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May 21, 2007  
JAFP-07-0068

U. S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555-0001

**SUBJECT:** James A. FitzPatrick Nuclear Power Plant  
Docket No. 50-333  
License No. DPR-59  
Response to May 1, 2007, Notice of Violation (NRC Investigation  
Report No. 1-2006-014) EA-07-029

**References:**

- 1) NRC Letter from David Lew to Pete Dietrich, Notice of Violation (NRC Investigation Report No. 1-2006-014), dated May 1, 2007
- 2) Entergy Letter (JPN-05-013) from Michael Kansler to David Vito, James A. FitzPatrick Nuclear Power Plant Response to Request for Investigation (RI-2005-A-0131), dated October 24, 2005
- 3) James A. FitzPatrick Nuclear Power Plant Condition Report CR-JAF-2005-02681

Dear Sir or Madam:

This letter responds to the Notice of Violation (NOV) documented in Reference 1. This NOV includes the results of the investigation by the Office of Investigation concluded on September 22, 2006.

The NRC letter documents a violation where two (2) Nuclear Plant Operators (NPOs), one of whom is licensed by the NRC, knowingly permitted a Radiation Protection Technician to perform activities for which he wasn't qualified, contrary to station procedures and management expectations, and then created an inaccurate record in the tagging database. Entergy acknowledges the violation and has taken corrective steps to avoid further violations.

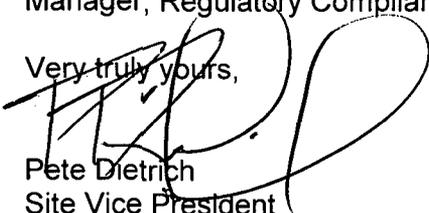
Attachment 1 provides Entergy's detailed response to this violation. In accordance with 10 CFR 2.201, this response describes the reason for the violation, the corrective steps that have been taken and the results achieved, the corrective steps that will be taken to avoid further violations, and the date when full compliance will be achieved.

Full compliance was achieved in September 2005. There are no new commitments made in this letter.

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Should you have any questions concerning this matter, please contact Mr. Jim Costedio, Manager, Regulatory Compliance, at (315) 349-6358.

Very truly yours,



Pete Dietrich  
Site Vice President

PTD:ed

Attachment 1: Response to Notice Of Violation EA-07-029

cc:

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JAFP File  
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**Attachment 1 JAFP-07-0068**

**Response to Notice of Violation EA-07-029**

## Attachment 1 JAFP-07-0068

Entergy Condition Report CR-JAF-2005-02681 (Reference 3) documented the following:

"While restoring reactor building ventilation, 66FN-13B failed to start causing reactor building DP to go positive. Reactor building ventilation was isolated to restore DP. Investigation found air isolation valve, 39IAS-2170 closed. Required position is open. Valve was opened, reactor building ventilation was restored to normal."

The results of the apparent cause evaluation for this Condition Report determined that two (2) Nuclear Plant Operators (NPOs), one of whom is licensed by the NRC, knowingly permitted a Radiation Protection (RP) Technician to perform equipment control activities for which he wasn't qualified. The NPOs then created an inaccurate record in the tagging database. These actions are contrary to station procedures and management expectations. Based on the results of this evaluation Entergy took appropriate disciplinary actions against the personnel involved. Subsequent to the Entergy evaluation and disciplinary action NRC requested that Entergy respond to a Request for Investigation (RI-2005-A-0131) which included among other things a description of this occurrence. Entergy's response (Reference 2) concluded that the event did occur as described, that it was documented in a Condition Report, and that corrective actions taken and planned were thorough.

The failure of the two (2) NPOs and the RP Technician to adhere to procedures EN-OP-102, "Protective and Caution Tagging" and AP-12.06 "Equipment Status Control" is a violation of NRC requirements set forth in Technical Specification Section 5.4.1. This section requires procedures be established covering activities described in Regulatory Guide 1.33, Appendix A, which includes "Equipment Control (e.g., Locking and Tagging)". This violation has been classified at Severity Level IV in accordance with the NRC Enforcement Policy.

### 1. Reason for Violation

An apparent cause evaluation, Reference 3, was performed to determine the sequence of events that resulted in the misalignment of the ventilation system. The evaluation determined that two (2) NPOs, one of whom is licensed by the NRC, knowingly permitted a Radiation Protection Technician to perform equipment control activities for which he wasn't qualified. The NPOs then created an inaccurate record in the tagging database.

This evaluation was performed in July 2005, immediately after the incident, and prior to receipt of Request for Investigation RI-2005-A-0131. The evaluation identified misjudgment as the apparent cause of this event. The NPOs had a high degree of confidence in the ability of the RP Technician to correctly identify a valve, remove a tag, and successfully reposition the valve. This misjudgment was influenced by perceived time pressures associated with supporting a scheduled maintenance activity and environmental conditions for which the NPOs were not properly attired (the valve was located on a potentially contaminated elevated platform). The NPOs believed, at the time, their decision would save time and dose. They failed to consider the potential consequences of an unqualified individual performing the tasks. The NPOs also did not appreciate that this was a serious violation of Entergy procedures for equipment status control nor did they appreciate the importance of maintaining an accurate tagging record.

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### 1. Reason for Violation (continued)

The evaluation also identified inadequate work practices as contributing causes: 1) the operators failed to resolve questions regarding the physical location of the valve prior to going into the field; 2) erroneous information regarding the valve location was used during the pre-job brief; and 3) the RP Technician offering to and performing tasks for which he was not qualified.

### 2. Corrective steps that have been taken and the results achieved

Immediate corrective actions were taken at the time of discovery:

- The mispositioned valve was properly repositioned and verified.
- A Condition Report was generated.
- The Condition Report was reviewed for potential NRC Reportability under 10 CFR 50.72 and 50.73.
- An Apparent Cause Evaluation was performed.
- An investigation into the event was immediately initiated.

The following Corrective Actions were initiated as a result of the investigation:

- A stand-down with personnel in the affected department was conducted to address qualification standards and AP-12.06 "Equipment Status Control" expectations.
- Disciplinary action, commensurate with the significance of the violation documented in EA-07-029, for the two (2) NPOs and RP Technician was taken.
- The NPOs received remediation in regard to EN-OP-102 and AP-12.06 prior to resuming watch standing duties. This remediation specifically addressed the importance of maintaining accurate records and the unacceptability of signing for activities that were not performed.
- The RP technician was counseled on qualification standards and on AP-12.06 "Equipment Status Control" standards and expectations.
- The results of the Apparent Cause Evaluation were reviewed with the affected department. The review emphasized the importance of only performing tasks for which one is qualified, never signing for and creating a record of a task that was performed by another. The review also addressed the contributing causes, sound pre-job briefs, the importance of resolving questions prior to starting work, use of all available resources to resolve questions, and validation of information used in pre-job briefs.

As a result of these completed corrective actions, no additional occurrences of non-qualified personnel removing tags, manipulating plant equipment, or inaccurate record keeping have occurred.

### 3. Corrective steps that will be taken to avoid further violations

Reinforcement of expectations regarding implementation of the tagging and equipment status control procedures and management expectations has been effective in preventing recurrence of the violation. Therefore, no further corrective steps are required.

## **Attachment 1 JAFP-07-0068**

### **4. Date when full compliance will be achieved**

Full compliance with the tagging and equipment status control procedures was achieved in September 2005 as a result of the corrective actions.