

SAFEGUARDS INFORMATION

August 31, 2010

Enclosure Contains Safeguards Information.
When separated from enclosure, this
Document is not Safeguards Information.

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 05000333/2010402 (U)**

Dear Mr. Dietrich:

On July 23, 2010, 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 July 23, 2010, with Mr. Brian Sullivan, Plant Manager and other members of your staff.

The inspection examined activities conducted under your licenses as they relate to security and compliance with the Commission's rules and regulations and with the conditions of your licenses. The inspectors reviewed selected procedures and records, observed activities, and interviewed personnel.

This report documents three findings of very low security significance (i.e., Green as determined by the Baseline Security Significance Determination Process). Two of these findings were determined to involve a violation of NRC requirements. The deficiencies were promptly corrected or compensated for, and the plant was in compliance with applicable physical protection and security requirements within the scope of this inspection before the inspectors left the site. The findings had cross-cutting aspects in the area of human performance because conservative assumptions in decision making were not demonstrated [H.1(b)], incomplete procedures were provided [H.2(c)], and human error prevention techniques were not utilized [H.4 (a)].

<p>Warning: Violation of section 147 of the Atomic Energy Act, "Safeguards Information" is subject to Civil and criminal penalties.</p>	<p>SAFEGUARDS INFORMATION DETERMINATION MADE BY: NAME/TITLE: <u>James M. Trapp, Chief</u> ORGANIZATION: <u>RI/DRS/PSB1</u> BASIS: <u>DG-SG-1 (300) Physical Protection Program</u> SIGNATURE: <u>/RA/</u> DATE: <u>8/31/10</u></p>
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However, because of the very low security significance and because they are entered into your corrective action program, the NRC is treating these violations as a non-cited violation (NCV) consistent with Section VI.A.1 of the NRC Enforcement Policy.

If you contest these non-cited violations, 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 the FitzPatrick Nuclear Power Plant. In addition, if you disagree with the cross-cutting aspect assigned to any finding in this report, you should provide a response within 30 days of the date of this inspection report, with the basis for your disagreement, to the Regional Administrator, Region I, and the NRC Resident Inspector at FitzPatrick Nuclear Power Station.

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.

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 73.22. 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

Non-public Enclosure: NRC Inspection Report No. 05000333/2010402
w/Attachment: Supplemental Information
(CONTAINS SAFEGUARDS INFORMATION (SGI))

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James M. Trapp, Chief
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cc w/encl; w/OUO-SRI

J. LaPlante, Site Security Manager, FitzPatrick Station

R. Frazier, Assistant Director, New York State Department of Homeland Security

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