



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

January 25, 2017

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 – WITHDRAWAL OF
AMENDMENT REQUESTS REGARDING DECOMMISSIONING ACTIONS
(CAC NOS. MF7280 AND MF7347)

Dear Sir or Madam:

By letter dated January 15, 2016, as supplemented by letters dated June 3, 2016, and September 19, 2016 (Agencywide Documents Access and Management System (ADAMS) Accession Nos. ML16015A456, ML16155A326, and ML16263A237, respectively), Entergy Nuclear Operations, Inc. (Entergy, the licensee), applied for a license amendment request (LAR) which would have revised and removed certain requirements in James A. FitzPatrick Nuclear Power Plant (JAF) technical specification (TS) Sections 5.1, "Responsibility"; 5.2, "Organization"; and 5.3, "Plant Staff Qualifications," and added additional definitions to TS Section 1.1, "Definitions," after the licensee submitted both certifications in accordance with Title 10 of the *Code of Federal Regulations*, Sections 50.82(a)(1)(i) and 50.82(a)(1)(ii).

By letter dated February 4, 2016 (ADAMS Accession No. ML16043A424), the licensee applied for an LAR to reduce the Emergency Response Organization positions that the licensee considers unnecessary to effectively respond to credible accidents following permanent cessation of operations and fuel removed in accordance 10 CFR 50.82(a)(1).

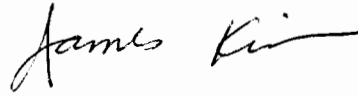
Subsequently, by letter dated January 13, 2017 (ADAMS Accession No. ML17015A000), Entergy requested withdrawal of these two LARs. In addition, by letter dated January 4, 2017 (ADAMS Accession No. ML17012A280), Entergy had reversed its decision to permanently cease operations at JAF and withdrew its "Certification of Permanent Cessation of Operations" for JAF.

Based on the above, the proposed LARs are being treated as withdrawn. The U.S. Nuclear Regulatory Commission has filed the enclosed notices of withdrawal of application for amendment to renewed facility operating license with the Office of the Federal Register for publication. Enclosure 1 provides the notice of withdrawal of the LAR proposing changes to the JAF administrative control sections of TSs dated January 15, 2016. Enclosure 2 provides the notice of withdrawal of the LAR proposing changes to the JAF emergency plan dated February 4, 2016.

The withdrawal of Entergy's "Certification of Permanent Cessation of Operations" was addressed in separate correspondence (ADAMS Accession No. ML17005A456).

If you have any questions, please contact me at 301-415-4125 or James.Kim@nrc.gov.

Sincerely,

A handwritten signature in black ink that reads "James Kim". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

James Kim, Project Manager
Special Projects and Process Branch
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-333

Enclosures:

1. Notice of Withdrawal CAC MF7280
2. Notice of Withdrawal CAC MF7347

cc: Distribution via Listserv

ENCLOSURE 1

FEDERAL REGISTER NOTICE

(NRC-2016-0214)

CAC NO. MF7280

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-333; NRC-2016-0214]

Entergy Nuclear Operations, Inc.

James A. FitzPatrick Nuclear Power Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Entergy Nuclear Operations, Inc. (Entergy, the licensee), to withdraw its application dated January 15, 2016, as supplemented by letters dated June 3, 2016, and September 19, 2016, for a proposed amendment to Facility Operating License No. DPR-59. The proposed amendment request would have revised and removed certain requirements in the James A. FitzPatrick Nuclear Power Plant (JAF) Technical Specification (TS) Sections 5.1, "Responsibility"; 5.2, "Organization"; and 5.3, "Plant Staff Qualifications," and added additional definitions to TS Section 1.1, "Definitions," once certifications for permanent cessation of operation and permanent removal of fuel from the reactor are submitted to the NRC.

ADDRESSES: Please refer to Docket ID NRC-2016-0214 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0214. Address questions about NRC dockets to Carol Gallagher;

telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search](#)." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: James Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-4125; e-mail: James.Kim@nrc.gov.

SUPPLEMENTARY INFORMATION:

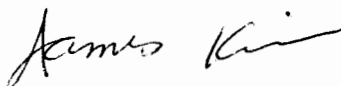
The NRC has granted the request of Entergy to withdraw its application dated January 15, 2016, as supplemented by letters dated June 3, 2016, and September 19, 2016 (ADAMS Accession Nos. ML16015A456, ML16155A326, and ML16263A237, respectively), for a proposed amendment to Facility Operating License No. DPR-59. The proposed amendment request would have revised and removed certain requirements in the JAF TS Sections 5.1,

“Responsibility”; 5.2, “Organization”; and 5.3, “Plant Staff Qualifications,” and added additional definitions to TS Section 1.1, “Definitions,” once certifications for permanent cessation of operation and permanent removal of fuel from the reactor are submitted to the NRC.

The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration published in the *Federal Register* on October 25, 2016 (81 FR 73434). However, by letter dated January 13, 2017 (ADAMS Accession No. ML17015A000), the licensee requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 25th day of January 2017.

For the Nuclear Regulatory Commission.

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

James Kim, Project Manager,
Special Projects and Process Branch,
Division of Operating Reactor Licensing,
Office of Nuclear Reactor Regulation.

ENCLOSURE 2

FEDERAL REGISTER NOTICE

(NRC-2016-0059)

CAC NO. MF7347

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-333; NRC-2016-0059]

Entergy Nuclear Operations, Inc.

James A. FitzPatrick Nuclear Power Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Entergy Nuclear Operations, Inc. (Entergy, the licensee), to withdraw its application dated February 4, 2016, for a proposed amendment to Facility Operating License No. DPR-59. The proposed amendment request would have revised the James A. FitzPatrick Nuclear Power Plant (JAF) Emergency Plan to reduce the Emergency Response Organization (ERO) positions that the licensee considers unnecessary to effectively respond to credible accidents following permanent defueling.

ADDRESSES: Please refer to Docket ID NRC-2016-0059 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Web Site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2016-0059. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; e-mail: Carol.Gallagher@nrc.gov. For technical questions, contact the individual listed in the FOR FURTHER INFORMATION CONTACT section of this document.
- **NRC's Agencywide Documents Access and Management System (ADAMS):** You

may obtain publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "[ADAMS Public Documents](#)" and then select "[Begin Web-based ADAMS Search.](#)" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by e-mail to pdr.resource@nrc.gov. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: James Kim, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-4125; e-mail: James.Kim@nrc.gov.

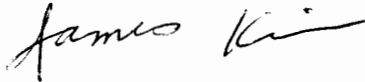
SUPPLEMENTARY INFORMATION:

The NRC has granted the request of Entergy to withdraw its application dated February 4, 2016 (ADAMS Accession No. ML16043A424), for a proposed amendment to Facility Operating License No. DPR-59 for JAF, located in Oswego County, New York. The proposed amendment request would have revised the JAF Emergency Plan to reduce the ERO positions that the licensee considers unnecessary to effectively respond to credible accidents following permanent defueling.

The Commission has previously issued a proposed finding that the amendment involves no significant hazards consideration published in the *Federal Register* on March 29, 2016 (81 FR 17504). However, by letter dated January 13, 2017 (ADAMS Accession No. ML17015A000), the licensee requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 25th day of January 2017.

For the Nuclear Regulatory Commission.

A handwritten signature in black ink, appearing to read "James Kim". The signature is written in a cursive style with a long horizontal stroke at the end.

James Kim, Project Manager,
Special Projects and Process Branch,
Division of Operating Reactor Licensing,
Office of Nuclear Reactor Regulation.

JAMES A. FITZPATRICK NUCLEAR POWER PLANT – WITHDRAWAL OF AMENDMENT
REQUESTS REGARDING DECOMMISSIONING ACTIONS (CAC NOS. MF7280 AND
MF7347) DATED January 25, 2017

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ADAMS Accession Nos.: LTR: ML17018A045; FRN MF7280: ML17018A126;
FRN MF7347: ML17018A129

OFFICE	NRR/DORL/LSPB/PM	NRR/DORL/LSPB/LA	NRR/DORL/LSPB/BC	NRR/DORL/LSPB/PM
NAME	JKim	JBurkhardt	DBroaddus	JKim
DATE	1/24/17	1/24/17	1/25/17	1/25/17

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