



**Entergy Nuclear Northeast
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Lawrence M. Coyle
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JAFP-14-0060
May 14, 2014

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

Subject: Response to Request for Information for Preemption Authority
Pursuant to Section 161A of the Atomic Energy Act License
Amendment Request (TAC No. MF2702)

James A. FitzPatrick Nuclear Power Plant
Docket Nos. 50-333 and 72-12
License No. DPR-59

References:

1. Entergy letter, Application for Preemption Authority Pursuant to Section 161A of the Atomic Energy Act and License Amendment Request, JAFP-13-0036, dated August 30, 2013
2. NRC letter, Calvert Cliffs Nuclear Power Plant, Units 1 and 2, Diablo Canyon Nuclear Power Plant, Units 1 and 2, Indian Point Nuclear Generating Unit NOs. 1, 2, and 3, James A. FitzPatrick Nuclear Power Plant, Nine Mile Point Nuclear Power Plant, Units 1 and 2, R. E Ginna Nuclear Power Plant, and San Onofre Nuclear Generating Station, Units 2 and 3 – Request for Additional Information Concerning Pre-Emption Authority (TAC NOs. MF2621, MF2622, MF2809, MF2810, MF2603, MF2604, MF2605, MF2702, MF2662, MF2663, MF2664, MF2624, MF2625, and MF2623, dated May 1, 2014

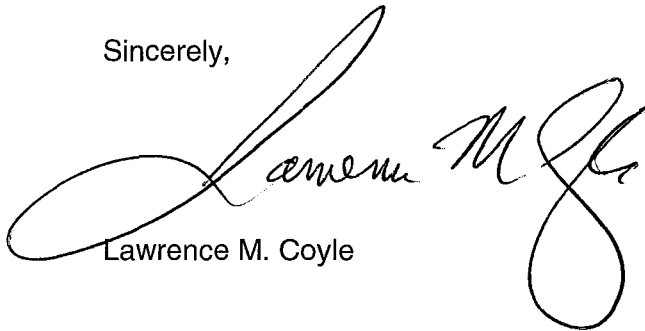
James A. FitzPatrick Nuclear Power Plant (JAF) requested an amendment pursuant to Section 161A of the Atomic Energy Act, for Commission authorization to use Section 161A preemption authority under 42 U.S.C. 2201a to permit the continued use by security personnel of the standard weapons described in Attachment 1 of Reference 1.

In reviewing the application, the NRC determined that additional information is required to complete processing the application [Reference 2]. The attachment to this letter provides a response to this request.

There are no regulatory commitments in this submittal. Should you have any questions or require additional information regarding this application, please contact Mr. Chris M. Adner, Regulatory Assurance Manager at 315-349-6766.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 14, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence M. Coyle". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that ends in a small circle.

Lawrence M. Coyle

LMC/CMA/mh

Attachments: Response to Request for Additional Information

cc: Mr. Douglas V. Pickett, NRC Senior Project Manager
 Regional Administrator, NRC Region 1
 Ms. Margaret E. Stambaugh, Security and Incident Response, NRR
 Mr. Edward C. Knutson, NRC Senior Resident Inspector, JAFNPP
 Mr. John Rhodes, President and CEO, NYSERDA
 Ms. Bridget Frymire, New York State Dept. of Public Service

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ATTACHMENT

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
(3 Pages)

Response to Request for Additional Information

Question

1. On June 5, 2013, the NRC issued Order EA-13-092 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML13121A459) (the Order) designating certain NRC licensed facilities as eligible to request pre-emption authority. Attachment 3 of the Order contained requirements in support of conducting firearms background checks. Verification that these items are complete or will be completed prior to implementation of pre-emption authority, should it be granted, is required.
 - a. Address whether the site training and qualification program has been revised, or is being revised, to provide each individual with instructions on identifying events or status that would disqualify the individual from possession or use of firearms and the continuing responsibility of each individual to promptly notify the licensee of the occurrence of any such event or status. If the training and qualification program is not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
 - b. Verify that either the security plan and/or associated security procedures currently require or shall require, for the purpose of assuring correct and complete information, that the licensee shall provide to each individual the contents of records obtained from the Federal Bureau of Investigation (FBI) before making any final adverse determination. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
 - c. Verify that either the security plan and/or associated security procedures currently require or shall require that confirmation of receipt by the individual of the contents of records obtained from the FBI must be maintained by the licensee for a period of 5 years from the date of the notification. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
 - d. Verify that either the security plan and/or associated security procedures currently require or shall require the retention of a copy of all information submitted and received for firearms background checks for a minimum of 5 years after the information is superseded through periodic reinvestigation or the termination of an individual's access to firearms. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
 - e. Verify that either the security plan and/or associated security procedures currently require or shall require that as of 180 days after the effective date of Commission Order EA-13-092, which was December 22, 2013, the licensee shall not assign any individual to any armed duties unless the individual has completed a satisfactory firearms background check. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
 - f. Verify that either the security plan and/or associated security procedures currently require or shall require that the licensee remove from armed duties, without delay, any individual who has received a "denied" response from the FBI and that the licensee may

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return an individual to armed duties only *after* the individual receives a “proceed” response from the FBI, subsequent to receiving a “delayed” or “denied” response. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.

- g. Verify that either the security plan and/or associated security procedures currently require or shall require that all personnel subject to a firearms background check be provided with instructions for appealing “delayed” or “denied” responses and that these instructions will continue to be provided to all personnel subject to a firearms background check. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
- h. Verify that either the security plan and/or associated security procedures currently require or shall require all personnel subject to a firearms background check to notify the licensee’s security management within 3 working days of the occurrence or existence of any disqualifying event or status. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
- i. Verify that either the security plan and/or associated security procedures currently require or shall require that the licensee remove from armed duties, without delay, any individual for whom disqualifying information has become known or where a satisfactory firearms background check re-investigation has not been completed. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
- j. Confirm that the removal from armed duties of any individual for whom disqualifying information has become known or where a satisfactory firearms background check re-investigation has not been completed, will be completed within the timeframe specified for reconstitution of the minimum security organization staffing levels described in the licensee’s current NRC-approved security plans, or sooner if practicable. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
- k. Verify that either the security plan and/or associated security procedures currently require or shall require that all individuals who require access to firearms as part of their official duties complete a periodic firearms background check re-investigation at least once every 5 years, following the initial or most recent satisfactory firearms background check. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.
- l. Verify that either the security plan and/or associated security procedures currently require or shall require that the licensee shall complete a “new” firearms background check or reinvestigation for all individuals who have had a break in employment of greater than 7 consecutive calendar days or who have transferred to the employment of the licensee or the licensee’s contractor. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.

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- m. Verify that either the security plan and/or associated security procedures currently require or shall require that the licensee will notify the NRC Headquarters Operations Center by telephone within 72 hours after removing an individual from armed duties as a result of the discovery of any disqualifying status or event. If the security plan and/or associated security procedures are not being revised, provide an explanation why and/or identify the existing security plan or site procedure that contains the appropriate instructions.

Response

A new James A. FitzPatrick Nuclear Power Plant (JAF) procedure is being developed to implement the preemption authority requirements in the NRC question. This new procedure will be formally implemented when NRC approves that preemption authority. Current requirements would cause JAF to take some of the indicated actions prior to development of this procedure even though preemption has not been approved.