



Entergy Nuclear Northeast
Entergy Nuclear Operations, Inc.
James A. FitzPatrick NPP
P.O. Box 110
Lycoming, NY 13093

Kevin Bronson
Site Vice President - JAF

JAFP-11-0003
January 13, 2011

United States Nuclear Regulatory Commission
Attn: Document Control Desk
Washington, D.C. 20555

SUBJECT: Application for Amendment to Modify the Facility Operating License
Condition 2.C(3), Fire Protection
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
License No. DPR-59

Dear Sir or Madam:

Pursuant to 10 CFR 50.90, Entergy Nuclear Operations, Inc. (Entergy) hereby requests an amendment to the Facility Operating License (FOL) for the James A. FitzPatrick Nuclear Power Plant (JAF).

This license amendment submittal requests the deletion of specific references to Safety Evaluation Reports (SER), Technical Specification Amendments, and Exemptions in condition 2.C(3), Fire Protection, of the FOL. The deleted text will be replaced with the words "as supplemented".

The proposed FOL change is non-technical in nature and thus does not involve a significant increase in the probability or consequences of an accident previously evaluated. This change has no effect on any previously submitted amendments currently under review by the NRC.

Attachment 1 provides a description and evaluation of the proposed FOL changes.
Attachment 2 provides the proposed FOL changes as marked up pages.
Attachment 3 provides the proposed FOL changes in final typed format with change bars.

Entergy requests NRC approval of the proposed FOL amendment by January 13, 2012, with the amendment being implemented within 60 days from approval.

In accordance with 10 CFR 50.91, a copy of this application, with the associated attachments, is being provided to the designated New York State official.

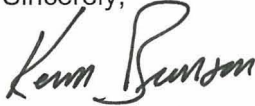
There is no new commitment made in this letter.

Questions concerning this request may be addressed to Mr. Joseph Pechacek, Licensing Manager, at (315) 349-6766.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 13, 2011.

Sincerely,



Kevin Bronson

KB/JP/jo

- Attachments:
1. Application for Amendment to Modify the Facility Operating License Condition 2.C(3), Fire Protection, Description and Evaluation
 2. Proposed Facility Operating License Change (Marked up)
 3. Proposed Facility Operating License Change (Final Typed)

cc:

Regional Administrator, Region I
U. S. Nuclear Regulatory Commission
475 Allendale Road
King of Prussia, PA 19406-1415

Resident Inspector's Office
U.S. Nuclear Regulatory Commission
James A. FitzPatrick Nuclear Power Plant
Lycoming, NY 13093

Mr. Bhalchandra Vaidya, Project Manager
Division of Operating Reactor Licensing
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Mr. Paul Eddy
New York State Department of Public
Service
3 Empire State Plaza, 10th Floor
Albany, NY 12223

Mr. Francis Murray, President
NYSEERDA
17 Columbia Circle
Albany, NY 12203-6399

Document Components:

001 Transmittal Letter, JAFP-11-0003; with attachments

JAFP-11-0003

Attachment 1

**Application for Amendment to Modify the Facility Operating License
Section 2.C(3), Fire Protection**

Description and Evaluation

1.0 DESCRIPTION

The proposed amendment would modify the Facility Operating License (FOL) by deleting references to specific Safety Evaluation Reports (SER), Technical Specification (TS) Amendments, and Exemptions from license condition 2.C(3), Fire Protection, and replacing them with the words “as supplemented”. This is an administrative amendment to the FOL.

2.0 PROPOSED CHANGES

Currently, FOL condition 2.C(3) states in part:

“...the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994) and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992”

The proposed change is to delete the preceding text and replace it with the words “as supplemented”. This change would facilitate record keeping by allowing the SERs, TS Amendments, and Exemptions to be tracked in the Fire Protection Program.

3.0 BACKGROUND

In addition to the requirements of 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70, the FOL contains additional conditions to which the James A. FitzPatrick Nuclear Power Plant (JAF) is subject to. Specifically, condition 2.C(3) requires JAF to maintain a Fire Protection Program as described in the Updated Final Safety Analysis (UFSAR) report and applicable supplements, amendments, and exemptions.

During the course of a fire protection triennial inspection, it was noted by the NRC that not all fire protection SERs were included in the fire protection condition of the JAF license. Further review and discussion by Entergy and the NRC concluded that there is no regulatory requirement to explicitly reference specific SERs in a plant's license condition and that it would be appropriate to remove the specific SER references to be consistent with other plants.

In its current form, the FOL lists the original SER as well as supplemental SERs, NRC letters, Exemptions, and TS Amendments from 1972 through 1994. Fire protection SERs, NRC letters, Exemptions, and TS Amendments approved after 1994 have not been incorporated into the FOL conditions. They are tracked separately within the Fire Protection Program.

4.0 TECHNICAL ANALYSIS

There is no technical change being requested. The proposed change is administrative in order to facilitate record keeping of approved 10 CFR 50 Appendix R exemptions.

5.0 REGULATORY SAFETY ANALYSIS

5.1 No Significant Hazards Consideration

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed FOL change is administrative and does not involve a plant or design function change. It has no effect on reactor operation or accident analyses, and thus, the proposed FOL change does not increase the probability or consequence of an accident previously evaluated.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed FOL change is administrative and does not involve a plant or design function change. Because the proposed amendment would not change the design, configuration, or method of operation of the plant, it would not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed FOL change is administrative and does not involve a plant or design function change. No design or safety margin is involved. Therefore, the proposed change does not involve a reduction in any margin of safety.

5.2 Applicable Regulatory Requirements / Criteria

10 CFR 50.90 provides the criteria for license amendments. Whenever a holder of a license, including a construction permit and operating license under this part, and an early site permit, combined license, and manufacturing license under part 52 of this chapter, desires to amend the license or permit, application for an amendment must be filed with the Commission, as specified in §§ 50.4 or 52.3 of this chapter, as applicable, fully describing the changes desired, and following as far as applicable, the form prescribed for original applications.

5.3 Conclusion

In conclusion, based on the considerations discussed above, (1) there is reasonable assurance that the health and safety of the public will not be endangered by operation in the proposed manner; (2) such activities will be conducted in compliance with the Commission's regulations; and (3) the approval of the proposed change will not be inimical to the common defense and security or to the health and safety of the public.

6.0 ENVIRONMENTAL ASSESSMENT

A review has determined that the proposed changes would not change a requirement with respect to installation or use of a facility component located within the restricted area, as defined in 10 CFR 20, and does not change any inspection or surveillance requirement. Therefore, the proposed change does not involve: (i) a significant hazards consideration; (ii) a significant change in the types or significant increase in the amounts of any effluents that may be released offsite; or (iii) a significant increase in individual or cumulative occupational radiation exposure. Accordingly, the proposed changes meet the eligibility criterion for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared in connection with the proposed changes.

7.0 REFERENCE

- 1 USNRC, Code of Federal Regulations, Section 10 CFR 50.90 "Application for amendment of license, construction permit, or early permit"

JAFP-11-0003

Attachment 2

Proposed Facility Operating License Change

(Marked up)

Facility Operating License Page 3

- (4) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools..
 - (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Maximum Power Level

ENO is authorized to operate the facility at steady state reactor core power levels not in excess of 2536 megawatts (thermal).
 - (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. ~~299~~ are hereby incorporated in the renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.
 - (3) Fire Protection

ENO shall implement and maintain in effect all provisions of the approved fire protections program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972; ~~the SER Supplement No. 1 dated February 1, 1973; the SER Supplement No. 2 dated October 4, 1974; the SER dated August 1, 1979; the SER Supplement dated October 3, 1980; the SER Supplement dated February 13, 1981; the NRC Letter dated February 24, 1981; Technical Specification Amendments 34 (dated January 31, 1978), 80 (dated May 22, 1984), 134 (dated July 19, 1989), 135 (dated September 5, 1989), 142 (dated October 23, 1989), 164 (dated August 10, 1990), 176 (dated January 16, 1992), 177 (dated February 10, 1992), 186 (dated February 19, 1993), 190 (dated June 29, 1993), 191 (dated July 7, 1993), 206 (dated February 28, 1994) and 214 (dated June 27, 1994); and NRC Exemptions and associated safety evaluations dated April 26, 1983, July 1, 1983, January 11, 1985, April 30, 1986, September 15, 1986 and September 10, 1992 as supplemented,~~ subject to the following provision:

JAFP-11-0003
Attachment 3

Proposed Facility Operating License Change
(Final Typed)

Facility Operating License Page 3

- (4) ENO pursuant to the Act and 10 CFR Parts 30, 40, and 70 to receive, possess, and use, at any time, any byproduct, source and special nuclear material without restriction to chemical or physical form, for sample analysis or instrument calibration; or associated with radioactive apparatus, components or tools..
 - (5) Pursuant to the Act and 10 CFR Parts 30 and 70, to possess, but not separate, such byproduct and special nuclear materials as may be produced by the operation of the facility.
- C. This renewed operating license shall be deemed to contain and is subject to the conditions specified in the following Commission regulations in 10 CFR Chapter I: Part 20, Section 30.34 of Part 30, Section 40.41 of Part 40, Sections 50.54 and 50.59 of Part 50, and Section 70.32 of Part 70; and is subject to all applicable provisions of the Act and to the rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified or incorporated below:
- (1) Maximum Power Level

ENO is authorized to operate the facility at steady state reactor core power levels not in excess of 2536 megawatts (thermal).
 - (2) Technical Specifications

The Technical Specifications contained in Appendix A, as revised through Amendment No. , are hereby incorporated in the renewed operating license. The licensee shall operate the facility in accordance with the Technical Specifications.
 - (3) Fire Protection

ENO shall implement and maintain in effect all provisions of the approved fire protections program as described in the Final Safety Analysis Report for the facility and as approved in the SER dated November 20, 1972 as supplemented, subject to the following provision: