



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001
November 2, 2016

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

SUBJECT: JAMES A. FITZPATRICK NUCLEAR POWER PLANT - REQUEST FOR
ADDITIONAL INFORMATION REGARDING DIRECT LICENSE TRANSFER
FROM ENTERGY TO EXELON (CAC NO. MF8293)

Dear Sir or Madam:

On August 18, 2016, Entergy Nuclear Operations, Inc. (Entergy) and Exelon Generation Company, LLC (Exelon) submitted an application for a direct license transfer for James A. Fitzpatrick Nuclear Power Plant (FitzPatrick) from Entergy to Exelon. Entergy and Exelon request written consent to transfer the FitzPatrick Renewed Facility Operating License No. DPR-59 and the transfer of the generally licensed Independent Spent Fuel Storage Installation.

The Nuclear Regulatory Commission staff is reviewing the submittal and has determined that additional information is needed to complete its review. The specific questions are found in the enclosed request for additional information (RAI). On October 24, 2016, the Entergy and Exelon staff indicated that a response to the RAI would be provided within 30 days of the date of this letter.

Please contact me at (301) 415-3629 if you have any questions on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane Render", is written over a horizontal line.

Diane Render, Ph.D.
Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-333 and 72-12

Enclosures:
As stated

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UNITED STATES
NUCLEAR REGULATORY COMMISSION
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OFFICE OF NUCLEAR REACTOR REGULATION

REQUEST FOR ADDITIONAL INFORMATION

REGARDING DIRECT LICENSE TRANSFER TO

EXELON GENERATION COMPANY, LLC

ENTERGY NUCLEAR FITZPATRICK, LLC

AND ENTERGY NUCLEAR OPERATIONS, INC.

DOCKET NO. 50-333

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

In an application dated August 18, 2016 (Agencywide Documents Access and Management System Accession No. ML16235A081), Entergy Nuclear Operations, Inc. (Entergy) and Exelon Generation Company, LLC (Exelon) submitted an application for a direct license transfer for James A. Fitzpatrick Nuclear Power Plant (FitzPatrick) from Entergy to Exelon. Entergy and Exelon request written consent to transfer the FitzPatrick Renewed Facility Operating License No. DPR-59 and the transfer of the generally licensed Independent Spent Fuel Storage Installation. The Nuclear Regulatory Commission staff is reviewing the submittal and has the following question:

DRA/APHB RAI – 1:

Title 10 of the *Code of Federal Regulations* (CFR), Section 50.80, "Transfer of licenses," requires the Commission's written consent to a transfer of an operating license under Part 50 of the same chapter. Specifically, 10 CFR 50.80(c) states, in part, that "the Commission will approve an application for the transfer of a license, if the Commission determines: (1) That the proposed transferee is qualified to be the holder of the license; and (2) That the transfer of the license is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto."

10 CFR 50.54(m)(2) provides the minimum requirements for on-site staffing of nuclear power units by operators and senior operators licensed under 10 CFR Part 55, "Operators' Licenses."

NUREG-0800, "Standard Review Plan," Section 13.1.2-13.1.3, "Operating Organization," Revision 7, is used to evaluate the structure, functions, and responsibilities of the onsite organization proposed to operate and maintain the facility as a result of the license transfer. This review includes verifying that the applicant has an acceptable organization and the adequate resources (i.e., staffing) to provide technical support for the operation and maintenance of the facility under both normal and off-normal conditions.

ENCLOSURE

The licensee stated on Page 3 of the LAR that:

The proposed transaction will not require any significant change in the staffing and qualifications of personnel who currently operate FitzPatrick. Prior to closing the transaction, Exelon Generation will offer employment to substantially all of the Entergy employees at FitzPatrick such that at the time of the closing of the transaction and transfer of the License, the Entergy employees who accept offers of employment will become employees of Exelon Generation.

Please provide additional information regarding what arrangements have been and will be made to secure adequate resources (i.e., sufficient staffing levels), to ensure that Exelon will continue to comply with 10 CFR 50.54(m)(2) at FitzPatrick Nuclear Power Plant, after Entergy employees are offered employment with Exelon.

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Sincerely,
/RA/
Diane Render, Ph.D.
Project Manager
Plant Licensing Branch I-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket Nos. 50-333 and 72-12

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***by email**

OFFICE	LPLI-1/PM	LPLI-1/LA	DRA/APHB	LPLI-1/BC	LPLI-1/PM
NAME	DRender	KGGoldstein	SWeerakkody*	BMozafari (A)	DRender
DATE	10/24/2016	10/25/16	10/20/2016	11/2/16	11/2/16

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