



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I**
2100 RENAISSANCE BOULEVARD, SUITE 100
KING OF PRUSSIA, PENNSYLVANIA 19406-2713

May 24, 2012

Mr. Michael J. Colomb
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 INITIAL OPERATOR
LICENSING EXAMINATION REPORT 05000333/2012301**

Dear Mr. Colomb:

On March 8, 2012, the U.S. Nuclear Regulatory Commission (NRC) completed an examination at James A. FitzPatrick Nuclear Power Plant. The enclosed report documents the examination results, which were discussed on April 24, 2012, with you and other members of your staff.

The examination included the evaluation of three applicants for instant senior reactor operator licenses, and one applicant for an upgrade senior reactor operator license. The written and operating examinations were developed using NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," Revision 9, Supplement 1. The license examiners determined that three of the four applicants satisfied the requirements of 10 CFR Part 55, and the appropriate licenses were issued on April 24, 2012. The fourth applicant, who did not meet all eligibility requirements on April 24, 2012, subsequently met the eligibility requirements. The license for this fourth applicant was issued on May 16, 2012.

The report documents one NRC-identified Severity Level IV non-cited violation (NCV). This finding was determined to involve a violation of NRC requirements. However, because of the very low safety significance, and because it is entered into your corrective action program, the NRC is treating this finding as an NCV, consistent with Section 2.3.2 of the NRC Enforcement Policy. If you contest the NCV in this report, you should provide a response within 30 days of the date of the examination report, with the basis for your denial, to the U.S. Nuclear Regulatory Commission, ATTN.: Document Control Desk, Washington, DC 20555-0001; with copies to the Regional Administrator, Region I; the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; and the NRC Senior Resident Inspector at FitzPatrick.

M. Colomb

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Sincerely,

A handwritten signature in black ink, appearing to read "Donald E. Jackson", written in a cursive style.

Donald E. Jackson, Chief
Operations Branch
Division of Reactor Safety

Enclosure:

NRC Initial Operator Licensing Examination Report 05000333/2012301
w/Attachment: Supplemental Information

cc w/encl: Distribution via ListServ

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure 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 Agencywide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams/web-based.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Donald E. Jackson, Chief
Operations Branch
Division of Reactor Safety

Enclosure:
NRC Initial Operator Licensing Examination Report 05000333/2012301
w/Attachment: Supplemental Information

cc w/encl: Distribution via ListServ

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EXAMINATION REPORT

U.S. NUCLEAR REGULATORY COMMISSION REGION I

Dockets: 50-333
Licenses: DPR-59
Report : 05000333/2012301
Licensee: Entergy Nuclear Northeast (Entergy)
Facility: James A. FitzPatrick Nuclear Power Plant
Location: Lycoming, NY 13093
Dates: February 28, 2012 – March 1, 2012 (Operating Test Administration)
March 8, 2012 (Written Examination Administration)
April 4, 2012 (Licensee Submitted Post Exam Package)
March 8, 2012 – April 24, 2012 (NRC Examination Grading)
April 24, 2012 (3 Licenses Issued)
May 16, 2012 (1 License Issued)

Examiners: P. Presby, Chief Examiner, Operations Branch
B. Fuller, Operations Engineer
T. Hedigan, Operations Engineer

Approved By: Donald E. Jackson, Chief
Operations Branch
Division of Reactor Safety

SUMMARY OF FINDINGS

ER 05000333/2012301; February 28 – April 24, 2012; James A. FitzPatrick Nuclear Power Plant, Initial Operator Licensing Examination Report.

NRC examiners evaluated the competency of three applicants for instant senior reactor operator licenses and one applicant for an upgrade senior reactor operator license at James A. FitzPatrick Nuclear Power Plant. The facility licensee developed the examinations using NUREG-1021, "Operator Licensing Examination Standards for Power Reactors," Revision 9, Supplement 1. The written examination was administered by the facility on March 8, 2012. NRC examiners administered the operating tests on February 28 – March 1, 2012. The license examiners determined that three of the four applicants satisfied the requirements of 10 CFR Part 55, and the appropriate licenses were issued on April 24, 2012. The fourth applicant, who did not meet eligibility requirements on April 24, 2012, subsequently met the eligibility requirements. The license for the fourth applicant was issued on May 16, 2012.

Cornerstone: Mitigating Systems

- Severity Level IV. The inspectors identified a Severity Level IV NCV of 10 CFR 50.74, "Notification of Change in Operator or Senior Operator Status." Specifically, Entergy did not notify the NRC within 30 days of discovering a change in medical condition for a licensed operator. Subsequently, Entergy submitted a notification for the operator on February 15, 2012, and entered the issue into their corrective action program (CR-JAF-2012-00576).

The inspectors determined that Entergy's failure to notify the NRC within 30 days of discovering the change in medical condition for the licensed operator was a performance deficiency that was within Entergy personnel's ability to foresee and correct and should have been prevented. The inspectors determined that traditional enforcement applies, as the issue had the potential to impact the NRC's ability to perform its regulatory function. The significance of the associated performance deficiency was screened against the ROP per the guidance of IMC 0612, Appendix B. No associated ROP finding was identified and no cross-cutting aspect was assigned. This issue is similar to violation example 6.4.d.1 (a) in the NRC Enforcement Policy for a Severity Level IV violation because it involves noncompliance with medical requirements where the operator did not perform the functions of a licensed operator while having the potentially disqualifying medical condition. (Section 4OA5)

Licensee-Identified Violations

The inspectors reviewed one violation of very low safety significance (Green), which was identified by the licensee. Corrective actions taken or planned by the licensee have been entered into the licensee's corrective action program. This violation and corrective action tracking number are listed in Section 4OA7 of this report.

REPORT DETAILS

4. OTHER ACTIVITIES (OA)

4OA5 Other Activities (Initial Operator License Examination)

.1 License Applications

a. Scope

The examiners reviewed all four license applications submitted by the licensee to ensure the applications reflected that each applicant satisfied relevant license eligibility requirements. The applications were submitted on NRC Form 398, "Personal Qualification Statement," and NRC Form 396, "Certification of Medical Examination by Facility Licensee." The examiners also audited all of the license applications in detail to confirm that they accurately reflected the subject applicant's qualifications. This audit focused on the applicant's experience and on-the-job training, including control manipulations that provided significant reactivity changes.

b. Findings

Introduction: An NRC-identified Severity Level (SL)-IV NCV of 10 CFR 50.74 was identified when Entergy failed to notify the NRC within 30 days of discovering a change in medical condition of a licensed operator.

Description: On February 2, 2012, Entergy submitted a preliminary license application and an associated NRC Form 396, "Certification of Medical Examination by Facility Licensee," for an individual with a current Reactor Operator (RO) license who was applying for a Senior Reactor Operator (SRO) upgrade license. The Form 396 indicated, based on the results of a medical examination performed on October 24, 2011, that the individual's license would need to be conditioned as requiring corrective lenses be worn when performing licensed duties. Upon review, the NRC Region I Operator Licensing Assistant determined that the individual's current reactor operator license did not include this condition and that the NRC had not been informed within 30 days of discovery of this permanent change in the medical status. 10 CFR 55.25, requires that "if, during the term of the license, the licensee develops a permanent physical or mental condition that causes the licensee to fail to meet the requirements of § 55.21 of this part, the facility licensee shall notify the Commission, within 30 days of learning of the diagnosis, in accordance with § 50.74(c)."

Upon discovery, the NRC regional office informed Entergy staff. On February 15, 2012, Entergy sent a letter to the NRC with another NRC Form 396, requesting a condition on the individual's RO license to require wearing of corrective lenses during performance of licensed duties. On February 21, 2012, based on the information provided by Entergy, the NRC modified the individual's RO license to include the restrictive condition identified. Entergy also performed an apparent cause evaluation (ACE) to determine the cause and the extent of the condition, and developed a number of corrective actions to prevent recurrence.

Enclosure

Analysis: The inspectors determined that not notifying the NRC within 30 days of discovering the change in medical condition of a licensed operator was a performance deficiency that was within Entergy personnel's ability to foresee and correct and should have been prevented. The inspectors determined that Traditional Enforcement applies, as the issue had the potential to impact the NRC's ability to perform its regulatory function. Inspectors assessed the performance deficiency (PD) against the examples provided in the NRC Enforcement Policy and determined the violation was similar to the example in Section 6.4.d.1.(a), which states that "Severity Level IV violations involve, for example: (a) a licensed operator or senior operator who did not meet the requirements set forth in ANSI/ANS 3.4 but did not perform the functions of a licensed operator or senior operator while having a disqualifying medical condition." Inspectors determined the licensed individual had been in senior licensed operator upgrade training from the time of identification of the disqualifying condition until notification of the NRC of his changed medical status. It was further determined the individual did not perform any licensed duties during that time. The significance of the associated performance deficiency was screened against the ROP per the guidance of IMC 0612, Appendix B. No associated ROP finding was identified and no cross-cutting aspect was assigned.

Enforcement: 10 CFR 50.74 requires, in part, "Each licensee shall notify the Commission in accordance with 50.4 within 30 days of the following in regard to licensed operator or senior operator: (c) Permanent disability or illness..." Contrary to the above, Entergy did not notify the NRC within 30 days of learning of a licensed operator's change in medical condition on October 24, 2011 for which a license condition was required. Specifically, FitzPatrick medical staff became aware of a potentially disqualifying medical condition on October 24, 2011, but did not notify the NRC of this medical change until February 15, 2012, a period greater than 30 days. Because this finding was of very low safety significance and was entered into the corrective action program as Condition Report CR-JAF-2012-00727, this violation is being treated as a non-cited violation (NCV), consistent with Section 2.3.2 of the NRC Enforcement Policy. **(NCV 05000333/2012301-01: NRC Not Notified of a Licensed Operator's Change in Medical Status).**

.2 Operator Knowledge and Performance

a. Examination Scope

On March 8, 2012, the licensee proctored the administration of the written examinations to all four applicants. The licensee staff graded the written examinations, analyzed the results, and presented their analysis to the NRC on April 4, 2012.

The NRC examination team administered the various portions of the operating examination to all four applicants on February 28 – March 1, 2012. The three applicants seeking an instant senior reactor operator license participated in two dynamic simulator scenarios, a control room and facilities walkthrough test consisting of 10 system tasks, and an administrative test consisting of five administrative tasks. The one applicant for an upgrade senior reactor operator license participated in two dynamic simulator

scenarios, a control room and facilities walkthrough test consisting of five system tasks, and an administrative test consisting of five administrative tasks.

b. Findings

All four of the applicants passed all parts of the operating test. For the written examinations, the overall average score was 87 percent and ranged from 80 to 95 percent. The text of the examination questions, the licensee's examination analysis, and the licensee's post-examination comments may be accessed in the ADAMS system under the accession numbers noted in Attachment 1.

The NRC examiners completed the final grading of the written examination on April 24, 2012, and conducted a review of each missed question to determine the accuracy and validity of the examination questions. The text of the examination questions, the licensee's examination analysis, and the licensee's post-examination comments may be accessed in the ADAMS system under the accession numbers noted in the attachment.

Chapter ES-403 and Form ES-403-1 of NUREG 1021 require the licensee to analyze the validity of any written examination questions that were missed by half or more of the applicants. The licensee conducted this performance analysis for 13 questions that met these criteria and submitted the analysis to the chief examiner. This analysis concluded one of the questions (Exam Question #19) required a change to the key answer (from Choice C to Choice D) and that two other questions (Exam Questions #27 and #30) each had two correct answers.

The licensee submitted 3 post-examination questions comments on April 4, 2012. The NRC reviewed the facility's post-exam comment submittal package and accepted the facility recommendation to change the key answer on Question #19 from C to D. The NRC did not accept the facility's recommendations to accept two answers on Questions #27 and #30. The text of the examination questions, the licensee's examination analysis, and the licensee's post-examination comments with the NRC resolutions may be accessed in the ADAMS system under the accession numbers noted in the Attachment 1. In accordance with current NRC policy the release of this written examination in ADAMS to the public will be delayed for two years.

.3 Initial Licensing Examination Development

a. Examination Scope

The facility licensee developed the examinations in accordance with NUREG-1021, Revision 9, Supplement 1. All licensee facility training and operations staff personnel involved in examination preparation and validation was listed on a security agreement. The facility licensee submitted both the written and operating examination outlines on December 13, 2011. The chief examiner reviewed the outlines against the requirements of NUREG-1021, and provided comments to the licensee. The facility licensee submitted the draft examination package on January 13, 2012. The chief examiner reviewed the draft examination package against the requirements of NUREG-1021. The

Enclosure

NRC conducted an onsite validation of the operating examination and provided comments during the week of January 23, 2012. The NRC provided further comments to the licensee on the written examination on February 1, 2012. The licensee satisfactorily completed comment resolution for the operating test on February 22, 2012 and for the written exam on February 29, 2012.

b. Findings

The NRC approved the initial examination outline and advised the licensee to proceed with the operating examination development.

The examiners determined that the written and operating examinations initially submitted by the licensee were within the range of acceptability expected for a proposed examination.

No findings were identified.

.4 Simulation Facility Performance

a. Examination Scope

The examiners observed simulator performance with regard to plant fidelity during the examination validation and administration. Observations are documented on Attachment 2, "Simulator Fidelity Report."

b. Findings

No findings were identified.

.5 Examination Security

a. Examination Scope

The examiners reviewed examination security for examination development and during both the onsite preparation week and examination administration week for compliance with NUREG-1021 requirements. Plans for simulator security and applicant control were reviewed and discussed with licensee personnel.

b. Findings

No findings were identified.

4OA6 Meetings, including Exit

The chief examiner presented the examination results to Mr. Michael Colomb, Site Vice President and other members of the licensee's management staff on April 24, 2012. The licensee acknowledged the findings presented.

Enclosure

The licensee did not identify any information or materials used during the examination as proprietary.

4OA7 Licensee-Identified Violations

The following violation of very low safety significance (Green) was identified by the licensee and is a violation of NRC requirements, which met the criteria of the NRC Enforcement Policy, for being dispositioned as a Non-Cited Violation.

While performing an extent of condition review as part of an ACE "Failure to Accurately Communicate Changes in Licensed Operator Medical Status to the NRC Using NRC Form 396," related to a licensed operator medical reporting issue documented in CR-JAF-2012-00727, the licensee identified another instance of failure to report a licensed operator permanent physical condition.

10 CFR 50.74 requires a facility to notify the NRC within 30 days of learning of the diagnosis. Contrary to this requirement, the facility failed to notify the NRC of a licensed operator's permanent potentially disabling medical condition. The licensed individual had been taking medication as required since the permanent condition was first identified. However, the licensee failed to notify the NRC of the permanent condition and therefore the individual's license was not properly conditioned to require the individual to take medication as prescribed. Inspectors determined the violation was of very low significance (Green), as the referenced operator had taken medication as prescribed since January 7, 2008. This issue was documented in the licensee's corrective action program as CR-JAF-2012-00773.

ATTACHMENTS:

1. SUPPLEMENTAL INFORMATION
2. SIMULATOR FIDELITY REPORT

Enclosure

ATTACHMENT
SUPPLEMENTAL INFORMATION
KEY POINTS OF CONTACT

Licensee Personnel

D. Laing, Operations Training Manager
J. Defalco, Assistant Operations Manager
B. Sullivan, Assistant Operations Manager
T. Restuccio, Operations Exam Team Liaison
T. Peter, Initial License Training Supervisor
D. Kelly, Nuclear Training Instructor, Exam Developer
M. Needles, Nuclear Training Instructor
F. Deveney, Nuclear Training Instructor

NRC Personnel

E. Knutsen, Senior Resident Inspector

ITEMS OPENED, CLOSED, AND DISCUSSED

Opened/Closed

05000333/2012301-01	SL-IV	NRC Not Notified of a Licensed Operator's Change in Medical Status (Section 40A5)
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Discussed

NONE

ADAMS DOCUMENTS REFERENCED

Accession No. ML12116A259 – FINAL-Written Exam (Note: In accordance with current NRC policy, the release of this written examination in ADAMS to the public will be delayed for two years.)

Accession No. ML12116A290 – FINAL-Operating Exam

Accession No. ML12116A242 – FINAL-Post Exam Comments, Resolutions, and Technical References

Facility Licensee: James A. FitzPatrick

Facility Docket No.: 50-333

Operating Test Administered on: February 28 – March 1, 2012

This form is to be used only to report observations. These observations do not constitute audit or inspection findings and, without further verification and review in accordance with IP 71111.11, are not indicative of noncompliance with 10 CFR 55.46. No licensee action is required in response to these observations.

While conducting the simulator portion of the operating tests, examiners observed the following items:

Item	Description
10059	Rods did not go in when Scram Air header was depressurized. Rods were able to be driven in with RMCS. Identified by NRC during LOI-12-01 Operating test.
10060	During swap of CR Ventilation, the AHU's are momentarily shutdown (30 seconds-1 minute). During this time CR Vent DP remains positive with exhaust fans running (AH supply & exhaust dampers closed, so maybe?) would expect +DP to die off. Identified by NRC during LOI-12-01 JPMs.
10061	2 Cond pumps, 1 Booster (A), "B" RFP in service. Loss of 10300 bus. "A" CBP trips, "B" start delayed due to oil pump start (this is OK). However, "B" RFP does NOT trip on low suction pressure (100#) (ESK-9AA) and oscillations are seen, after "B" CBP starts, in FL flow. RFP has many opportunities to trip on low suction pressure. If L-34 is re-energized timely – no Rx trip is experienced. L-34 is re-energized when AOP-16 crosstie is initiated. Issue raised by NRC during LOI-12-1 JPM's.
10062	When re-opening the MSIVs per EP-9 during equalization, downstream MS pressure goes from 0 psig to 600 psig in a matter of seconds. This is a 3" line used to pressurize and equalize across the MSIV's. The rate of pressure rise seems too fast. Identified by NRC during LOI-12-01 JPMs.
10063	When transferring 10300 bus from normal to reserve service per OP-46A, Section f.3, amperage on the busses are stable when both breakers 10312 and 10302 are closed at the same time. The amperage should be fluctuating some. Identified by NRC during LOI-12-01 JPMs.
10025	Identified by NRC during LOI-12-01 NRC Operating Exam: The simulator EPIC Screen for CTPAVG has no page up or down feature. This is not like the plant. (Note this was previously identified see DR 10025 and fixed in Load 12-03 [LOI Load was frozen prior to the fix]) No new DR was generated- tracked under DR 10025.