



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**

**REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PA 19406-1415**

March 10, 2011

EA-10-143

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

**SUBJECT: NOTICE OF VIOLATION [James A. Fitzpatrick Nuclear Power Plant -
Investigation Report 1-2010-035 and Inspection Report 05000333/2010405]**

Dear Mr. Bronson:

On November 4, 2010, the NRC issued Mr. Peter Dietrich, former Site Vice President, a Final Significance Determination for a greater than green security finding (ML103080108). Our letter noted that Entergy Nuclear Northeast had taken immediate corrective actions to address any security-related vulnerability associated with the finding. Our letter also stated that any enforcement action for related violation(s) would be handled by separate correspondence at a later date.

On January 4, 2011, the NRC's Office of Investigations (OI) completed an investigation to determine whether acts associated with the finding were willful. Based upon evidence gathered during the OI investigation, the NRC concluded that there were no willful acts associated with the finding. Nonetheless, a violation of NRC requirements occurred. The Notice of Violation includes security-related, sensitive information and is not included in this letter, but is in a non-public enclosure.

The NRC has concluded that the information regarding the reason for the violation, the corrective actions taken and planned to correct the violation and prevent recurrence, and the date when full compliance was achieved is already adequately addressed on the docket in Inspection Report 05000333/2010405 and the non-public enclosures to the NRC letter dated November 4, 2010. Therefore, you are not required to respond to this letter unless the description therein does not accurately reflect your corrective actions or your position.

When separated from its Enclosure, this document is DECONTROLLED.

K. Bronson

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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 the 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,



William M. Dean
Regional Administrator

Docket No. 05000333
License No. DRP-59

Non-Public Enclosure: Notice of Violation

cc w/encl w/OUO-SRI:

J. LaPlante, Site Security Manager, FitzPatrick Station

R. Frazier, Advisor, 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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K. Bronson

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Sincerely,

/RA/

William M. Dean
Regional Administrator

Docket No. 05000333
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cc w/encl w/OUO-SRI:

- J. LaPlante, Site Security Manager, FitzPatrick Station
- R. Frazier, Advisor, 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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SUNSI Review Complete: AED (Reviewer's Initials)

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*Email received by ADeFrancisco indicated concurrence by BWestreich (NSIR) and DFurst (OE).