



June 29, 1983
JPN-83-59

J. Phillip Bayne
Executive Vice President
Nuclear Generation

Director of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Attention: Mr. Domenic B. Vassallo, Chief
Operating Reactors Branch No. 2
Division of Licensing

Subject: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Request for Exemption from 10 CFR 50.44 (c)(3)(ii)
Interim Requirements Related to Hydrogen Control

Reference: 1. Final Interim Hydrogen Control Rule published
December 2, 1981 - Federal Register pp.
58484-58486.
2. BWROG letter, T. J. Dente to D. G. Eisenhut,
dated June 21, 1982 - transmittal of owner's
group technical position.

Dear Sir:

The final interim hydrogen control rule (Reference 1) requires that Mark I and II plants which rely on purge/repressurization as the primary means of hydrogen control be provided with either an internal recombiner or the capability to install an external recombiner following an accident.

The BWR Owners' Group submitted, on behalf of the participating utilities, a technical evaluation entitled "Generation and Mitigation of Combustible Gas Mixtures in Inerted BWR Mark I Containments, NEDO-22155" via Reference 2. The results of this analysis show that, for all BWR plants with inerted Mark I containments, peak containment oxygen concentrations are maintained below the combustible gas limits at all times without requiring containment venting or hydrogen recombiners. We have reviewed NEDO-22155 and have determined that it is applicable to our FitzPatrick plant.

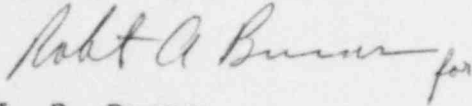
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Based upon the conclusions of NEDO-22155, the New York Power Authority in accordance with 10 CFR 50.12 hereby requests exemption from the provisions of 10 CFR 50.44 (c)(3)(ii) for the James A. FitzPatrick Nuclear Power Plant. The Authority considers that the existing plant design provides protection to the public health and safety equivalent to that required by 10 CFR 50.44 (c)(3)(ii).

If you have any questions regarding this exemption request, please contact Mr. J. A. Gray, Jr. of my staff.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert A. Bayne", followed by a small "for" written below the signature.

J. P. Bayne
Executive Vice President
Nuclear Generation

cc: Mr. J. Linville
Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 136
Lycoming, New York 13093