

September 4, 1984

Docket No. 50-333

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Mr. J. P. Bayne
Executive Vice President,
Nuclear Generation
Power Authority of the State
of New York
123 Main Street
White Plains, New York 10601

Dear Mr. Bayne:

Re: James A. FitzPatrick Nuclear Power Plant

The Commission has filed the enclosed "Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing" with the Office of the Federal Register for publication. The notice relates to your request dated July 25, 1984, regarding revisions to the Technical Specifications to the limiting conditions for operation and surveillance requirements for the instrumentation and components associated with the ADS logic system.

Sincerely,

Original signed by:

Harvey I. Abelson, Project Manager
Operating Reactors Branch #2
Division of Licensing

Enclosure:
Notice of Consideration

CC w/enclosure:
See next page

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Mr. J. P. Bayne
Power Authority of the State of New York
James A. FitzPatrick Nuclear Power Plant

cc:

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King of Prussia, Pennsylvania 19406

UNITED STATES NUCLEAR REGULATORY COMMISSIONPOWER AUTHORITY OF THE STATE OF NEW YORKDOCKET NO. 50-333NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO
FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS
CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The U. S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), for operation of the James A. FitzPatrick Nuclear Power Plant located in Oswego County, New York.

The amendment would change the limiting conditions for operation and surveillance requirements contained in Appendix A of the Technical Specifications for the instrumentation and components associated with the Automatic Depressurization System (ADS) logic system. In particular, a new Section 4.5.D.1.c has been added on page 119 that requires surveillance testing of the ADS override switches once per operating cycle. By letter dated June 3, 1983, the NRC staff specified that a surveillance plan for the manual inhibit switch (override) should be included in the Technical Specifications.

Four changes were made to Table 3.2-2 ("Instrumentation That Initiates or Controls the Core and Containment Cooling Systems") on pages 66-69:

On page 66, Item No. 2 (Reactor Low-Low-Low Water Level Trip Function) Eliminates "...high drywell pressure..." from the remark associated with the ADS instrument channels and adds the phrase "if not inhibited

by ADS override switches". The plant modification associated with NUREG-0737 Item II.K.3.18 removes the high drywell pressure permissive for ADS actuation.

On page 67, Item No. 6 (Confirmatory Low Level) the remarks entry is revised to clarify the remark. The phrase "in conjunction with reactor Low-Low-Low Water Level" has been added.

On page 68, Item No. 11 (High Drywell Pressure) has been deleted in its entirety since this signal has been eliminated as a permissive for ADS actuation.

On page 69, Item 14 (Auto Blowdown Timer) the phrase "...high drywell pressure..." was deleted from the remarks entry to reflect the elimination of high drywell pressure as an ADS actuation permissive. In addition, the phrase "...if not inhibited by the ADS override switches" has been added to the remark to reflect the addition of these new switches.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the

Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning determination of significant hazards by providing certain examples (48 FR 14870) of amendments considered not likely to involve significant hazards consideration. One of the examples (ii) relates to change which is an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed change adds to the surveillance requirements of the Technical Specifications and, therefore, constitutes a more stringent control. The removal of items from Table 3.2.2 no longer in the facility and the clarification of language of items in the Table are associated with the modification and, thereby, also encompassed in the change. Therefore, since this change is more restrictive it is similar to example (ii).

Therefore, since the application for amendment involves a change similar to examples for which a no significant hazards consideration exists, the staff has made a proposed determination that the application for amendment involves no significant hazards considerations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By September , 1984 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR §2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the

proceeding and how the interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted

to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final

determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Domenic B. Vassallo: Petitioner's name and telephone number: date petition was mailed: plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Mr. Charles M. Pratt, Assistant General Counsel, Power Authority of the State of New York, 10 Columbus Circle, New York, NY 10019, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended

petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated July 25, 1984, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., and at the Penfield Library, State University College of Oswego, Oswego, New York.

Dated at Bethesda, Maryland, this 4th day of September, 1984.

FOR THE NUCLEAR REGULATORY COMMISSION



Domenic B. Vassallo
Operating Reactors Branch #2
Division of Licensing