



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**

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

March 4, 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: ANNUAL ASSESSMENT LETTER - JAMES A. FITZPATRICK NUCLEAR  
POWER PLANT (REPORT 05000333/2009001)**

Dear Mr. Dietrich,

On February 10, 2009, the NRC staff completed its performance review of the James A. FitzPatrick Nuclear Power Plant. Our technical staff reviewed performance indicators for the most recent quarter and inspection results for the period from January 1 through December 31, 2008. The purpose of this letter is to inform you of our assessment of your safety performance during this period and our plans for future inspections at your facility.

This performance review and enclosed inspection plan do not include security information. A separate letter designated and marked as "Official Use Only – Security Information" will include the security cornerstone review and resultant inspection plan.

Overall, FitzPatrick operated in a manner that preserved public health and safety and fully met all cornerstone objectives. Plant performance for the most recent quarter, as well as for the first three quarters of the assessment cycle, was within the Licensee Response column of the NRC's Action Matrix, based on all inspection findings being classified as having very low safety significance (Green) and all performance indicators indicating performance at a level requiring no additional NRC oversight (Green). Therefore, we plan to conduct Reactor Oversight Process (ROP) baseline inspections at your facility.

The enclosed inspection plan details the inspections, less those related to physical protection, scheduled through June 30, 2010. In addition to the baseline inspections, we plan to conduct an inspection of your independent spent fuel storage installation. The inspection plan is provided to allow for the resolution of any scheduling conflicts and personnel availability issues well in advance of inspector arrival onsite. Routine resident inspections are not listed due to their ongoing and continuous nature. The inspections in the last nine months of the inspection plan are tentative and may be revised at the mid-cycle review.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be made 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 Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

If circumstances arise which cause us to change this inspection plan, we will contact you to discuss the change as soon as possible. Please contact me at 610-337-5209 with any questions you may have regarding this letter or the inspection plan.

Sincerely,

***/RA/ Original Signed By:***

Mel Gray, Chief  
Projects Branch 2  
Division of Reactor Projects

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

Enclosure: FitzPatrick Inspection/ Activity Plan

cc w/encl:

G. Taylor, Chief Executive Officer, Entergy Operations  
J. Wayne Leonard, Chairman & CEO, Entergy Operations  
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Supervisor, Town of Scriba  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
S. Lousteau, Treasury Department, Entergy Services  
J. Spath, Program Director, New York State Energy Research and Development Authority  
Institute of Nuclear Power

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Enclosure: FitzPatrick Inspection/ Activity Plan

**SUNSI Review Complete:     BAB\*     (Reviewer's Initials)**

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DATE	02/22/09		03/03/09	

\*See prior concurrence **OFFICIAL RECORD COPY**

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P. Dietrich

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**FitzPatrick**  
**Inspection / Activity Plan**  
**01/01/2009 - 06/30/2010**

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
			<b>71121 - OCC RAD SAFETY</b>		<b>1</b>
1	01/26/2009	01/30/2009	IP 7112103	Radiation Monitoring Instrumentation and Protective Equipment	
			<b>7111107T - HEAT SINK INSP</b>		<b>1</b>
1	04/06/2009	04/10/2009	IP 7111107T	Heat Sink Performance	
			<b>71122.01 - PUB RAD SAFETY - RETS</b>		<b>1</b>
1	04/06/2009	04/10/2009	IP 7112201	Radioactive Gaseous and Liquid Effluent Treatment and Monitoring Systems	
			<b>2515/173 - GROUNDWATER TI</b>		<b>1</b>
1	05/04/2009	05/08/2009	IP 2515/173	Review of the Implementation of the Industry Ground Water Protection Voluntary Initiative	
			<b>71122.03 - PUB RAD SAFETY - REMP</b>		<b>1</b>
1	05/04/2009	05/08/2009	IP 7112203	Radiological Environmental Monitoring Program (REMP) And Radioactive Material Control Program	
			<b>EP EXER - EP EXERCISE INSPECTION</b>		<b>5</b>
1	05/18/2009	05/22/2009	IP 7111401	Exercise Evaluation	
1	05/18/2009	05/22/2009	IP 7111404	Emergency Action Level and Emergency Plan Changes	
1	05/18/2009	05/22/2009	IP 71151-EP01	Drill/Exercise Performance	
1	05/18/2009	05/22/2009	IP 71151-EP02	ERO Drill Participation	
1	05/18/2009	05/22/2009	IP 71151-EP03	Alert & Notification System	
			<b>71121 - OCC RAD SAFETY</b>		<b>1</b>
1	06/08/2009	06/12/2009	IP 7112101	Access Control to Radiologically Significant Areas	
1	06/08/2009	06/12/2009	IP 7112102	ALARA Planning and Controls	
			<b>ISFSI - ISFSI LOADING CAMPAIGN INSPECTION</b>		<b>1</b>
1	06/01/2009	09/30/2009	IP 60855	Operation Of An ISFSI	
			<b>MODS - PERMANENT PLANT MODIFICATIONS</b>		<b>3</b>
1	07/13/2009	07/17/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
1	07/27/2009	07/31/2009	IP 7111117T	Evaluations of Changes, Tests, or Experiments and Permanent Plant Modifications	
			<b>71121 - OCC RAD SAFETY</b>		<b>1</b>
1	10/19/2009	10/23/2009	IP 7112101	Access Control to Radiologically Significant Areas	
1	10/19/2009	10/23/2009	IP 7112102-7112102R	ALARA - Required	
1	10/19/2009	10/23/2009	IP 71151	Performance Indicator Verification	
			<b>5/24EXAM - INITIAL OPERATOR LICENSING EXAM</b>		<b>7</b>
1	04/26/2010	04/30/2010	U01786	FY10 - FITZPATRICK INITIAL OPERATOR LICENSING EXAM	
1	05/24/2010	06/04/2010	U01786	FY10 - FITZPATRICK INITIAL OPERATOR LICENSING EXAM	
			<b>EP PROG - EP PRPGRAM INSPECTION</b>		<b>1</b>
1	03/08/2010	03/12/2010	IP 7111402	Alert and Notification System Testing	
1	03/08/2010	03/12/2010	IP 7111403	Emergency Response Organization Augmentation Testing	
1	03/08/2010	03/12/2010	IP 7111404	Emergency Action Level and Emergency Plan Changes	

This report does not include INPO and OUTAGE activities.  
 This report shows only on-site and announced inspection procedures.

Unit Number	Planned Dates		Inspection Activity	Title	No. of Staff on Site
	Start	End			
<b>EP PROG - EP PRPGRAM INSPECTION</b>					<b>1</b>
1	03/08/2010	03/12/2010	IP 7111405	Correction of Emergency Preparedness Weaknesses and Deficiencies	
1	03/08/2010	03/12/2010	IP 71151-EP01	Drill/Exercise Performance	
1	03/08/2010	03/12/2010	IP 71151-EP02	ERO Drill Participation	
1	03/08/2010	03/12/2010	IP 71151-EP03	Alert & Notification System	
<b>71122.02 - RW TRANSPORTATION</b>					<b>1</b>
1	04/12/2010	04/16/2010	IP 7112202	Radioactive Material Processing and Transportation	
<b>CDBI - COMPONENT DESIGN BASES INSPECTION</b>					<b>6</b>
1	06/07/2010	06/11/2010	IP 7111121	Component Design Bases Inspection	
1	06/21/2010	07/02/2010	IP 7111121	Component Design Bases Inspection	
<b>71121.01 - HP INSPECTION</b>					<b>1</b>
1	06/14/2010	06/18/2010	IP 7112101	Access Control to Radiologically Significant Areas	
1	06/14/2010	06/18/2010	IP 7112102-7112102R	ALARA - Required	