

November 4, 2010

EA-10-143

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

SUBJECT: FINAL SIGNIFICANCE DETERMINATION FOR SECURITY-RELATED
GREATER THAN GREEN FINDING [NRC Inspection Report
05000333/2010405]

Dear Mr. Dietrich:

The purpose of this letter is to provide you with the final significance determination for a finding preliminarily determined to be of at least low to moderate security significance (Greater than Green). The finding was identified during an NRC inspection and presented at an exit meeting held on July 23, 2010. Section 6 of the subject inspection report, issued August 31, 2010, discussed the inspection results in detail. Entergy Nuclear Northeast has taken immediate corrective actions to address any security-related vulnerability. The nature of security-related findings, and the corrective actions taken to address the issues, are considered sensitive information and are not included in this letter, but are described in the non-public enclosure.

Our August 31, 2010, letter also offered you the opportunity to attend a Regulatory Conference or reply in writing to provide your position on the facts and assumptions the NRC used to arrive at the finding and its security significance. You provided a written response, dated September 27, 2010, which did not contest the facts and assumptions used by the NRC, and provided corrective actions taken to address the deficiencies.

Therefore, after considering the information developed during the inspection, the NRC has concluded that the inspection finding is of greater than very low security significance, is appropriately characterized as Greater than Green, and will require additional NRC inspections.

When separated from its Enclosure, this document is DECONTROLLED.

Because plant performance has been determined to be beyond the licensee response column, we will use the NRC's Security Action Matrix to determine the most appropriate NRC response for this event. We will notify you, by separate correspondence, of that determination.

In addition, the NRC is still considering whether any apparent violation(s) are associated with the finding, in accordance with the NRC Enforcement Policy. Upon reaching a determination in this matter, enforcement-related information will be communicated by separate correspondence at a later date. The finding is being issued at this time in support of the NRC assessment process.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room and from the NRC's document system (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. 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 will not be available for public inspection. In addition, the NRC is waiving the affidavit requirements for your response, if any. This practice will ensure that your response, if you choose to provide one, will not be made available electronically for public inspection in the NRC Public Document Room or from 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/

William M. Dean
Regional Administrator

Docket No. 05000333
License No. DRP-59

Enclosure: Non-Public Enclosure - Final Significance Determination and Corrective Action

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:

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P. Dietrich

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SUNSI Review Complete: AED (Reviewer's Initials)

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