



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

SAFETY EVALUATION BY THE OFFICE OF NUCLEAR REACTOR REGULATION
RELATED TO AMENDMENT NO. 184 TO FACILITY OPERATING LICENSE NO. DPR-59
POWER AUTHORITY OF THE STATE OF NEW YORK
JAMES A. FITZPATRICK NUCLEAR POWER PLANT
DOCKET NO. 50-333

1.0 INTRODUCTION

By letter dated November 20, 1992, the Power Authority of the State of New York (the licensee) submitted a request for changes to the James A. FitzPatrick Nuclear Power Plant, Technical Specifications. The requested changes revise Technical Specification (TS) 3.0.D and its associated Bases to incorporate recommendations of NRC Generic Letter (GL) 87-09, "Sections 3.0 And 4.0 Of The Standard Technical Specifications (STS) On The Applicability Of Limiting Conditions For Operation And Surveillance Requirements." Specifically, GL 87-09 provides guidance to address unnecessary restrictions on mode changes by TS 3.0.4 (FitzPatrick TS 3.0.D) and inconsistent application of exceptions.

2.0 STATEMENT OF EXIGENT CIRCUMSTANCES

This proposed amendment was processed on an exigent basis because the proposed TS changes are necessary to avoid a delay in the startup of the FitzPatrick plant. In their application, the licensee stated that the FitzPatrick plant is scheduled to startup on December 10, 1992. Since this amendment is required to permit startup of the plant, and the startup date is less than 30 days from the date of this application, insufficient time was available to permit a 30-day public comment period. The licensee could not have avoided this situation because plant modifications associated with fire barrier penetration seals on certain vents and drains have been unavoidably delayed beyond their original scheduled completion. Due to the delayed and emerging fire protection modifications, fire watches (action requirements) posted in the vicinity of degraded fire barriers may be required after the currently scheduled startup date. Emergent modifications to fire door seals may also not be completed by the currently scheduled startup date.

3.0 EVALUATION

As defined in the Code of Federal Regulations, 10 CFR 50.36, "Technical Specifications," Limiting Conditions for Operation (LCO) are the lowest functional capability or performance levels of equipment required for safe operation of the facility. Further, it is stated that when an LCO of a nuclear reactor is not met, the licensee shall shut down the reactor or follow