



**Entergy Nuclear Northeast
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JAFP-16-0061
April 14, 2016

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, DC 20555-0001

Subject: Request for Relaxation of March 12, 2012 Commission Orders Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond Design Basis External Events and Reliable Spent Fuel Pool Instrumentation (Order Number EA-12-049 and EA-12-051)

James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
License No. DPR-059

- Reference:**
1. NRC Order, Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events, EA-12-049, dated March 12, 2012
 2. NRC Order, Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation, EA-12-051, dated March 12, 2012
 3. Entergy to NRC, Overall Integrated Plan in Response to March 12, 2012 Commission Order to Modify Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events (Order Number EA-12-049), JAFP-13-0025, dated February 28, 2013
 4. Entergy to NRC, James A. FitzPatrick Overall Integrated Plan in Response to March 12, 2012 Commission Order Modifying License with Regard to Reliable Spent Fuel Pool Instrumentation (Order Number EA-12-051), JAFP-13-0023, dated February 28, 2013
 5. Entergy to NRC, Certification of Permanent Cessation of Power Operations, JAFP-16-0045, dated March 16, 2016

Dear Sir or Madam:

On March 12, 2012, the Nuclear Regulatory Commission (“NRC” or “Commission”) issued two orders [Reference 1 and 2] to James A. FitzPatrick Nuclear Power Plant (JAF). EA-12-049 directed JAF to develop, implement, and maintain additional guidance and strategies to maintain or restore core cooling, containment, and spent fuel pool cooling capabilities in the event of a beyond-design-basis external event. EA-12-051 directed JAF to install additional spent fuel pool level instrumentation.

EA-12-049, Section IV A.2, states that full implementation of the Order's requirements shall be completed no later than two (2) refueling cycles after submittal of the Overall Integrated Plan (OIP) or December 31, 2016, whichever comes first. On February 28, 2013, Entergy Nuclear Operations, Inc. (ENOI) submitted the OIP in JAFP-13-0025 [Reference 3]. NRC reviewed this implementation plan by letter, Interim Staff Evaluation (ISE) ML14007A681, dated February 21, 2014. Full compliance with Order EA-12-049 was planned for the Fall 2016 Refueling Outage (RO22).

EA-12-051, Section IV A.2, states that full implementation of the Order's requirements shall be completed no later than two (2) refueling cycles after submittal of the OIP or December 31, 2016, whichever comes first. On February 28, 2013, ENOI submitted the OIP in JAFP-13-0023 [Reference 4]. NRC reviewed this implementation plan by letter, ISE ML13338A645, dated December 12, 2013. Full compliance with Order EA-12-051 was planned for the Fall 2016 Refueling Outage (RO22).

On March 16, 2016, JAF submitted its certification of permanent cessation of power operations pursuant to 10 CFR 50.82(a)(1)(i) and 10 CFR 50.4(b)(8) [Reference 5]. JAF no longer plans to have a Refuel Outage in Fall 2016. Based on discussions with the NRC related to implementing orders EA-12-049 and EA-12-051 and in view of plans to permanently shut JAF down on January 27, 2017; ENOI requests a deferral of the implementation date for compliance with Orders EA-12-049 and EA-12-051 to June 30, 2017.

Per NRC Orders EA-12-049 section IV.C and EA-12-051 section IV.C, the Director, Office of Nuclear Reactor Regulation or the Director, Office of New Reactors may, in writing, relax or rescind any of the Orders' conditions upon demonstration by the Licensee of good cause.

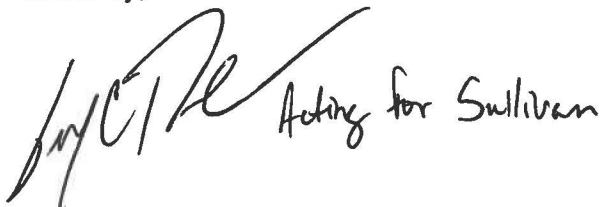
Good cause for relaxation of the requirement to fully implement both Orders' requirements by the December 31, 2016, deadline exists because JAF's originally scheduled Fall 2016 Refuel Outage (RO22) has been cancelled, there will not be an opportunity to implement modifications requiring an outage by the deadline. Furthermore, as stated in recent six month update letters, ENOI is continuing to evaluate its responses to EA-12-049 and EA-12-051 in order to determine the appropriate actions for JAF, a power plant that has permanently ceased power operations. This evaluation may result in additional requests for relaxation or rescission of the entire, or portions of, NRC Orders EA-12-049 and EA-12-051.

Finally, ENOI believes this relaxation is acceptable because a sequence of events such as the Fukushima Dai-ichi accident is unlikely to occur at JAF based on the current regulatory requirements and existing plant capabilities. Specifically, JAF's Facility Operating License contains Condition R, implementing mitigating strategies for reasonable measures to enhance the JAF's effectiveness in maintaining reactor core and spent fuel pool cooling under circumstances involving the loss of large areas of the plant due to fires or explosions.

This letter contains no new regulatory commitments. If you have any questions regarding this request, please contact William C. Drews, Regulatory Assurance Manager, at 315-349-6562.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 14th day of April, 2016.

Sincerely,

A handwritten signature in black ink, appearing to read "BRS" followed by a flourish, and the text "Acting for Sullivan" written in a cursive script to the right of the signature.

Brian R. Sullivan
Site Vice President

BRS/WCD/mh

cc: Director, Office of Nuclear Reactor Regulation

NRC Region I Administrator
NRC Resident Inspector
NRC Project Manager
NYSPSC
NYSERDA