

March 5, 2004

Mr. Fred R. Dacimo
Site Vice President
Entergy Nuclear Northeast
Indian Point Energy Center
295 Broadway, Suite 1
P.O. Box 249
Buchanan, New York 10511-0249

RI-2003-A-0022

Dear Mr. Dacimo:

The Region I Field Office of NRC Office of Investigations (OI) with the support of NRC technical staff knowledgeable in the security/safeguards area initiated a review (OI Case No.1-2003-044) on September 3, 2003, to determine if a newspaper article which appeared in a January 30, 2003, edition of the Middletown, New York (NY), Times Herald-Record, contained safeguards information. Our process included a detailed review of the news article and associated documentation, interviews with Entergy employees and representatives of the Times Herald-Record, and examination of our follow-up results to determine the potential for any individual wrongdoing. Normally, when the NRC completes a review of this sort, we provide information on whether the issue was substantiated and how the NRC resolved the issue. However, due to the nature of the plant security issues associated with this matter, we are not at liberty to discuss specific details of our review or resolution. It is the policy of the NRC to neither confirm nor deny the existence of safeguards information which has been released or communicated to the public.

The NRC issued a notification to all NRC licensees to assure that mechanisms are in place to preclude the unauthorized disclosure of safeguards information. We ask that you continue to be mindful of the guidance in NRC Regulatory Issue Summary 2003-008, "Protection of Safeguards Information From Unauthorized Disclosure."

Please note that final NRC documents, such as the OI report described above, may be made available to the public under the Freedom of Information Act (FOIA) subject to redaction of information appropriate under the FOIA. Requests under the FOIA should be made in accordance with 10 CFR 9.23, Requests for Records, a copy of which is enclosed for your information.

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Also, in accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter and your response, if any, will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of 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).

Should you have any questions regarding this letter, please feel free to contact Mr. B. McDermott of my staff at (610) 337-5233.

Sincerely,

/RA/ by Brian Holian for

A. Randolph Blough, Director
Division of Reactor Projects

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