



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

January 9, 2017

Mr. Brian R. Sullivan  
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 - RELAXATION OF THE SCHEDULE REQUIREMENTS FOR ORDER EA-13-109: ORDER MODIFYING LICENSES WITH REGARD TO RELIABLE HARDENED CONTAINMENT VENTS CAPABLE OF OPERATION UNDER SEVERE ACCIDENT CONDITIONS (CAC NO. MF4464)

Dear Mr. Sullivan:

The U.S. Nuclear Regulatory Commission (NRC) staff is responding to the request from Entergy Nuclear Operations, Inc. (Entergy, the licensee), to relax the schedule requirements for Phase 1 of NRC Order EA-13-109 (severe accident capable wetwell venting system) at James A. FitzPatrick Nuclear Power Plant (JAF). The NRC staff has determined that good cause exists for the schedule relaxation, as described below.

By letter dated March 12, 2012 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML12054A694), the NRC issued Order EA-12-050 to all operating Boiling-Water Reactor licensees with Mark I and Mark II containments. This order, in part, required licensees to install a reliable hardened containment vent system. By letter dated June 6, 2013 (ADAMS Accession No. ML13143A334), the NRC superseded the requirements of Order EA-12-050 with Order EA-13-109, "Issuance of Order to Modify Licenses with Regard to Reliable Hardened Containment Vents Capable of Operation Under Severe Accident Conditions."

Section IV of Order EA-13-109 states that licensees proposing to deviate from requirements of the order may request that the Director, Office of Nuclear Reactor Regulation, relax or rescind certain requirements. By letter dated September 8, 2016 (ADAMS Accession No. ML16252A482), Entergy requested an extension of the final compliance date for Phase 1 of Order EA-13-109. Specifically, the licensee requested an extension such that it would comply with the Phase 1 requirements in Section IV of NRC Order EA-13-109 at JAF by June 30, 2018, in lieu of the current required date. The licensee's request does not propose any revision to the required compliance date for Phase 2 of Order EA-13-109.

Section IV A.2 of Order EA-13-109 states that full implementation of the order's Phase 1 requirements shall be completed no later than startup from the second refueling outage that begins after June 30, 2014, or by June 30, 2018, whichever comes first. Based upon the timing of the JAF refueling outages, the current required implementation date for Phase 1 of Order EA-13-109 is startup from the refueling outage scheduled to begin in January 2017.

By letters dated November 18, 2015 (ADAMS Accession No. ML15322A273), and March 16, 2016, (ADAMS Accession No. ML16076A391), Entergy notified the NRC that it had decided to permanently cease power operations at JAF as of January 27, 2017. As such, under this scenario, the plant would have been permanently shut down before the required Phase 1 Order EA-13-109 completion date. By letter dated August 18, 2016 (ADAMS Accession No. ML16235A081), Entergy and Exelon Generation Company, LLC (Exelon) jointly submitted an application for an order and conforming license amendment transferring the JAF facility operating license from Entergy to Exelon, contingent upon certain closing conditions. This letter describes the circumstances leading to the license transfer request, most significantly, a new mechanism recently approved by the New York State Public Service Commission for Zero-Emissions Credits, which are designed to assist New York State with its goal of carbon emission reductions. The licensee's relaxation request dated September 8, 2016, states that based on the possible sale and license transfer, JAF may resume power operations after the January 2017 refueling outage. This letter also states that since the sale of JAF is a recent possibility, additional time is needed to complete implementation of the remaining engineering and design activities, plant modifications, and procedural and training activities required to fully implement the requirements of Order EA-13-109, Phase 1.

The licensee's request dated September 8, 2016, describes the wetwell venting design features that will be in place during the period of the requested extension. This description includes an interim venting capability, as well as the seismic design and combustible gas control characteristics of the existing wetwell venting system. Further, the licensee's request states that during the upcoming [January 2017] refueling outage, a modification to eliminate the only seismic weak point of the existing vent pathway will be accomplished. It also states that site documentation is being updated such that the venting capability will support compliance with NRC Order EA-12-049, "Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond Design-Basis External Events," by June 30, 2017. This date corresponds to the licensee's required compliance date for Order EA-12-049. Compliance with Order EA-12-049 will ensure a venting capability that supports an overall strategy to mitigate a beyond-design-basis external event, including protection of the necessary venting components from postulated external events. The NRC staff reviewed the venting features described by the licensee that will be in place for the period of the requested extension, both before and after June 30, 2017, and concludes that the interim venting capability will provide defense-in-depth measures and enhanced plant capability to mitigate the consequences of a beyond-design-basis external event, and thus minimize the potential for severe accident conditions, for the period of the requested extension.

In light of the facts presented in the licensee's letter dated September 8, 2016, the NRC staff has determined that the licensee has demonstrated good cause for relaxation of the Order EA-13-109, Phase 1 implementation date. Further, the NRC staff notes that following the accident at Fukushima Dai-ichi, the NRC concluded that a sequence of events leading up to an accident such as the one that occurred at Fukushima Dai-ichi is unlikely in the United States based on the current regulatory requirements and existing plant capabilities. Given the plant-specific circumstances at JAF, and that completion of the EA-13-109 Phase 1 order requirements by the proposed date is consistent with the ultimate implementation date established by the order of June 30, 2018, the NRC staff finds that good cause exists to relax the schedule.

B. Sullivan

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Accordingly, based upon the authority granted to the Director, Office of Nuclear Reactor Regulation, the requirement for full implementation of Order EA-13-109, Phase 1 at JAF is relaxed until June 30, 2018.

If you have any questions, please contact Peter Bamford, Senior Project Manager, at 301-415-2833.

Sincerely,

A handwritten signature in black ink, appearing to read 'W M Dean', with a long horizontal flourish extending to the right.

William M. Dean, Director  
Office of Nuclear Reactor Regulation

Docket No.: 50-333

cc: Listserv

JAMES A. FITZPATRICK NUCLEAR POWER PLANT - RELAXATION OF THE SCHEDULE REQUIREMENTS FOR ORDER EA-13-109: ORDER MODIFYING LICENSES WITH REGARD TO RELIABLE HARDENED CONTAINMENT VENTS CAPABLE OF OPERATION UNDER SEVERE ACCIDENT CONDITIONS (CAC NO. MF4464) DATED: January 9, 2017

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**ADAMS Accession No.: ML16336A754**

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