

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 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 (the facility), located in Oswego County, New York.

In accordance with the licensee's application dated March 21, 1985, the proposed amendment would change the Technical Specifications (TS) to support facility operation with a newly installed Analog Trip Transmitter System (ATTS). Plant modifications related to ATTS installation are scheduled for completion during the Reload 6/Cycle 7 refueling outage currently in progress. The modifications include replacement of existing direct and differential pressure activated mechanical sensor switches with an analog system capable of more accurately monitoring certain Emergency Core Cooling System (ECCS) and Reactor Protection System (RPS) protection parameters. In addition, temperature elements associated with leak detection systems located in the steam tunnel and crescent areas are being replaced with nuclear qualified Class 1E Resistance Temperature Detectors (RTD). System components such as switches, racks, and accessories are also being replaced with equipment meeting more stringent codes and standards.

The proposed TS changes which support these modifications and implement use of the new ATTS would revise surveillance requirements to reduce functional test and calibration frequencies. In addition, the TS concerning functional and calibration testing would be clarified and the bases would be changed to clarify the use of "Non-ATTS and ATTS" analog devices.

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

The FitzPatrick plant currently uses mechanically operated sensors and relays in the design logic for the Reactor Protection System and in the automatic initiation logic for the Emergency Core Cooling System. Operating experience has shown that due to age and wear, mechanical sensors inherently drift out of tolerance and require frequent maintenance, testing, calibration and repair.

The ATTS is an all solid-state electronic trip system designed to provide stable and accurate monitoring of certain RPS and ECCS parameters. Changing to an analog system will improve overall sensor accuracy and reliability; reduce the time the RPS logic will be in a half scram condition and therefore reduce the potential for inadvertent plant scrams; reduce the functional test calibration frequency and simplify calibration procedures; reduce the number of Licensee Event Reports filed for setpoint drift; and reduce radiation exposure to plant personnel. The replacement of mechanical sensor switches with an analog trip transmitter

system does not alter the requirements for instrument initiation, function, and operability that existed prior to the modifications. Therefore, implementation of the ATTS only effects the system at the sensor level, not the logic level.

The proposed TS changes would relax surveillance requirements without reducing system availability, accuracy, and reliability below levels which existed prior to ATTS installation. This is attributed to the characteristically lower failure rates and higher accuracy associated with the electronic ATTS components, as compared to mechanical sensors.

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; (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 proposed TS changes submitted in support of ATTS installation would not involve a significant increase in the probability or consequences of an accident previously evaluated because, as noted above, system reliability and availability would not be reduced below those levels existing prior to ATTS installation. Furthermore, the ATTS installation does not alter the requirements for instrument initiation, function, and operability which currently apply. For similar reasons, the proposed TS

changes would not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed TS changes also would not involve a significant reduction in the margin of safety since the reduced surveillance frequencies are consistent with the improved reliability and accuracy of the new ATTS components and, again, instrument initiation, function, and operability requirements are not changed as a result of ATTS installation.

On this basis, the staff proposes to determine that the proposed amendment does not involve 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 May 6, 1985, 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, designated by the Commission or by the Chairman of the 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 that 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.

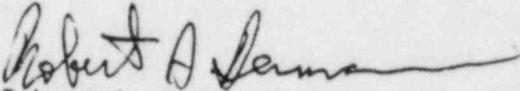
A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attn: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N. W., Washington, 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, New York 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 petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be 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 March 21, 1985, 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 29th day of March, 1985.

FOR THE NUCLEAR REGULATORY COMMISSION


Robert A. Hermann, Acting Chief
Operating Reactors Branch #2
Division of Licensing

INITIAL

*For Docket
only*

NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION
AND NOTICING ACTION

Docket No. 50-333 Facility: FitzPatrick
Licensee: Power Authority of the Date of application: March 21, 1985
State of New York
Request for:

(See attached notice or press release for more details.)

Initial Determination:

- (X) Proposed determination - amendment request involves no significant hazards considerations (NSHC).
- () Final determination - amendment request involves significant hazards considerations (SHC).

Basis for Determination

- () Licensee's NSHC discussion has been reviewed and is accepted. See attached amendment request.
- (X) Basis for this determination is presented in the attached notice.
- () Other (state):

(Attach additional sheets as needed.)

Initial Noticing Action: (Attach appropriate notice or input for monthly FRN)

1. () Monthly FRN. Notice of opportunity for hearing (30 days) and request for comments on proposed NSHC determination - monthly FRN input is attached (Attachment 8).
2. (X) Individual FRN (30 days). Same notice matter as above. Time does not allow waiting for next monthly FRN (Attachments 9a and 9b).

(THIS FORM SHOULD BE TYPED EXCEPT FOR UNUSUAL, URGENT CIRCUMSTANCES.)

