

February 14, 1989

Docket No. 50-333

DISTRIBUTION

Mr. John C. Brons  
Executive Vice President - Nuclear Generation  
Power Authority of the State of New York  
123 Main Street  
White Plains, New York 10601

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Dear Mr. Brons:

SUBJECT: AMENDMENT NO.124 TO FACILITY OPERATING LICENSE NO. DFR-59;  
PHYSICAL SECURITY PLAN (TAC 65335)

RE: FitzPatrick Nuclear Power Plant

The Commission has issued the enclosed Amendment No. 124 to Facility Operating License No. DPR-59 for the FitzPatrick Nuclear Power Plant. The amendment consists of changes to the license in response to your submittals dated December 1, 1986, November 19, 1987 and March 7, 1988.

This amendment modifies paragraph 2.D of the license to require compliance with the amended Physical Security Plan. This Plan was amended to conform to the requirements of 10 CFR 73.55. Consistent with the provisions of 10 CFR 73.55, search requirements must be implemented within 60 days and miscellaneous amendments within 180 days from the effective date of this amendment.

Our evaluation of the amendment to your Physical Security Plan for the FitzPatrick Nuclear Power Plant is contained in the enclosed Safeguards Evaluation Report. Based on this evaluation, we find that you meet the requirements of the Miscellaneous Amendments and Search Requirements revision to 10 CFR 73.55 and the record keeping requirements of 10 CFR 73.70.

We find that this amendment to your license is related solely to safeguards matters and does not involve any significant construction impacts. Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(12). Pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the issuance of this amendment.

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Mr. John C. Brons

- 2 -

February 14, 1989

Based on the fact that this license amendment applies to the Physical Security Plan and incorporates into the license the latest requirements of your updated Physical Security Plan, we have concluded that there is reasonable assurance that the health and safety of the public will not be endangered by this action and that this action 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.

Your Physical Security Plan consists of Safeguards Information required to be protected from unauthorized disclosure in accordance with the provisions of 10 CFR 73.21

Notice of Issuance will be included in the Commission's biweekly Federal Register Notice.

Sincerely,

David E. LaBarge, Project Manager  
Project Directorate I-1  
Division of Reactor Projects, I/II

Enclosures:

- 1. Amendment No. 124 to License No. DPR-59
- 2. Safety Evaluation Report

cc: w/enclosures  
See next page

OFC	: PDI-1	: PDI-1	: PDI-1	: OGC	:	:	:
NAME	: CVogan	: DLaBarge	: bh:vr	: R Bachmann	:	:	:
DATE	: 1/31/89	: 1/31/89	: 2/14/89	: 2/14/89	:	:	:

Mr. John C. Brons  
Power Authority of the State of New York

James A. FitzPatrick Nuclear  
Power Plant

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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. 124  
License No. DPR-59

1. The Nuclear Regulatory Commission (the Commission) has found that:
  - A. The submittals by Power Authority of the State of New York (the licensee) dated December 1, 1986, November 19, 1987, and March 7, 1988, 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, paragraph 2.D of Facility Operating License No. DPR-59 is hereby amended to read as follows:

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The licensee shall fully implement and maintain in effect all provisions of the Commission-approved physical security, guard training and qualification, and safeguards contingency plans including amendments made pursuant to provisions of the Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and to the authority of 10 CFR 50.90 and 10 CFR 50.54(p). The plans, which contain Safeguards Information protected under 10 CFR 73.21, are entitled: "FitzPatrick Modified Amended Security Plan," with revisions submitted through March 7, 1988; "FitzPatrick Modified Amended Security Force Training and Qualification Plan," with revisions submitted through April 10, 1985; and "FitzPatrick Security Contingency Plan," with revisions submitted through June 20, 1980. Changes made in accordance with 10 CFR 73.55 shall be implemented in accordance with the schedule set forth therein.

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

FOR THE NUCLEAR REGULATORY COMMISSION



for

Robert A. Capra, Director  
Project Directorate I-1  
Division of Reactor Projects, I/II

Date of Issuance: February 14, 1989



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

SAFEGUARDS EVALUATION REPORT

MISCELLANEOUS AMENDMENTS AND SEARCH REQUIREMENTS

RELATED TO AMENDMENT NO. 124 TO FACILITY OPERATING LICENSE NO. DPR-59

POWER AUTHORITY OF THE STATE OF NEW YORK

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

DOCKET NO. 50-333

1.0 INTRODUCTION

The Power Authority of the State of New York (PASNY) has filed with the Nuclear Regulatory Commission revisions to their Physical Security Plan for the James A. FitzPatrick Nuclear Power Plant.

This Safeguards Evaluation Report (SGER) summarizes how the licensee proposes to meet the Miscellaneous Amendments and Search Requirements revisions of 10 CFR Part 73.55.

Based on a review of the Physical Security Plan, the staff has concluded that the proposed changes satisfy Miscellaneous Amendments and Search Requirements revisions to 10 CFR 73.55 (51 FR 27817 and 27822) and the accompanying 10 CFR 73.70 record keeping requirements. Accordingly, the protection provided will ensure that the public health and safety will not be endangered.

2.0 Personnel Search

The licensee has provided commitments in the Physical Security Plan to provide a search of all individuals entering the protected area except bona fide Federal, State and local law enforcement personnel on official duty, through the use of equipment designed for the detection of firearms, explosives, and incendiary devices. In addition, the licensee has provided commitments to conduct a physical pat-down search of an individual whenever the licensee has cause to suspect that the individual is attempting to introduce firearms, explosives, or incendiary devices into the protected areas; or whenever firearms or explosives detection equipment is out of service or not operating satisfactorily.

3.0 Vital Area Access

PASNY has modified their James A. FitzPatrick Nuclear Power Plant Security Plan to limit unescorted access to vital areas during non-emergency conditions to individuals who require access in order to perform their duties. They have established current authorization access lists for each

vital area which are updated and approved by the cognizant manager or supervisor at least once every 31 days. PASNY has assured that only individuals whose specific duties require access to vital areas during non-emergency conditions are included on their site access list. PASNY has provided further assurance by revoking access and retrieving badges and other entry devices prior to, or simultaneously with notification of termination of an individual's unescorted facility access.

Based upon commitments made by the licensee in revisions to their Physical Security Plan, the staff has concluded that PASNY meets the vital area access requirements of 10 CFR 73.55(d)(7)(i)(A), (B) and (C).

#### 4.0 Locks and Keys

The licensee has committed to provide methods to reduce the probability of compromise of keys, locks, combinations, and related access control devices used to control access to their protected areas and vital areas. These methods include the rotation of keys, locks, combinations, and related access control devices every 12 months or the changing of these devices whenever there is evidence or suspicion that any key, lock, combination or related access control device may have been compromised or when an individual who has had access to any of these devices has had his or her access terminated due to a lack of trustworthiness, reliability or inadequate work performance. Only persons granted unescorted facility access are issued such entry devices.

Based upon commitments made by the licensee in revisions to their Physical Security Plan, the staff has concluded that PASNY meets the requirements of 10 CFR 73.55(d)(9) to reduce the probability of compromise of keys, locks, combinations, and related access control devices.

#### 5.0 Emergency Access

The licensee has provided commitments to provide for the rapid ingress and egress of individuals during emergency conditions or situations that could lead to emergency conditions by assuring prompt access to vital equipment. An annual review of their physical security plans and contingency plans and procedures will be conducted to evaluate their potential impact on plant and personnel safety. Emergency access is granted by a licensed senior operator.

Based upon commitments made by the licensee in revisions to their Physical Security Plan, the staff has concluded that PASNY meets the requirements of 10 CFR 73.55(d)(7)(ii)(B) to assure access to vital equipment during emergencies or to situations that may lead to an emergency.

#### 6.0 Protection of Secondary Power Supplies

The licensee has provided commitments to protect the on-site secondary power supply system for alarm annunciator equipment and non-portable communications equipment by including such equipment within a vital area boundary.

Based upon commitments made by the licensee in revisions to their Physical Security Plan, the staff has concluded that PASNY meets the requirements of 10 CFR 73.55(e) in protecting the secondary power supplies of alarm annunciator equipment and non-portable communications equipment.

#### 7.0 Vital Area Entry/Exit Logging

The licensee has committed to maintaining a log indicating name, badge number, time of entry, and time of exit of all individuals granted access to a vital area except those individuals entering or exiting the reactor control room.

Based upon commitments made by the licensee in revisions to their Physical Security Plan, the staff has concluded that PASNY meets the requirements of 10 CFR 73.70(d) by maintaining entry/exit log of individuals accessing vital areas (except the reactor control room).

#### 8.0 Conclusion

Based upon the above evaluation, we find that the licensee has met the requirements of the Miscellaneous Amendments and Search Requirements revision to 10 CFR Part 73.55 and the record keeping requirements of 10 CFR Part 73.70.

Principal Contributor: R. Skelton

Dated: February 14, 1989