



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

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August 31, 2010

EA-2010-143

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 SPECIAL  
INSPECTION REPORT 05000333/2010403; PRELIMINARY GREATER THAN  
GREEN FINDINGS

Dear Mr. Dietrich:

On July 23, 2010, the U.S. Nuclear Regulatory Commission (NRC) completed a Special Inspection at your James A. FitzPatrick Nuclear Power Plant. The enclosed 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 special inspection team examined activities conducted under your license as they relate to safety and compliance with the Commission's rules and regulations and with the conditions of your license. The team reviewed selected procedures and records, observed activities, and interviewed personnel.

The attached report documents findings (one or more) that have the potential for significance of greater than very low security significance (i.e., greater than Green as determined by the Baseline Security Significance Determination Process). The number and nature of security-related violations is considered to be sensitive information, and is not included in this letter, but is described in the non-public enclosure. 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 team arrived onsite.

When separated from its Enclosure, this  
document is DECONTROLLED.

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The finding(s) had a cross-cutting aspect in the area of human performance because of insufficient training of personnel [H.2.(b)]. If you disagree with the cross-cutting aspect assigned to this finding, you should provide a response within 30 days of the date of this report, with the basis for your disagreement, to the Regional Administrator, Region I, and the NRC Resident inspector at FitzPatrick Nuclear Power Plant.

Before we make a final significance decision regarding our preliminary "greater than Green" finding(s), we are providing you an opportunity (1) to attend a Regulatory Conference where you can present to the NRC your perspective on the facts and the assumptions the NRC used to arrive at the finding(s) and assess its significance, or (2) submit your position on the finding(s) to the NRC in writing. If you request a Regulatory Conference, it should be held within 30 days of the receipt of this letter and we encourage you to submit supporting documentation at least one week prior to the conference in an effort to make the conference more efficient and effective. If a Regulatory Conference is held, it will be closed for public observation because it involves sensitive security information. If you decide to submit only a written response, such submittal should be sent to the NRC within 30 days of the receipt of this letter. If you decline a Regulatory Conference and choose not to submit a written response, the NRC will proceed with its final significance determination. Please be advised that the characterization of the performance deficiency described in the enclosed inspection report may change as a result of further NRC review.

Please contact Mr. James Trapp of my staff at (610) 337-5186 within 10 business days of the date of your receipt of this letter to notify the NRC of your intentions. If we have not heard from you within 10 business days, we will continue with our significance determination and enforcement decision.

Although the NRC has made a preliminary significance determination regarding the subject performance deficiency, and will make a final significance determination following a Regulatory Conference or a written response (if you choose either), enforcement for any apparent violation will be handled by separate correspondence at a later date.

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 information contained in the enclosure and in accordance with 10 CFR 2.390, a copy of this letter's enclosure and attachments will not be available for public inspection.

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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,



Darrell J. Roberts, Director  
Division of Reactor Safety

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

Non-Public Enclosure: NRC Inspection Report No. 05000333/2010403  
Attachments: Supplemental Information (Attachment A)  
Special Inspection Team Charter (Attachment B)  
Chronology of Events (Attachment C)

cc w/encl; w/OUO-SRI:

J. LaPlante, Site Security Manager, FitzPatrick Station  
R. Frazier, 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: Distribution via ListServ

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Sincerely,

/RA/

Darrell J. Roberts, Director  
Division of Reactor Safety

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R. Frazier, 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: Distribution via ListServ

SUNSI Review Complete: bmy (Reviewer's Initials)

ML102440661

Non-Public Designation Category: MD 3.4 Non-Public A.3

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\*see previous concurrence page

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