



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION**  
REGION I  
2100 RENAISSANCE BLVD., SUITE 100  
KING OF PRUSSIA, PA 19406-2713

August 31, 2016

Mr. Brian Sullivan  
Site Vice President  
Entergy Nuclear Northeast  
James A. Fitzpatrick Nuclear Power Plant  
P.O. Box 110  
Lycoming, NY 13093

**SUBJECT: MID-CYCLE ASSESSMENT LETTER FOR JAMES A. FITZPATRICK NUCLEAR  
POWER PLANT (REPORT 05000333/2016005)**

Dear Mr. Sullivan:

On August 9, 2016, the U.S. Nuclear Regulatory Commission (NRC) completed its mid-cycle performance review of James A. FitzPatrick Nuclear Power Plant (FitzPatrick). The NRC reviewed the most recent quarterly performance indicators (PIs) in addition to inspection results and enforcement actions from July 1, 2015, through June 30, 2016. This letter informs you of the NRC's assessment of your facility during this period and its plans for future inspections at your facility.

The NRC determined that overall, FitzPatrick operated in a manner that preserved public health and safety and met all cornerstone objectives. The NRC determined the performance at FitzPatrick during the most recent quarter was within the Licensee Response Column of the NRC's Reactor Oversight Process (ROP) Action Matrix because all inspection findings had very low (i.e., Green) safety significance, and all PIs indicated that your performance was within the nominal, expected range (i.e., Green). Therefore, the NRC plans to conduct ROP baseline inspections at your facility.

By letter dated March 16, 2016 (ML16076A391<sup>1</sup>), Entergy informed the NRC of their plans to permanently shut down the FitzPatrick station on January 27, 2017. On July 13, 2016, the NRC became aware of the potential sale of FitzPatrick to Exelon Generation and the potential for continued operation. The NRC inspection activities during this period will address either outcome. The ROP and Inspection Program provides inherent flexibility to permit inspection sampling adjustments to be made in order to better inform our assessment of performance during this unique period of operations. In addition, the NRC will continue to implement quarterly assessment review meetings for FitzPatrick, consistent with the guidance contained in Inspection Manual Chapter (IMC) 0305, "Operating Reactor Assessment Program," in order to more closely monitor and review overall plant activities to ensure that there are no issues emerging that might indicate a decline in focus on the safe operation of the facility.

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<sup>1</sup> The designation in parentheses refers to an Agencywide Documents Access and Management System (ADAMS) Accession Number. Documents referenced in this letter are publicly available using the Accession Number in ADAMS.

The enclosed inspection plan lists the inspections scheduled through June 30, 2018. The plan assumes continued operation through June 2018. Routine inspections performed by resident inspectors are not included in the inspection plan. In addition, the NRC plans to conduct Inspection Procedure 60855.1, "Operation of an Independent Spent Fuel Storage Installation at Operating Plants," at your facility. The inspections listed during the last half of the inspection period in the inspection plan are tentative and may be revised at the end-of-cycle performance review. The NRC provides the inspection plan to allow for the resolution of any scheduling conflicts and personnel availability issues. The NRC will contact you as soon as possible to discuss changes to the inspection plan should circumstances warrant any changes. This inspection plan does not include security-related inspections, which will be sent via separate, non-publicly available correspondence.

In response to the accident at Fukushima, the Commission 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 Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation." The NRC conducted audits of licensee efforts towards compliance with these Orders; however, these audits were deferred for FitzPatrick, based on the intent to permanently cease operations. Should plant operations at FitzPatrick continue past January 2017, these audits will be performed, and the information gathered will aid staff in development of the Final Safety Evaluation for the site. After the NRC staff receives the Final Compliance letter for the site, the Safety Evaluation will be issued. Then, the NRC staff will confirm through inspections the full implementation of the orders mentioned above by performing Temporary Instruction 2515/191, "Inspection of the Implementation of Mitigation Strategies and Spent Fuel Pool Instrumentation Orders and Emergency Preparedness Communication/Staffing/Multi-Unit Dose Assessment Plans."

In Staff Requirements Memorandum – SECY 16-0009, "Recommendations Resulting from the Integrated Prioritization and Re-Baselining of Agency Activities," (ML16104A158) the Commission approved the NRC staff recommendation to discontinue the formal mid-cycle assessment process beginning in calendar year 2017. This will be the final mid-cycle assessment letter. The staff will continue to conduct assessment reviews and communicate changes in the assessment of licensee performance quarterly, and will also issue end-of-cycle assessment letters.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of

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NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Please contact me at (610)337-5069 with any questions you have regarding this letter.

Sincerely,

*/RA/*

Arthur L. Burritt, Chief  
Reactor Projects Branch 5  
Division of Reactor Projects

Docket No. 50-333  
License No. DPR-59

Enclosure:  
FitzPatrick Inspection/Activity Plan

cc w/encl: Distribution via ListServ

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DOCUMENT NAME: S:\ROP Assessment Meetings\ROP-17 Mid-Cycle Review\Branch 5\FitzPatrick\ROP-17 FitzPatrick MC Assessment Letter\_final.docx

ADAMS Accession No. **ML16239A135**

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| <input checked="" type="checkbox"/> SUNSI Review |          | <input checked="" type="checkbox"/> Non-Sensitive<br><input type="checkbox"/> Sensitive |  | <input checked="" type="checkbox"/> Publicly Available<br><input type="checkbox"/> Non-Publicly Available |  |
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| DATE   | 8/17/16  | 8/16/16   |  |   |  |

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**FitzPatrick**  
**Inspection / Activity Plan**  
**07/01/2016 - 06/30/2018**

| Unit Number | Planned Dates |            | Inspection Activity                         | Title  | No. of Staff on Site |
|-------------|---------------|------------|---|--|----------------------|
|             | Start         | End        |   |  |                      |
|             |               |            | <b>EP - EP PROGRAM INSPECTION</b>           |  | <b>1</b>             |
| 1           | 07/11/2016    | 07/15/2016 | IP 7111402                                  | Alert and Notification System Testing                                |                      |
| 1           | 07/11/2016    | 07/15/2016 | IP 7111403                                  | Emergency Preparedness Organization Staffing and Augmentation System |                      |
| 1           | 07/11/2016    | 07/15/2016 | IP 7111405                                  | Correction of Emergency Preparedness Weaknesses and Deficiencies     |                      |
|             |               |            | <b>71124 - RAD SAFETY INSPECTION</b>        |  | <b>1</b>             |
| 1           | 08/22/2016    | 08/26/2016 | IP 71124.05                                 | Radiation Monitoring Instrumentation                                 |                      |
|             |               |            | <b>71124 - RAD SAFETY INSPECTION</b>        |  | <b>1</b>             |
| 1           | 09/26/2016    | 09/30/2016 | IP 71124.01                                 | Radiological Hazard Assessment and Exposure Controls                 |                      |
| 1           | 09/26/2016    | 09/30/2016 | IP 71124.02                                 | Occupational ALARA Planning and Controls                             |                      |
| 1           | 09/26/2016    | 09/30/2016 | IP 71124.03                                 | In-Plant Airborne Radioactivity Control and Mitigation               |                      |
| 1           | 09/26/2016    | 09/30/2016 | IP 71124.04                                 | Occupational Dose Assessment   |                      |
| 1           | 09/26/2016    | 09/30/2016 | IP 71124.05                                 | Radiation Monitoring Instrumentation                                 |                      |
| 1           | 09/26/2016    | 09/30/2016 | IP 71151-OR01                               | Occupational Exposure Control Effectiveness                          |                      |
|             |               |            | <b>7111108G - INSERVICE INSPECTION</b>      |  | <b>1</b>             |
| 1           | 01/16/2017    | 01/20/2017 | IP 7111108G                                 | Inservice Inspection Activities - BWR                                |                      |
|             |               |            | <b>71124 - RAD SAFETY INSP</b>              |  | <b>1</b>             |
| 1           | 01/23/2017    | 01/27/2017 | IP 71124.01                                 | Radiological Hazard Assessment and Exposure Controls                 |                      |
| 1           | 01/23/2017    | 01/27/2017 | IP 71124.02                                 | Occupational ALARA Planning and Controls                             |                      |
| 1           | 01/23/2017    | 01/27/2017 | IP 71124.03                                 | In-Plant Airborne Radioactivity Control and Mitigation               |                      |
| 1           | 01/23/2017    | 01/27/2017 | IP 71124.04                                 | Occupational Dose Assessment   |                      |
|             |               |            | <b>EP - EP EXERCISE EVALUATION</b>          |  | <b>4</b>             |
| 1           | 04/24/2017    | 04/28/2017 | IP 7111401                                  | Exercise Evaluation  |                      |
| 1           | 04/24/2017    | 04/28/2017 | IP 71151                                    | Performance Indicator Verification                                   |                      |
|             |               |            | <b>71124 - HP INSPECTION</b>                |  | <b>1</b>             |
| 1           | 04/24/2017    | 04/28/2017 | IP 71124.01                                 | Radiological Hazard Assessment and Exposure Controls                 |                      |
| 1           | 04/24/2017    | 04/28/2017 | IP 71124.02                                 | Occupational ALARA Planning and Controls                             |                      |
| 1           | 04/24/2017    | 04/28/2017 | IP 71124.03                                 | In-Plant Airborne Radioactivity Control and Mitigation               |                      |
|             |               |            | <b>7111105T - TRIENNIAL FIRE PROTECTION</b> |  | <b>4</b>             |
| 1           | 05/01/2017    | 05/05/2017 | IP 7111105T                                 | Fire Protection [Triennial]  |                      |
| 1           | 05/15/2017    | 05/19/2017 | IP 7111105T                                 | Fire Protection [Triennial]  |                      |
|             |               |            | <b>11/13EXM - FITZPATRICK INITIAL EXAM</b>  |  | <b>4</b>             |
| 1           | 09/18/2017    | 09/22/2017 | U01939                                      | FY18-FITZ INITIAL OPERATOR LICENSING EXAM                            |                      |
| 1           | 10/16/2017    | 10/20/2017 | U01939                                      | FY18-FITZ INITIAL OPERATOR LICENSING EXAM                            |                      |

This report does not include INPO and OUTAGE activities.  
This report shows only on-site and announced inspection procedures.

Enclosure

**FitzPatrick**  
**Inspection / Activity Plan**  
**07/01/2016 - 06/30/2018**

| Unit Number | Planned Dates |            | Inspection Activity                              | Title  | No. of Staff on Site |
|-------------|---------------|------------|--|--|----------------------|
|             | Start         | End        |  |  |                      |
|             |               |            | <b>ISFSI - ISFSI OPERATIONAL INSPECTION</b>      |  | <b>1</b>             |
| 1           | 06/12/2017    | 06/16/2017 | IP 60855   | Operation Of An ISFSI  |                      |
| 1           | 06/12/2017    | 06/16/2017 | IP 60855.1                                       | Operation of an Independent Spent Fuel Storage Installation at Operating Plants  |                      |
|             |               |            | <b>71152B - PI&amp;R BIENNIAL</b>                |  | <b>3</b>             |
| 1           | 07/17/2017    | 07/21/2017 | IP 71152B  | Problem Identification and Resolution  |                      |
| 1           | 07/31/2017    | 08/04/2017 | IP 71152B  | Problem Identification and Resolution  |                      |
|             |               |            | <b>71124 - HP</b>                                |  | <b>1</b>             |
| 1           | 08/21/2017    | 08/25/2017 | IP 71124.01                                      | Radiological Hazard Assessment and Exposure Controls                             |                      |
| 1           | 08/21/2017    | 08/25/2017 | IP 71124.02                                      | Occupational ALARA Planning and Controls   |                      |
| 1           | 08/21/2017    | 08/25/2017 | IP 71124.03                                      | In-Plant Airborne Radioactivity Control and Mitigation                           |                      |
|             |               |            | <b>71124 - REMP</b>                              |  | <b>1</b>             |
| 1           | 09/04/2017    | 09/08/2017 | IP 71124.07                                      | Radiological Environmental Monitoring Program                                    |                      |
|             |               |            | <b>71124 - HP</b>                                |  | <b>1</b>             |
| 1           | 10/09/2017    | 10/13/2017 | IP 71124.01                                      | Radiological Hazard Assessment and Exposure Controls                             |                      |
| 1           | 10/09/2017    | 10/13/2017 | IP 71124.02                                      | Occupational ALARA Planning and Controls   |                      |
| 1           | 10/09/2017    | 10/13/2017 | IP 71124.04                                      | Occupational Dose Assessment   |                      |
|             |               |            | <b>711111B - FITZ REQUAL INSP W/ P/F RESULTS</b> |  | <b>2</b>             |
| 1           | 05/07/2018    | 05/11/2018 | IP 711111B                                       | Licensed Operator Requalification Program  |                      |
|             |               |            | <b>71124 - HP</b>                                |  | <b>1</b>             |
| 1           | 03/26/2018    | 03/30/2018 | IP 71124.01                                      | Radiological Hazard Assessment and Exposure Controls                             |                      |
| 1           | 03/26/2018    | 03/30/2018 | IP 71124.02                                      | Occupational ALARA Planning and Controls   |                      |
|             |               |            | <b>7111117T - PERMANENT PLANT MODIFICATIONS</b>  |  | <b>3</b>             |
| 1           | 04/30/2018    | 05/04/2018 | IP 7111117T                                      | Evaluations of Changes, Tests, and Experiments and Permanent Plant Modifications |                      |
| 1           | 05/14/2018    | 05/18/2018 | IP 7111117T                                      | Evaluations of Changes, Tests, and Experiments and Permanent Plant Modifications |                      |
|             |               |            | <b>71124 - RETS</b>                              |  | <b>1</b>             |
| 1           | 05/21/2018    | 05/25/2018 | IP 71124.06                                      | Radioactive Gaseous and Liquid Effluent Treatment                                |                      |
|             |               |            | <b>HEAT - TRIENNIAL HEAT SINK</b>                |  | <b>1</b>             |
| 1           | 06/11/2018    | 06/15/2018 | IP 7111107T                                      | Heat Sink Performance  |                      |

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