safe shutdown could have been successfully achieved in all FitzPatrick Fire Areas. Therefore, not implementing the recommendations of Generic Letter 86-10 would not have resulted in an inability to safely shutdown the plant.

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

Very truly yours,



Ralph E. Beedle

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ATTACHMENT 1 TO JPN-93-027

ASSESSMENT OF NYPA's IMPLEMENTATION OF THE RECOMMENDATIONS OF
GENERIC LETTER 86-10

New York Power Authority
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
DPR-59

ATTACHMENT 1 TO JPN-93-027

1. Introduction

In Reference 1, the NRC asked the Authority to provide an assessment of why the recommendations in Generic Letter 86-10 (Reference 2) were not implemented. The Authority concludes that the recommendations were not implemented because:

- 1) The Authority already had completed an Appendix R evaluation and submitted it to the NRC.
- 2) The NRC was reviewing the Authority's evaluation.
- 3) FitzPatrick had already been successfully inspected for Appendix R compliance when the Generic Letter was issued.
- 4) The Generic Letter contains guidance on acceptable methods for complying with 10 CFR 50.48 or Appendix R.

These items are discussed below. Currently, the Authority has implemented or is in the process of implementing the recommendations of Generic Letter 86-10. In addition, the Authority has established procedure NLG-21 ("Assessment of and Response to NRC Generic Letters") to assure that a documented assessment is conducted for Generic Letters which do not require a written response.

2. Response To Appendix R Under NRC Review

In July 1982, the Authority submitted a reassessment of Fire Protection Features for conformance to 10 CFR 50, Appendix R (Reference 3) and based on further discussions with the NRC revised and reissued the assessment in November 1982 (Reference 4).

From 1983 through 1985 there was correspondence (References 5 through 11) between the Authority and the NRC discussing the exemption request portion of the November 1982 submittal (Reference 4). Thus, the Authority believed that since the NRC was reviewing the rest of the submittal, the NRC would inform the Authority of the acceptance or rejection of the positions discussed in the Appendix R reassessment (Reference 4).

3. Inspection Report 50-333/85-20

From June 17, 1985 through June 21, 1985 the NRC conducted a special inspection of FitzPatrick to assess Appendix R compliance. The results of this inspection (Reference 13) was one violation and seven open items. The Authority responded to the violation and the open items (Reference 14) with corrective actions.

Thus, the Authority believed that based on its corrective actions it was not necessary to evaluate the recommendations of Generic Letter 86-10.

4. Recommendations Versus Requirements

Generic Letter 86-10 (Reference 2) provides the approved NRC guidance and interpretations on how the NRC was going to implement the requirements of 10 CFR 50.48 and 10 CFR 50, Appendix R. The Generic Letter stated (second paragraph):

"The guidance approved by the Commission is appended to this letter, and is in the same format as the draft package.... This package represents recent staff assessment of these questions and provides guidance as to acceptable methods of satisfying Commission regulatory requirements. *Other methods proposed by licensees for complying with Commission regulations may also be satisfactory and will be considered on their own merits.*" (emphasis added)

5. Problems With The Fire Protection Program

The root causes of the problems of the FitzPatrick Fire Protection Program also contributed to not implementing the Generic Letter recommendations. As discussed in Reference 12 an analysis was performed to determine the root cause of the organizational and programmatic problems associated with the Fire Protection Program. This analysis identified the following root causes:

- ♦ Lack of Commitment to the Fire Protection Program by Authority Management
- ♦ Inadequate Interface Between Authority Headquarters and Plant Staff
- ♦ Inadequate Fire Protection Staff Qualifications

6. Conclusion

As will be discussed in LER 92-15, Supplement 1, the Authority believes, notwithstanding the limitations and deficiencies in the 1985 Appendix R Analysis, that safe shutdown could have been successfully achieved in all FitzPatrick Fire Areas. Therefore, not implementing the recommendations of Generic Letter 86-10 would not have resulted in an inability to safely shutdown the plant.

ATTACHMENT 1 TO JPN-93-027

7. References

1. NRC letter, M. W. Hodges to H. P. Salmon, Jr., dated July 10, 1992, regarding the June 24, 1992 Enforcement Conference.
2. NRC Generic Letter 86-10, D. G. Eisenhut to all Power Reactor Licensees and Applicants for Power Reactor Licenses, dated April 24, 1986, regarding Implementation of Fire Protection Requirements.
3. NYPA letter, J. P. Bayne to H. R. Denton, dated July 13, 1982, (JPN-82-61) regarding Reassessment of Fire Protection Features for Conformance to 10 CFR 50, Appendix R.
4. NYPA letter, J. P. Bayne to H. R. Denton, dated November 22, 1982, (JPN-82-87) regarding Reassessment of Fire Protection Features for Conformance to 10 CFR 50, Appendix R.
5. NRC letter, D. B. Vassallo, to L. W. Sinclair, dated February 2, 1983, regarding the draft Safety Evaluation on Appendix R Exemption Requests.
6. NYPA letter, J. P. Bayne; to H. R. Denton, dated March 1, 1983 (JPN-83-16), regarding the draft Safety Evaluation on Appendix R Exemption Requests.
7. NYPA letter, J. P. Bayne, to H. R. Denton, dated April 5, 1983 (JPN-83-30), regarding the draft Safety Evaluation on Appendix R Exemption Requests.
8. NYPA letter, from J. P. Bayne, to H. R. Denton; dated May 19, 1983 (JPN-83-44), regarding the draft Safety Evaluation on Appendix R Exemption Requests.
9. NRC letter, D. B. Vassallo to J. P. Bayne, dated February 1, 1984, regarding Appendix R Exemption Requests.
10. NYPA letter, J. P. Bayne to D. B. Vassallo, dated July 16, 1984 (JPN-84-46), regarding the clarification of Appendix R Exemption Requests.
11. NRC letter from D. B. Vassallo, to C. A. McNeill, dated January 11, 1985, regarding Appendix R Exemption Requests.
12. NYPA letter, R. E. Beedle to the NRC, dated October 15, 1992 (JPN-92-063), regarding the Reply and Answer to Notice of Violation.
13. NRC letter from S. D. Ebnetter, to H. A. Glover, dated August 21, 1985, transmitting Inspection Report No. 50-333/85-20.
14. NYPA letter, R. J. Converse, to S. D. Ebnetter, dated September 20, 1985 (JAFP-85-0765), regarding Inspection Report No. 50-333/85-20.