

April 20, 1984

Docket No. 50-333

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:

The Nuclear Regulatory Commission (the Commission) has issued the enclosed Amendment No. 77 to Facility Operating License No. DPR-59 for the James A. FitzPatrick Nuclear Power Plant security force training and qualification plan in response to your filing of August 20, 1979 (plan dated August 1979) as revised by letters dated October 28, 1980 (Revision 1 - October 15, 1980) and August 9, 1982 (Revision 2 - August 2, 1982).

This amendment adds a new part (3) to Section 2.D., Physical Protection, of License No. DPR-59 to include a requirement to implement the security force training and qualification plan in accordance with 10 CFR 73.55(b)(4) and Appendix B to 10 CFR 73 within 60 days after this approval by the Commission. All security personnel shall be qualified within two years of this approval. Paragraph (1) of this section is also changed to add the date of the original physical security plan submittal.

The staff has completed its review and evaluation of the "James A. FitzPatrick Nuclear Power Plant Security Force Training and Qualification Plan," and has determined that the plan for your facility when fully implemented will provide the protection needed to meet the objectives of the specific requirements of 10 CFR 73.55(b)(4) and Appendix B to 10 CFR 73. We, therefore, conclude that the plan is acceptable.

Changes which would not decrease the effectiveness of the 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 Regional Administrator, U. S. Nuclear Regulatory Commission, Region I, 631 Park Avenue, King of Prussia, Pennsylvania 19406 with a copy to the Director, Office of Nuclear Reactor Regulation, Attn: Document Control Desk, Washington, D. C. 20555, within two months after the change is made. Records of changes made under 10 CFR 50.54(p) without prior Commission approval shall be maintained for a period of two years from the date of the change.

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Mr. J. P. Bayne

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The staff has evaluated the potential for environmental impact of plant operation in accordance with the enclosed amendment and has 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 concluded that this amendment involves an action which is insignificant from the standpoint of environmental impact and pursuant to 10 CFR 51.5(d)(4), an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

The staff has concluded, based on the considerations discussed above, that: (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner, and (2) such activities will be conducted in compliance with the Commission's regulations and the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

The staff will continue to withhold the "James A. FitzPatrick Nuclear Power Plant Security Force Training and Qualification Plan" and related materials from public disclosure in accordance with the provisions of 10 CFR 73.21.

Sincerely,

Original signed by/

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

Enclosure:
Amendment No. 77 to
License No. DPR-59

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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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. 77
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
 - A. The licensee's original filing of the "James A. FitzPatrick Security Force Training and Qualification Plan" by the Power Authority of the State of New York (the licensee), which has been handled by the Commission as an application, dated August 20, 1979 (plan date of August 1979), as revised by letters dated October 28, 1980 (Revision 1 - October 15, 1980) and August 9, 1982 (Revision 2 - August 2, 1982), complies 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, Paragraph 2.D of Facility Operating License No. DPR-59 is hereby amended to read as follows:

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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 73.21.

- (1) "James A. FitzPatrick Nuclear Power Plant Physical Security Plan," dated May 25, 1977, as revised October 31, 1977 (Revision 1), April 25, 1978 (Revision 2), May 26, 1978 (Revision 3), June 12, 1978 (Revision 4) and February 14, 1979 (Revision 5).
- (2) "James A. FitzPatrick Nuclear Power Plant Safeguards Contingency Plan," dated April 25, 1980, as revised June 20, 1980, submitted pursuant to 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) "James A. FitzPatrick Nuclear Power Plant Security Force Training and Qualification Plan," dated August 1979, as revised October 15, 1980 (Revision 1), and August 2, 1982 (Revision 2) submitted by letter dated August 9, 1982. The guard training and qualification plan shall be implemented in accordance with 10 CFR 73.55(b) within 60 days after approval by the Commission.

3. This license amendment is effective on the date of issuance.

FOR THE NUCLEAR REGULATORY COMMISSION

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

Date of Issuance: April 20, 1984