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Docket File

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Docket No. 50-333

Mr. George T. Berry
President and Chief Operating
Officer
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. 51 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant in response to your submittal of April 30, 1980, as revised June 20, 1980.

The amendment modifies License No. DPR-59 to include a requirement to maintain a Safeguards Contingency Plan to be fully implemented, in accordance with 10 CFR 73.40(b), within 30 days of this approval by the Commission.

We have completed our review and evaluation of your Safeguards Contingency Plan and have concluded that the plan for your facility, when fully implemented, will provide the protection needed to meet the general performance requirements of 10 CFR 50.54(p) and 73.40(b) and the objectives of the specific requirements of 10 CFR 73.55(h) and Appendix C to 10 CFR 73. We, therefore, further conclude that your Safeguards Contingency Plan is acceptable.

Changes which would not decrease the effectiveness of your approved Safeguards Contingency 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 the appropriate NRC Regional Office within two months after the change is made. Records of changes made without Commission approval shall be maintained for a period of two years from the date of the change.

The amendment applies to the Safeguards Contingency Plan and therefore 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

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involves an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR 51.d(d)(4) that an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

Since the amendment applies to the Safeguards Contingency Plan, 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 and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

We will continue to withhold your Safeguards Contingency Plan and related materials from public disclosure in accordance with the provisions of 10 CFR 2.790(d).

A copy of the Notice of Issuance is also enclosed.

Sincerely,

Original Signed by

Thomas A. Ippolito

Thomas A. Ippolito, Chief
Operating Reactors Branch #2
Division of Licensing

Enclosures:

- 1. Amendment No. 51 to DPR-59
- 2. Notice

cc w/enclosures:
See next page

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555
March 2, 1981

Docket No. 50-333

Mr. George T. Berry
President and Chief Operating
Officer
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. 51 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant in response to your submittal of April 30, 1980, as revised June 20, 1980.

The amendment modifies License No. DPR-59 to include a requirement to maintain a Safeguards Contingency Plan to be fully implemented, in accordance with 10 CFR 73.40(b), within 30 days of this approval by the Commission.

We have completed our review and evaluation of your Safeguards Contingency Plan and have concluded that the plan for your facility, when fully implemented, will provide the protection needed to meet the general performance requirements of 10 CFR 50.54(p) and 73.40(b) and the objectives of the specific requirements of 10 CFR 73.55(h) and Appendix C to 10 CFR 73. We, therefore, further conclude that your Safeguards Contingency Plan is acceptable.

Changes which would not decrease the effectiveness of your approved Safeguards Contingency 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 the appropriate NRC Regional Office within two months after the change is made. Records of changes made without Commission approval shall be maintained for a period of two years from the date of the change.

The amendment applies to the Safeguards Contingency Plan and therefore 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

Mr. George T. Berry

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March 2, 1981

involves an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR 51.d(d)(4) that an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

Since the amendment applies to the Safeguards Contingency Plan, 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 and that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

We will continue to withhold your Safeguards Contingency Plan and related materials from public disclosure in accordance with the provisions of 10 CFR 2.790(d).

A copy of the Notice of Issuance is also enclosed.

Sincerely,



Thomas A. Ippolito, Chief
Operating Reactors Branch #2
Division of Licensing

Enclosures:

1. Amendment No. 51 to DPR-59
2. Notice

cc w/enclosures:
See next page

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

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March 2, 1981

cc:

Mr. Charles M. Pratt
Assistant General Counsel
Power Authority of the State
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10 Columbus Circle
New York, New York 10019

U. S. Environmental Protection
Agency
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ATTN: EIS COORDINATOR
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New York, New York 10007

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State of New York Energy Office
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Mr. Robert P. Jones, Supervisor
Town of Scriba
R. D. #4
Oswego, New York 13126

State University College at Oswego
Penfield Library - Documents
Oswego, New York 13126

Director, Criteria and Standards
Division
Office of Radiation Programs (ANR-460)
U. S. Environmental Protection Agency
Washington, D. C. 20460

Mr. J. Phillip Bayne
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Resident Inspector
c/o U. S. NRC
P. O. Box 136
Lycoming, New York 13093



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. 51
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The filings (which are being handled by the Commission as an application) by Power Authority of the State of New York (the licensee) dated April 30, 1980, as revised June 20, 1980, 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 application, 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 renumbering and reformatting the existing Paragraph 2.E (Security Plan) and by adding a new Paragraph, which are to be numbered and are to read as follows:

2.D Physical Protection

The licensee shall fully implement and maintain in effect all provisions of the following Commission approved documents, including amendments and changes made pursuant to the authority of 10 CFR 50.54(p). These approved documents consist of information withheld from public disclosure pursuant to 10 CFR 2.790(d).

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- (1) "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

- (2) "James A. FitzPatrick Nuclear Power Plant Safeguards Contingency Plan", dated April 25, 1980, as revised June 20, 1980, submitted pursuant to 10 CFR 73.40. The Contingency Plan shall be fully implemented, in accordance with 10 CFR 73.40(b), within 30 days of this approval by the Commission.

3. This license amendment is effective as of its date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION


Thomas A. Ippolito, Chief
Operating Reactors Branch #2
Division of Licensing

Date of Issuance: March 2, 1981.

UNITED STATES NUCLEAR REGULATORY COMMISSIONDOCKET NO. 50-333NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY
OPERATING LICENSE

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 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 is effective as of the date of issuance and is to be fully implemented within 30 days of Commission approval in accordance with the provisions of 10 CFR 73.40(b).

The amendment adds a license condition to include the Commission-approved Safeguards Contingency Plan as part of the license.

The licensee's filings, which are being handled by the Commission as an application, 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 the amendment was not required since the amendment does not involve a significant hazards consideration.

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

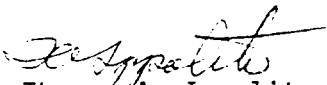
- 2 -

The licensee's filings dated April 30, 1980, revised June 20, 1980, 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.51 to License No. DPR-59, and (2) the Commission's related letter to the licensee dated March 2, 1981 . 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 Penfield Library, State University College of Oswego, 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 Licensing.

Dated at Bethesda, Maryland this 2nd day of March 1981.

FOR THE NUCLEAR REGULATORY COMMISSION


Thomas A. Ippolito, Chief
Operating Reactors Branch #2
Division of Licensing