



Entergy Nuclear Northeast
Entergy Nuclear Operations, Inc.
James A. Fitzpatrick NPP
P.O. Box 110
Lycoming, NY 13093
Tel 315 349 6024 Fax 315 349 6480

Pete Dietrich
Site Vice President - JAF

August 11, 2006
JAFP-06-0125

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, D.C. 20555-0001

SUBJECT: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
License No. DPR-59
Response to July 13, 2006, Notice of Violation (NRC Investigation
Report No. 1-2005-023) EA-06-073

References: 1) NRC Letter from A. Randolph Blough to Pete Dietrich, James A.
FitzPatrick Nuclear Generating Station - Notice of Violation (NRC
Investigation Report No. 1-2005-023), dated July 13, 2006

Dear Sir or Madam:

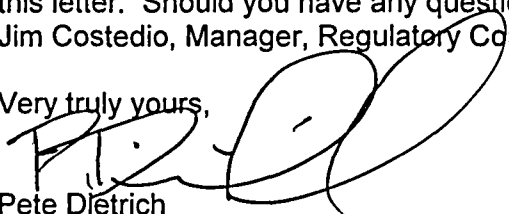
This letter responds to the Notice of Violation documented in Reference 1. Reference 1 includes the results of the investigation by the Office of Investigation concluded on February 14, 2006.

The NRC notification documents a violation associated with non-business use of the internet in the control room. Entergy agrees with the violation and has taken corrective steps to avoid further violations.

Attachment 1 provides ENO's detailed response to the violation. In accordance with 10 CFR 2.201, this response describes the reason for the violation, the corrective steps that have been taken and the results achieved, the corrective steps that will be taken to avoid further violations, and the date when full compliance will be achieved.

Full compliance was achieved in April 2005. There are no new commitments made in this letter. Should you have any questions concerning this matter, please contact Mr. Jim Costedio, Manager, Regulatory Compliance, at (315) 349-6358.

Very truly yours,



Pete Dietrich
Site Vice President

PTD:ed
Attachment 1: Response to Notice Of Violation EA-06-073

IEO1

cc:

Mr. Samuel Collins
Regional Administrator
U.S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, Pennsylvania 19406

Office of the Resident Inspector
U.S. Nuclear Regulatory Commission
P.O. Box 136
Lycoming, New York 13093

Mr. John Boska, Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Mail Stop O-8-C2
Washington, DC 20555

Mr. Paul Eddy
New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

Mr. Peter R. Smith
New York State Energy, Research, and Development Authority
17 Columbia Circle
Albany, New York 12203-6399

Mr. C. Donaldson, Esquire
Assistant Attorney General,
New York Department of Law
Director, Electric Division New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

Mr. S. Lyman
Oswego County Administrator
46 East Bridge Street
Oswego, New York 13126

Mr. K. Burdick
Supervisor Town of Scriba
42 Creamery Road
Oswego, New York 13126

cc:

Mr. M. R. Kansler (WPO)
Mr. J. T. Herron (WPO)
Mr. C. J. Schwarz (WPO)
Mr. T. C. McCullough (WPO)
Mr. O. Limpias (WPO)
Mr. J. McCann (WPO)
Ms. C. Faison (WPO)
Mr. J. R. McGaha (ECH)
Mr. P. T. Dietrich (JAF)
JAFP File
RMS

Attachment 1 JAFP-06-0125

Response to Notice of Violation EA-06-073

Attachment 1 JAFP-06-0125

An investigation was initiated on May 13, 2005 by the U.S. Nuclear Regulatory Commission's (NRC) Office of Investigations (OI), Region I, after Entergy informed the NRC that licensed operators had used the internet for personal use while in the main control room on various occasions and were potentially inattentive. This personal use of the internet was not in conformance with Procedure AP-12.03, "Conduct of Operations" Section 8.6.2, which stated that on watch operators may use the internet for only work related activities.

The failure of the licensed operators to adhere to the Conduct of Operations procedure constitutes a violation of NRC requirements set forth in Technical Specification Section 5.4.1. This section requires procedures be established covering activities described in Regulatory Guide 1.33, Appendix A, which includes AP-12.03, "Conduct of Operations". This violation has been classified at Severity Level IV in accordance with the NRC Enforcement Policy.

1. Reason for Violation

An apparent cause evaluation was performed to determine what led to the personal use of the internet in the control room by licensed operators. The apparent cause determined: 1) that the personal use of the internet did not involve the Licensed Operator designated as the "At-The-Controls" (ATC) Operator and; 2) that some operators misjudged the acceptability of their Internet activity. They rationalized their habits as acceptable because they were not filling the "At-The-Controls" position required by the technical specifications. These operators were filling a position not required by the technical specifications, were performing administrative tasks, and remained available and alert to their surroundings. Entergy policy allows incidental and occasional personal use of the Internet except for in certain critical plant areas such as the Control Room. These operators rationalized that the Operations Department Policy, which prohibits non-work related Internet use, applied only to the At-The-Controls operator. They did not view their actions as a potential distraction to themselves or others. Similarly, some Control Room Supervisors (CRS) deemed incidental and occasional personal use of the Internet was permissible while at their desk in the Control Room because their internet activity was limited to periods of steady state, low-activity plant operation and they remained alert to plant conditions.

The evaluation also identified contributing causes: 1) internet use in the Control Room by licensed operators is difficult to detect by visual observation from the supervisors work station; 2) access to non-business internet sites is not routinely monitored by Entergy for compliance with company policy; and 3) access to the Entergy-provided benefit sites was considered to be business related by licensed operators.

Attachment 1 JAFP-06-0125

2. Corrective steps that have been taken and the results achieved

Immediate corrective actions were taken at the time of discovery:

- A Condition Report was generated.
- An Apparent Cause Evaluation was performed.
- The SM, CRS, and SNO were removed from licensed duties pending a full investigation.
- All crews were briefed by the Operations Manager and Assistant Operations Manager on the event and the AP-12.03 Conduct of Operations expectations pertaining to non-business internet use in the Control Room.
- An investigation into the event was immediately initiated.

The following Corrective Actions were initiated as a result of the investigation:

- Internet and E-mail access was removed from the Control Room computers.
- The Site Vice President and General Manager Plant Operations reinforced station management's expectations and standards regarding control room conduct and internet usage.
- Appropriate disciplinary action was taken and selected Reactor Operators (ROs) and Senior Reactor Operators (SROs) were remediated on expectations and standards prior to resuming licensed duties.
- Operations management met with Shift Managers (SMs) and CRSs to review this incident, management expectations for enforcement of standards for Conduct of Operations, and documenting deficiencies in meeting those expectations and standards in the Corrective Action Program.
- All Licensed Operators were provided refresher training on AP-12.03 Conduct of Operations and the governing regulations.
- The event was promptly shared with Entergy Northeast Senior Management for prompt fleet wide attention.

As a result of these completed corrective actions, no additional occurrences of non-work related activities in the Control Room have occurred.

3. Corrective steps that will be taken to avoid further violations

Internet access has been removed. Reinforcement of expectations regarding distractions and non-work related activities has been effective in preventing recurrence of the violation. Therefore, no further corrective steps are required.

4. Date when full compliance will be achieved

Full compliance with the Conduct of Operations procedure standard pertaining to internet use was achieved in April 2005 as a result of the corrective actions.