



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

September 1, 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: MID-CYCLE PERFORMANCE REVIEW AND INSPECTION PLAN -  
JAMES A. FITZPATRICK NUCLEAR POWER PLANT**

Dear Mr. Dietrich:

On August 12, 2009, the NRC staff completed its performance review of the James A. FitzPatrick Nuclear Power Plant. Our technical staff reviewed performance indicators (PIs) for the most recent quarter and inspection results for the period from July 1, 2008, through June 30, 2009. The purpose of this letter is to inform you of our assessment of your safety performance during this period and our plans for future inspections at your facility.

This performance review and enclosed inspection plan do not include security information. A separate letter designated and marked as "Official Use Only – Security Information" will include the security cornerstone review and resultant inspection plan.

Plant performance for the most recent quarter of 2009 at the James A. FitzPatrick Nuclear Power Plant was within the Licensee Response column of the NRC's Action Matrix, based on all inspection findings being classified as having very low safety significance (Green) and all PIs indicating performance at a level requiring no additional NRC oversight (Green). Therefore, we plan to conduct reactor oversight process (ROP) baseline inspections at your facility.

The enclosed inspection plan details the inspections, less those related to physical protection, scheduled through December 31, 2010. The plan includes an inspection of your independent spent fuel storage installation. The inspection plan is provided to allow for the resolution of any scheduling conflicts and personnel availability issues well in advance of inspector arrival onsite. Routine resident inspections are not listed due to their ongoing and continuous nature. The inspections in the last nine months of the inspection plan are tentative and may be revised at the end-of-cycle review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made 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 Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

P. Dietrich

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As you may know, the NRC is currently evaluating the scope and frequency of all the baseline inspection procedures as part of our biennial review of the ROP. If the results of the evaluation, or any other circumstances, cause us to change the inspection plan, we will contact you to discuss the change as soon as possible. Please contact me at 610-337-5209 with any questions you may have regarding this letter or the inspection plan.

Sincerely,

**/RA/**

Mel Gray, Chief  
Reactor Projects Branch 2  
Division of Reactor Projects

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

Attachment: James A. FitzPatrick Inspection/Activity Plan

cc w/encl:

Senior Vice President and COO, Entergy Nuclear Operations  
Vice President, Oversight, Entergy Nuclear Operations  
Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations  
Assistant General Counsel, Entergy Nuclear Operations  
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C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
S. Lousteau, Treasury Department, Entergy Services  
J. Spath, Program Director, New York State Energy Research and Development Authority  
F. Murray, President & CEO New York State Energy Research and Development Authority

P. Dietrich

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Attachment: James A. FitzPatrick Inspection/Activity Plan

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NAME	BBickett/mkg for	MGray/mkg						
DATE	08/27/09	08/31/09						

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## FitzPatrick

## Inspection / Activity Plan

07/01/2009 - 12/31/2010

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			<b>MODS - PERMANENT PLANT MODIFICATIONS</b>		<b>3</b>
1	07/13/2009	07/17/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
1	07/27/2009	07/31/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
			<b>7111107T - HEAT SINK INSP</b>		<b>1</b>
1	08/31/2009	09/04/2009	IP 7111107T	Heat Sink Performance	
			<b>71121 - OCC RAD SAFETY</b>		<b>1</b>
1	10/19/2009	10/23/2009	IP 7112101	Access Control to Radiologically Significant Areas	
1	10/19/2009	10/23/2009	IP 7112102-7112102R	ALARA - Required	
1	10/19/2009	10/23/2009	IP 71151	Performance Indicator Verification	
			<b>5/03EXAM - INITIAL OPERATOR LICENSING EXAM</b>		<b>6</b>
1	04/05/2010	04/09/2010	U01786	FY10 - FITZPATRICK INITIAL OPERATOR LICENSING EXAM	
1	05/03/2010	05/14/2010	U01786	FY10 - FITZPATRICK INITIAL OPERATOR LICENSING EXAM	
			<b>7111111B - REQUAL INSP WITH P/F RESULTS</b>		<b>3</b>
1	04/26/2010	04/30/2010	IP 7111111B	Licensed Operator Requalification Program	
			<b>71122.02 - RW TRANSPORTATION</b>		<b>1</b>
1	04/12/2010	04/16/2010	IP 7112202	Radioactive Material Processing and Transportation	
			<b>EP PROG - EP PRPGRAM INSPECTION</b>		<b>1</b>
1	05/23/2010	05/28/2010	IP 7111402	Alert and Notification System Testing	
1	05/23/2010	05/28/2010	IP 7111403	Emergency Response Organization Augmentation Testing	
1	05/23/2010	05/28/2010	IP 7111404	Emergency Action Level and Emergency Plan Changes	
1	05/23/2010	05/28/2010	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies	
1	05/23/2010	05/28/2010	IP 71151-EP01	Drill/Exercise Performance	
1	05/23/2010	05/28/2010	IP 71151-EP02	ERO Drill Participation	
1	05/23/2010	05/28/2010	IP 71151-EP03	Alert & Notification System	
			<b>CDBI - COMPONENT DESIGN BASES INSPECTION</b>		<b>6</b>
1	06/07/2010	06/11/2010	IP 7111121	Component Design Bases Inspection	
1	06/21/2010	07/02/2010	IP 7111121	Component Design Bases Inspection	
			<b>71121.01 - HP INSPECTION</b>		<b>1</b>
1	06/14/2010	06/18/2010	IP 7112101	Access Control to Radiologically Significant Areas	
1	06/14/2010	06/18/2010	IP 7112102-7112102R	ALARA - Required	
			<b>7111108G - INSERVICE INSPECTION</b>		<b>1</b>
1	09/20/2010	09/24/2010	IP 7111108G	Inservice Inspection Activities - BWR	
			<b>71121.01 - HP OUTAGE INSPECTION</b>		<b>1</b>
1	09/20/2010	09/24/2010	IP 7112101	Access Control to Radiologically Significant Areas	
1	09/20/2010	09/24/2010	IP 7112102-7112102R	ALARA - Required	

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			<b>71152B - PI&amp;R</b>		<b>4</b>
1	11/15/2010	11/19/2010	IP 71152B	Identification and Resolution of Problems	
1	11/29/2010	12/03/2010	IP 71152B	Identification and Resolution of Problems	

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.