



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

March 2, 2016

Vice President, Operations
Entergy Nuclear Operations, Inc.
James A. FitzPatrick Nuclear Power Plant
P.O. Box 110
Lycoming, NY 13093

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT – ONSITE AUDIT REGARDING IMPLEMENTATION OF MITIGATING STRATEGIES AND RELIABLE SPENT FUEL INSTRUMENTATION RELATED TO ORDERS EA-12-049 AND EA-12-051 (CAC NOS. MF1077 AND MF1076)

Dear Sir or Madam:

On March 12, 2012, the U.S. Nuclear Regulatory Commission (NRC) issued Order EA-12-049, "Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond Design-Basis External Events" and Order EA-12-051, "Order to Modify Licenses With Regard To Reliable Spent Fuel Pool Instrumentation," (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML12054A736 and ML12054A679, respectively). The orders require holders of operating reactor licenses and construction permits issued under Title 10 of the *Code of Federal Regulations* Part 50 to modify the plants to provide additional capabilities and defense-in-depth for responding to beyond-design-basis external events, and to submit for review Overall Integrated Plans (OIPs) that describe how compliance with the requirements of Attachment 2 of each order will be achieved.

By letter dated February 28, 2013 (ADAMS Accession No. ML13063A287), Entergy Nuclear Operations, Inc. (Entergy, the licensee) submitted its OIP for James A. FitzPatrick Nuclear Power Plant (JAFNPP), in response to Order EA-12-049. By letter dated August 28, 2013 (ADAMS Accession No. ML13234A503), the NRC notified all licensees and construction permit holders that the staff would be conducting audits of their responses to Order EA-12-049 in accordance with NRC Office of Nuclear Reactor Regulation (NRR) Office Instruction LIC-111, "Regulatory Audits" (ADAMS Accession No. ML082900195). As described in the NRC's letter dated August 28, 2013, these audits were intended to be performed during the time period when licensees were proceeding towards compliance with the order, so that the NRC staff could determine the extent to which licensees are on a path towards successful implementation. Further, the audit process would allow the NRC to provide feedback to licensees on their submittals. Additionally, in the letter dated August 28, 2013, the NRC staff acknowledged that licensee participation in the audit process was voluntary.

By letter dated February 28, 2013 (ADAMS Accession No. ML13063A267), Entergy submitted its OIP for JAFNPP in response to Order EA-12-051. By letter dated March 26, 2014 (ADAMS Accession No. ML14083A620), the NRC notified all licensees and construction permit holders that the staff would be conducting audits of their responses to Order EA-12-051 in accordance with NRC NRR Office Instruction LIC-111, similar to the process used for Order EA-12-049.

By letter dated September 1, 2015 (ADAMS Accession No. ML15239A699), the NRC's Region I Office informed Entergy that as part of the overall audit activities reviewing licensee's plans to implement Orders EA-12-049 and EA-12-051, an onsite audit visit would be performed by the NRC staff. This letter indicated that the onsite audit was planned to occur the week of May 2, 2016. By letter dated February 23, 2016 (ADAMS Accession No. ML16054A874), Entergy requested that the NRC defer the onsite audit indefinitely, based on the licensee's plans to permanently cease power operations at JAFNPP (ADAMS Accession No. ML15322A273).

Considering the voluntary nature of the audit process, the NRC staff agrees to Entergy's request to defer the onsite audit indefinitely. The NRC staff notes that Entergy's obligations to implement the requirements of Orders EA-12-049 and EA-12-051 remain in place until such time as they are relaxed and/or rescinded by the Director, NRR.

If you have any questions, please contact Peter Bamford, Senior Project Manager, Japan Lessons-Learned Orders Management Branch, at 301-415-2833, or at Peter.Bamford@nrc.gov.

Sincerely,

A handwritten signature in black ink that reads "Peter Bamford". The signature is written in a cursive, flowing style.

Peter J. Bamford,
Senior Project Manager
Orders Management Branch
Japan Lessons-Learned Division
Office of Nuclear Reactor Regulation

Docket No. 50-333

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If you have any questions, please contact Peter Bamford, Senior Project Manager, Japan Lessons-Learned Orders Management Branch, at 301-415-2833, or at Peter.Bamford@nrc.gov.

Sincerely,

/RA/

Peter J. Bamford,
Senior Project Manager
Orders Management Branch
Japan Lessons-Learned Division
Office of Nuclear Reactor Regulation

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