



**Entergy Nuclear Northeast
Entergy Nuclear Operations, Inc.**
James A. FitzPatrick NPP
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Brian R. Sullivan
Site Vice President – JAF

JAFP-15-0011
January 15, 2015

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

Subject: Consent and Hearing Waiver Form for Confirmatory Order EA-14-137
(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 draft order, Confirmatory Order Modifying License, EA-14-137, draft issued January 12, 2015

Dear Sir or Madam,

On January 12, 2015, the Nuclear Regulatory Commission forwarded a draft Confirmatory Order [Reference 2] with regard to the James A. FitzPatrick Nuclear Power Plant submittal for a license amendment request [Reference 1] 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.

Entergy consents to the issuance of the Confirmatory Order EA-14-137, effective immediately upon its issuance. In consenting to Confirmatory Order EA-14-137, Entergy agrees to waive the right to request a hearing on all or any part of the Confirmatory Order. The Enclosure to this letter contains a signed waiver form.


On January 12, 2015, the NRC also sent a proposed License Condition associated with the approval of request for preemption. Entergy finds this proposed License Condition acceptable. The License condition is:

ENO has been granted Commission authorization to use "stand alone preemption authority" under Section 161A of the Atomic Energy Act, 42 U.S.C. 2201a with respect to the weapons described in Attachment 1, Section II contained in its application submitted by letter dated August 30, 2013, as supplemented by letters dated November 12, 2013, and July 11, 2014. ENO shall fully implement and maintain in effect the provisions of the Commission approved authorization.

There are no new 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 January 15, 2015.

Sincerely,



Brian R. Sullivan

BRS/CMA/mh

Enclosure: Consent and Hearing Waiver Form

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 B. Rhodes, President and CEO, NYSEDA
Ms. Bridget Frymire, New York State Dept. of Public Service

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ENCLOSURE

CONSENT AND HEARING WAIVER FORM


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CONSENT AND HEARING WAIVER FORM

Entergy Nuclear Operations, Inc., hereby agrees to comply with the terms and conditions of the Confirmatory Order EA-14-137 arising out of the James A. FitzPatrick Nuclear Power Plant submittal dated August 30, 2013, as supplemented by letters dated November 12, 2013, and July 11, 2014. By signing below, Entergy Nuclear Operations, Inc., consents to the issuance of the referenced Confirmatory Order, by doing so, agrees to waive the right to request a hearing on all or any part of the Confirmatory Order.



Brian R. Sullivan
Site Vice President - JAF
Entergy Nuclear Operations, Inc.



Date