December 5, 2008

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 PHYSICAL SECURITY BASELINE INSPECTION REPORT NO. 05000333/2008403

Dear Mr. Dietrich:

On November 7, 2008, the U.S. Nuclear Regulatory Commission (NRC) completed a security baseline inspection at your James A. Fitzpatrick Nuclear Power Plant (JAF). The inspection covered one or more of the key attributes of the security cornerstone of the NRC's Reactor Oversight Process. The enclosed report documents the inspection results, which were discussed on November 7, 2008, with you and other members of your staff.

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

This report documents one finding of very low security significance (i.e., Green as determined by the Physical Protection Significance Determination Process). The deficiency was 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 inspectors also determined that the performance deficiency has a cross-cutting aspect in the area of human performance related to work practices because the JAF staff did not effectively perform human error prevention techniques. However, because of the very low safety significance and because it is entered into your corrective action program, the NRC is treating this violation as a non-cited violation (NCV) consistent with Section VI.A.1 of the NRC Enforcement Policy. If you contest this non-cited violation, 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; and 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 James A. Fitzpatrick Nuclear Power Plant.

When separated from its Enclosure, this document is DECONTROLLED.

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 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 73.21. 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/

James M. Trapp, Chief
Plant Support Branch 1
Division of Reactor Safety

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

Enclosure: Inspection Report 05000333/2008403
w/Attachment: Supplemental Information (OUO-SRI)

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Sincerely,

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cc w/encl; w/OUO-SRI:
J. LaPlante, Site Security Manager
J. Spath, Program Director, New York State Energy Research and Development Authority
F. Tabert, Assistant Director, NY State Dept of Homeland Security
M. Balboni, Deputy Director for Public Safety

cc w/o encl; w/o OUO-SRI:
Senior Vice President and COO, Entergy Nuclear Operations
Vice President, Oversight, Entergy Nuclear Operations
Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations
Assistant General Counsel, Entergy Nuclear Operations
E. Dorman, Acting Manager, Licensing, Entergy Nuclear Operations
P. Eddy, New York State Department of Public Service
P. Church, Oswego County Administrator
Supervisor, Town of Scriba
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law
S. Lousteau, Treasury Department, Entergy Services

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