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April 30, 2009

Mr. Peter T. Dietrich
Site Vice President
Entergy Nuclear Northeast
James A. FitzPatrick Nuclear Power Plant
Post Office Box 110
Lycoming, NY 13093

SUBJECT JAMES A. FITZPATRICK NUCLEAR POWER PLANT - NRC SECURITY
INSPECTION REPORT NO. 05000333/2009402

Dear Mr. Dietrich:

On March 27, 2009, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at your James A. Fitzpatrick Nuclear 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 March 27, 2009, with Mr. Brian Finn, Director, Nuclear Safety Assurance 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.

This report documents one Self Revealing finding of very low security significance (i.e. Green as determined by the Physical Protection Significance Determination Process). The deficiency was promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of the inspection before the inspectors left the site. The finding had a cross-cutting aspect in the area of Human Performance, because error prevention techniques such as self and peer checking were not utilized during a task. However, because of the very low safety significance and because it is entered into your corrective action program, the NRC is treating this violation as a non-cited violation (NCV) consistent with Section VI.A. of the NRC Enforcement Policy. If you contest this non-cited violation, 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 Regulatory Commission, Washington, DC 20555-0001; and the NRC Resident Inspector at the James A. FitzPatrick Nuclear Power Plant.

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In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system, ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. Otherwise, mark your entire response "Security-Related Information - Withhold Under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,

/RA/

James M. Trapp, Chief
Plant Support Branch 1
Division of Reactor Safety

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

Enclosure: NRC Inspection Report No. 05000333/2009402
w/Attachment: Supplemental Information

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Sincerely,
/RA/

James M. Trapp, Chief
Plant Support Branch 1
Division of Reactor Safety

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SUNSI Review Complete: JMT (Reviewer’s Initials)

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* See Previous Concurrence Page

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cc w/encl; w/OUO-SRI

J. LaPlante, Site Security Manager, FitzPatrick Station

F. Tabert, Assistant Director, New York State Department of Homeland Security

F. Murray, President & CEO New York State Energy Research and Development Authority

cc w/o encl w/o OUO-SRI:

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Vice President, Oversight, Entergy Nuclear Operations

Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations

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