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FEBRUARY 23 1979

Docket No. 50-333

Mr. George T. Berry
 General Manager and Chief
 Engineer
 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 Amendment No. ⁴⁵ to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant in response to your submittals of October 31, 1977, April 25, May 26, June 12, 1978 and February 14, 1979.

The amendment modifies License No. DPR-59 to incorporate the current James A. FitzPatrick Nuclear Power Plant Physical Security Plan, effective February 23, 1979.

We have completed our review and evaluation of your physical security plan and have concluded that the physical security plan for your facility, when fully implemented, will provide the protection needed to meet the general performance requirements of 10 CFR 73.55(a) and the objectives of the specific requirements of 10 CFR 73.55, paragraphs (b) through (h), without impairing your ability to safely operate your facility. We therefore further conclude that the plan is acceptable.

The enclosed Security Plan Evaluation Report (SPER) represents our evaluation and acceptance of your physical security plan. The SPER is being withheld from public disclosure pursuant to 10 CFR 2.790(d).

When all aspects of your approved plan have been implemented, on or before February 23, 1979, we request that you notify both the Office of Inspection and Enforcement and the Office of Nuclear Reactor Regulation, at which time a compliance inspection will be scheduled by the Office of Inspection and Enforcement.

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Changes which would not decrease the effectiveness of your approved security plan may be made without approval by the Commission pursuant to the authority of 10 CFR 50.54(p). A report containing a description of each change shall be furnished to the Director, Office of Nuclear Reactor Regulation, U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, with a copy to

OFFICE	the appropriate NRC Regional Office within two months after the change is made.
SURNAME	Records of changes made without Commission approval shall be maintained for a period of two years from the date of the change.
DATE	

CP 1
 See Sec. Plan for Encl. 2
 GP

Mr. George T. Berry

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We have evaluated the potential for environmental impact of plant operation in accordance with the enclosed amendment. We have determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level, and will not result in any significant environmental impact. Having made this determination, we have further concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR § 51.5(d)(4) that an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

The amendment does not involve significant new safety information of a type not considered by a previous Commission safety review of the facility. It does not involve a significant increase in the probability or consequences of an accident, does not involve a significant decrease in a safety margin, and therefore does not involve a significant hazards consideration. We have also concluded that there is reasonable assurance that the health and safety of the public will not be endangered by this action.

A copy of the Notice of Issuance is also enclosed.

Sincerely,

Original signed by

Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Enclosures:

- 1. Amendment No. 45
- 2. Security Plan Evaluation Report (PROP.)
- 3. Notice

cc w/enclosures 1 and 3 only:
See next page

OFFICE >	ORB #3	ORB #3	ORB #3			
BURNAME >	S Sheppard	PPolk:mjf	T Ippolito			
DATE >	2/23/79	2/23/79	2/23/79			

Mr. George C. Berry

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cc: Lewis R. Bennett, Assistant General
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Resident Manager
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Director, Technical Assessment
Division
Office of Radiation Programs
(AW-459)
US EPA
Crystal Mall #2
Arlington, Virginia 20460

U. S. Environmental Protection
Agency
Region II Office
ATTN: EIS COORDINATOR
26 Federal Plaza
New York, New York 10007



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

POWER AUTHORITY OF THE STATE OF NEW YORK

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

AMENDMENT TO FACILITY OPERATING LICENSE

Amendment No. 45
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The filings by Power Authority of the State of New York (the licensee) dated October 31, 1977, as revised, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations set forth in 10 CFR Chapter I;
 - B. The facility will operate in conformity with the licensee's filings, the provisions of the Act, and the rules and regulations of the Commission;
 - C. There is reasonable assurance (i) that the activities authorized by this amendment can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the Commission's regulations;
 - D. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and
 - E. The issuance of this amendment is in accordance with 10 CFR Part 51 of the Commission's regulations and all applicable requirements have been satisfied.
2. Accordingly, Facility Operating License No. DPR-59 is hereby amended by revising Section 2.D. to read as follows:

D. Security Plan

The licensee shall maintain in effect and fully implement all provisions of the Commission-approved physical security plan, including amendments and changes made pursuant to the authority

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of 10 CFR 50.54(p). The approved security plan consists of documents withheld from public disclosure pursuant to 10 CFR 2.790(d), referred to as James A. FitzPatrick Nuclear Power Plant Physical Security Plan dated as follows:

- Revision 1 - October 31, 1977
- Revision 2 - April 25, 1978
- Revision 3 - May 26, 1978
- Revision 4 - June 12, 1978
- Revision 5 - February 14, 1979

3. This license amendment becomes effective on February 23, 1979.

FOR THE NUCLEAR REGULATORY COMMISSION


Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors

Date of Issuance: February 23, 1979

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-333POWER AUTHORITY OF THE STATE OF NEW YORKNOTICE OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 45 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised the license for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, New York. The amendment becomes effective on February 23, 1979.

The amendment modifies the license condition to include the current Commission-approved physical security plan as part of the license.

The licensee's filings comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

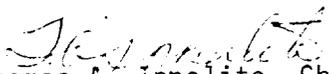
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The licensee's filings dated October 31, 1977, April 25, May 26, June 12, 1978, and February 14, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR §9.12.

For further details with respect to this action, see (1) Amendment No. 45 to License No. DPR-59 and (2) the Commission's related letter to the licensee dated February 23, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D. C. and at the Oswego County Office Building, 46 East Bridge Street, Oswego, New York. A copy of items (1) and (2) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D. C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland this 23 day of February 1979.

FOR THE NUCLEAR REGULATORY COMMISSION


Thomas A. Ippolito, Chief
Operating Reactors Branch #3
Division of Operating Reactors