July 22, 2008

Mr. Peter Dietrich
Site Vice President, Operations
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
277 Lake Road
Lycoming, NY 13093

SUBJECT: JAMES A. FITZPATRICK POWER PLANT - SECURITY INSPECTION 05000333/2008201

Dear Mr. Dietrich:

On June 6, 2008, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at the James A. FitzPatrick Power Plant. The inspection covered one or more of the key attributes of the security cornerstone of the NRC's Reactor Oversight Process. The enclosed inspection report documents the inspection results, which were discussed on June 6, 2008 with you and other members of your staff.

The inspection examined activities conducted under your license as they relate to security and compliance with the Commission's rules and regulations and with the conditions of your license. The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel. The report documents one NRC-identified finding of very low safety significance (Green), which was determined to involve a violation of NRC requirements. However, because of the very low safety significance and because it is entered into your corrective action program, the NRC is treating the finding as a non-cited violation (NCV) consistent with Section VI.A.1 of the NRC Enforcement Policy. If you contest the NCV in this report, you should provide a response within 30 days of the date of this inspection report, with the basis for your denial, to the Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington DC 20555-0001; with copies to the Regional Administrator, Region I; the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001; and the NRC Resident Inspector at Fitzpatrick.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system, ADAMS. ADAMS is accessible from the NRC Website at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room). However, because of the security-related concerns contained in the enclosure, and in accordance with 10 CFR 2.390, a copy of this letter's enclosure will not be available for public inspection.

Enclosure contains **Safeguards Information**. Upon removal, this letter is decontrolled.

Should you have any questions concerning this letter, please contact us. Your cooperation is appreciated.

Sincerely,

/RA/

Ronald J. Albert, Chief
Security Performance Evaluation Branch
Division of Security Operations
Office of Nuclear Security and Incident Response

Docket No.: 50-333
License No.: DPR-59

Enclosure: NRC Inspection Report No. 05000333/2008201 (SGI)

cc w/encl: Mr. John LaPlante, Site Security Manager
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
277 Lake Road
Lycoming, NY 13093

cc w/o encl: Mr. James McMahon
Director, Office of Public Safety
Executive Chamber, 633 3rd Avenue, 38th floor
New York City, NY 10017

Mr. Peter R. Smith
NY State Energy Research and Development Authority
17 Columbia Circle
Albany, NY 12223-6399

Mr. John P. Spath, Program Manager
New York State Energy Research and Development
Authority Radiological Waste Policy and Nuclear Coordinator
17 Columbia Circle
Albany, NY 12223-6399

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Sincerely,

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DATE:	07/21/08		07/21/08		07/21/08		07/21/08	

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