July 1, 2009

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 EVALUATED EMERGENCY PREPAREDNESS EXERCISE – INSPECTION REPORT NO. 05000333/2009502

Dear Mr. Dietrich:

On May 21, 2009, the U.S. Nuclear Regulatory Commission (NRC) completed an inspection of the May 20, 2009, evaluated emergency preparedness exercise at your James A. FitzPatrick Nuclear Power Plant. The enclosed inspection report documents the inspection results, which were discussed on May 21, 2009, with Mr. Kevin Mulligan and other members of your staff.

The inspection 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 inspectors reviewed selected procedures and records, observed activities, and interviewed personnel.

Based on the results of this inspection, no findings of significance were identified.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure and your response (if any) will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at http://www.nrc.gov/reading-rm/adams.html (the Public Electronic Reading Room).

Sincerely,

/RA/

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

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

Enclosure: NRC Inspection Report 05000333/2009502

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DATE	07/01/09		07/01/09		07/01/09					

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cc w/encl:
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Vice President, Oversight, Entergy Nuclear Operations
Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations
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U.S. NUCLEAR REGULATORY COMMISSION

REGION I

Docket No.:	05000333
License No.:	DPR-59
Report No.:	05000333/2009502
Licensee:	Entergy Nuclear Northeast (Entergy)
Facility:	James A. FitzPatrick Nuclear Power Plant
Location:	Scriba, New York
Dates:	May 18-21, 2009
Inspectors:	S. Barr, Sr. Emergency Preparedness Inspector, DRS, Region I (Lead) G. Hunegs, Senior Resident Inspector – FitzPatrick, DRP, Region I S. Hammann, Health Physicist, DNMS, Region I F. Laughlin, Emergency Preparedness Specialist, Nuclear Security and Incident Response (NSIR)
Approved By:	James A. Trapp, Chief Plant Support Branch 1 Division of Reactor Safety

SUMMARY OF FINDINGS

IR 05000333/2009502; 05/18/2009-05/21/2009; James A. FitzPatrick Nuclear Power Plant; Exercise Evaluation; Emergency Action Level and Emergency Plan Changes; Emergency Preparedness Performance Indicators.

This was an announced inspection conducted by two region-based inspectors, one resident inspector, and one headquarters-based inspector. No findings of significance were identified. The NRC's program for overseeing the safe operation of commercial nuclear power reactors is described in NUREG-1649, "Reactor Oversight Process," Revision 4, dated December 2006.

Cornerstone: Emergency Preparedness

A. NRC-Identified and Self-Revealing Findings

No findings of significance were identified.

B. Licensee-Identified Findings

None.

REPORT DETAILS

1. REACTOR SAFETY

Cornerstone: Emergency Preparedness (EP)

1EP1 Exercise Evaluation (71114.01 – 1 Sample)

a. Inspection Scope

Prior to the May 20, 2009, emergency preparedness exercise, the NRC inspectors conducted an in-office review of the exercise objectives and scenario, which Entergy had submitted to the NRC, to determine if the exercise would test major elements of the FitzPatrick Emergency Plan as required by 10 CFR 50.47(b)(14). This overall exercise inspection activity represented the completion of one sample on a biennial cycle.

The exercise evaluation consisted of the following review and assessment:

- The adequacy of Entergy's performance in the biennial full-participation exercise regarding the implementation of the risk-significant planning standards (RSPS) described in 10 CFR 50.47(b)(4), (5), (9), and (10), which are: emergency classification; offsite notification; radiological assessment; and protective action recommendations, respectively.

- The overall adequacy of Entergy's FitzPatrick emergency response facilities with regard to NUREG-0696, "Functional Criteria for Emergency Response Facilities," and Emergency Plan commitments. The facilities assessed were the Control Room Simulator, Operations Support Center (OSC), Technical Support Center (TSC), Emergency Operations Facility (EOF), and Joint Information Center (JIC).

- A review of other performance areas, such as: the FitzPatrick emergency response organization's (ERO's) recognition of abnormal plant conditions; command and control; intra- and inter-facility communications; prioritization of mitigating activities; utilization of repair and field monitoring teams; interface with offsite agencies; staffing and procedure adequacy; and the overall implementation of the emergency plan and its implementing procedures.

- A review of past performance issues from the last NRC FitzPatrick exercise inspection report and Entergy's FitzPatrick EP drill reports, to determine the effectiveness of licensee corrective actions as demonstrated during the May 20, 2009, exercise and to ensure compliance with 10 CFR 50.47(b)(14).

- The licensee's post-exercise critiques, to evaluate Entergy's self-assessment of its ERO performance during the May 20, 2009, exercise and to ensure compliance with 10 CFR 50, Appendix E, Section IV.F.2.g.

The inspectors reviewed the documents listed in the attachment to this report.

b. Findings

No findings of significance were identified.

1EP4 Emergency Action Level (EAL) and Emergency Plan Changes (71114.04 – 1 Sample)

a. Inspection Scope

Since the last NRC inspection of this program area, in July 2008, Entergy implemented various revisions of the different sections of the James A. FitzPatrick Nuclear Power Plant Emergency Plan. Entergy had determined that, in accordance with 10 CFR 50.54(q), any change made to the Plan, and its lower-tier implementing procedures, had not resulted in any decrease in effectiveness of the Plan, and that the revised Plan continued to meet the requirements of 10 CFR 50.47(b) and Appendix E to 10 CFR 50. The inspectors confirmed no EAL changes had been made since July 2008, and conducted a sampling review of other Emergency Plan changes, including the changes to lower-tier emergency plan implementing procedures, to evaluate for any potential decreases in effectiveness of the Emergency Plan. However, this review was not documented in an NRC Safety Evaluation Report and does not constitute formal NRC approval of the changes. Therefore, these changes remain subject to future NRC inspection in their entirety.

b. Findings

No findings of significance were identified.

4. OTHER ACTIVITIES (OA)

4OA1 Performance Indicator (PI) Verification (71151 – 3 Samples)

a. Inspection Scope

The inspectors reviewed data for the FitzPatrick EP PIs, which are: (1) Drill and Exercise Performance (DEP); (2) Emergency Response Organization (ERO) Drill Participation; and, (3) Alert and Notification System (ANS) Reliability. The last NRC EP inspection at FitzPatrick was conducted in the third quarter of 2008, so the inspectors reviewed supporting documentation from EP drills, training records, and equipment tests from the third calendar quarter of 2008 through the first quarter of 2009, to verify the accuracy of the reported PI data. The review of these PIs was conducted in accordance with NRC Inspection Procedure 71151, using the acceptance criteria documented in NEI 99-02, “Regulatory Assessment Performance Indicator Guidelines,” Revision 5.

Additionally, the inspectors performed NRC Temporary Instruction (TI) 2515/175, ensured the completeness of the licensee’s completed Attachment 1 from the TI, and forwarded that data to NRC Headquarters.

This inspection activity represented the completion of three samples on an annual cycle.

b. Findings

No findings of significance were identified.

4OA6 Meetings, Including Exit

On May 21, 2009, the inspectors presented the results of this inspection to Mr. K. Mulligan, the General Manager of Plant Operations, and other members of the Entergy staff. No proprietary information was provided to the inspectors during this inspection.

ATTACHMENT

SUPPLEMENTAL INFORMATION

KEY POINTS OF CONTACT

Licensee Personnel
K. Mulligan, General Manager of Plant Operations
P. Cullinan, Emergency Planning Manager

LIST OF ITEMS OPENED, CLOSED, AND DISCUSSED

None

LIST OF DOCUMENTS REVIEWED

Section 1EP1: Exercise Evaluation
James A. FitzPatrick Nuclear Power Plant Emergency Plan (Various Revisions)
FitzPatrick Emergency Plan Implementing Procedures
FitzPatrick May 20, 2009, Emergency Exercise Scenario Package
FitzPatrick Emergency Preparedness Drill Reports, January 2008 – April 2009
Condition Reports generated as a result of the May 20, 2009, exercise
(As documented in JAF EP Memo JEP-09-0009, Emergency Plan NRC Observed Exercise 2009-05, May 20, 2009)

Section 1EP4: Emergency Action Level and Emergency Plan Changes
James A. FitzPatrick Nuclear Power Plant Emergency Plan (Various Revisions)
AP-02.04, Control of Procedures (Revision 44)
EN-LI-100, Process Applicability Determination (Revision 6)
EN-EP-305, Emergency Planning 10CFR50.54(q) Review Program (Revision 1)
Various Emergency Plan and related procedure and equipment 10CFR50.54(q) screenings and evaluations, dated between July 2008 and May 2009

Section 4OA1: Performance Indicator Verification
EN-EP-201, Performance Indicators (Revision 8)
ERO Drill Participation PI data, July2008 – March 2009
Alert Notification System PI data, July 2008 – March 2009
DEP PI data, July 2008 – March 2009

LIST OF ACRONYMS

ANS	Alert Notification System
CR	Condition Report
DEP	Drill and Exercise Performance
EAL	Emergency Action Level
EOF	Emergency Operations Facility
EP	Emergency Preparedness
ERO	Emergency Response Organization
JIC	Joint Information Center
NEI	Nuclear Energy Institute
NRC	Nuclear Regulatory Commission
OSC	Operations Support Center
PI	Performance Indicator
RSPS	Risk Significant Planning Standard
TSC	Technical Support Center