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JANUARY 3 1980

Docket No. 50-333

Mr. George T. Berry
 Executive Director
 Power Authority of the State
 of New York
 10 Columbus Circle
 New York, New York 10019

Dear Mr. Berry:

The Commission has issued the enclosed Show Cause Order for James A. FitzPatrick Nuclear Power Station. Your submittals of October 22, and November 21, 1979, regarding implementation of the short-term lessons learned requirements indicate that you do not intend to implement some of the "Category A" requirements until after January 31, 1980. We have determined that implementation of the "Category A" requirements by January 31, 1980, is necessary to provide continued assurance of public health and safety.

The Show Cause Order requires that you implement, by January 31, 1980, the "Category A" requirements of NUREG-0578 regarding short-term lessons learned, as supplemented by our letters of September 13, and October 30, 1979; or show cause why you should not. Because this Order is immediately effective it also requires that the "Category A" requirements be implemented by January 31, 1980, or the plant be shut down. A provision regarding equipment availability problems is included.

In your submittals, you did indicate that many of the "Category A" requirements would be implemented by January 1, 1980. It is not the Commission's intent, in issuing this Order, to encourage delays in implementation of those "Category A" items you currently have scheduled to complete by January 1, 1980. Therefore, you should still submit, on or shortly after January 1, 1980, a description of the methods used to implement the "Category A" requirements completed by that time.

"Category B" lessons learned requirements, those scheduled for implementation by January 1, 1981, will be the subject of future correspondence.

A copy of this Order is being filed with the Office of the Federal Register for Publication.

Sincerely,

Original signed by

Harold R. Denton, Director
 Office of Nuclear Reactor Regulation

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Enclosure: ORB#3	GEMT	OELD	AtAD/ORP	AtD/DOR	D/NRR
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SURNAME P. Poik:ar					
DATE 12/31/79	12/31/79	12/2/79	12/3/79	12/2/79	12/2/79

Mr. George T. Berry
Power Authority of the State
of New York

- 2 -

cc:

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
POWER AUTHORITY OF THE STATE OF) Docket No. 50-333
NEW YORK)
(James A. FitzPatrick))

ORDER TO SHOW CAUSE

I

The Power Authority of the State of New York (the Licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the Licensee to operate the James A. FitzPatrick Nuclear Power Plant, at power levels not in excess of 2436 megawatts thermal (rated power). The facility is a boiling water reactor located at the Licensee's site in Oswego County, New York.

II

Following the Three Mile Island Unit 2 (TMI-2) accident on March 28, 1979, a TMI-2 Lessons Learned Task Force of the Nuclear Regulatory Commission (NRC) Staff conducted an intensive review of the design and operational aspects of nuclear power plants and the emergency procedures for coping with potential accidents. The Task Force identified measures to be taken in the short-term to reduce the likelihood of accidents and to improve emergency preparedness in responding to accidents. These measures are set forth in NUREG-0578, "TMI-2 Lessons Learned Task Force Status Report and Short-term Recommendations". The

NRC has concluded that prompt implementation of the actions denominated "Category A" requirements at operating nuclear power plants is necessary to provide continued assurance of public health and safety. These "Category A" requirements were transmitted to all licensees operating nuclear power plants by letter dated September 13, 1979. By letter to affected licensees dated October 30, 1979, further clarification of these requirements was provided.

III

The Licensee has committed to implementation of each "Category A" requirement albeit not in all cases prior to January 31, 1980. NUREG-0578 and my letters of September 13 and October 30, 1979, which are hereby incorporated into this Order by reference, describe in detail the basis for implementing "Category A" requirements. The majority of licensees have committed to implement the "Category A" requirements by January 31, 1980 or the reactor will shutdown until such implementation is complete. However, other licensees have indicated that additional necessary equipment, which is on order, will be delivered after this date. Thirty days after delivery of equipment is a practical time period during which the equipment can be installed. Based on available information, all equipment should be delivered and capable of being installed by June 1, 1980. Licensees are required to meet the January 31, 1980 schedule unless they adequately demonstrate, in accordance with this Order, that delay based on equipment availability is justified. For reasons discussed, timely

implementation of these requirements is necessary to provide continued assurance of public health and safety. Requirements should be satisfied as soon as practicable and in no instance shall a licensee with incomplete "Category A" actions continue operation beyond June 1, 1980.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, IT IS HEREBY ORDERED THAT the Licensee show cause, in the manner hereinafter provided, why it should not:

By January 31, 1980, implement all "Category A" requirements (except the requirement of 2.1.7.a of NUREG-0578) referred to in Part II of this Order, except those for which necessary equipment is shown, by appropriate and timely documentary justification to the Director, Office of NRR, to be unavailable, or in the alternative, place and maintain its facilities in a cold shutdown or refueling mode of operation. "Category A" requirements not implemented by January 31, 1980, owing to the unavailability of necessary equipment shall be implemented within 30 days of the date such equipment becomes available but no later than June 1, 1980.

In view of the importance of the prompt implementation of "Category A" requirements to the health and safety of the public, I have determined that the public health, safety or interest requires that this Order be temporarily effective as of this date, pending further Order of the Commission.

V

The Licensee may file a written answer to this Order under oath or affirmation within twenty (20) days of the date of the Order. The Licensee or any other person whose interest may be affected by this Order may request a hearing within twenty (20) days of the date of the Order. Any request for a hearing will not stay the temporary effectiveness of this Order. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C., 20555. If a hearing is requested by a person whose interest may be affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

In light of the Licensee's expressed willingness to implement "Category A" requirements, except as indicated in Part III of this Order, in the event a hearing is requested, the issue to be considered at such hearing shall be: whether all "Category A" requirements (except the requirements of 2.1.7.a of NUREG-0578) should be implemented in accordance with the schedule prescribed by this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on the Order.

FOR THE NUCLEAR REGULATORY COMMISSION



Harold R. Denton, Director
Office of Nuclear Reactor Regulation

Dated at Bethesda, Maryland
this 2 day of January, 1980