

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

January 18, 2008  
EN-08-004

OFFICE OF ENFORCEMENT  
NOTIFICATION OF SIGNIFICANT ENFORCEMENT ACTION

Licensee: Entergy Nuclear Operations, Inc. (EA-08-006)  
Indian Point Nuclear Generating Station, Units 2 & 3  
Docket Nos. 05000247 and 05000286

Subject: PROPOSED IMPOSITION OF CIVIL PENALTY - \$650,000

This is to inform the Commission that a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$650,000 will be issued on or about January 24, 2008, to Entergy Nuclear Operations, Inc. This action is based on a continuing SL III violation of the NRC's January 31, 2006, Confirmatory Order to implement Section 651(b) of the Energy Policy Act (Act) of 2005. The Order required Entergy to install backup power for the Indian Point Alert and Notification System (ANS) by January 31, 2007. The NRC subsequently extended, at the licensee's request, the implementation date to April 15, 2007. On April 23, 2007, the staff issued a Notice of Violation and Proposed Imposition of Civil Penalty in the amount of \$130,000 when Entergy failed to meet the April 15, 2007, implementation date. On July 30, 2007, the NRC issued an Order to supplement the requirements of the January 31, 2006, Confirmatory Order, based on Entergy's proposed corrective actions for noncompliance with the Confirmatory Order. On August 30, 2007, the staff issued a subsequent Notice of Violation for Entergy's failure to place the new ANS in service by August 24, 2007, as required by the July 30, 2007, Order. As of April 16, 2007, the licensee remains in violation of the requirements.

Entergy's failure to meet the terms of the two Orders significantly undermines the regulatory effectiveness of the NRC in terms of ensuring the timely implementation of the Act. Entergy's failure to implement the new ANS is of significant regulatory concern given the mandate by Congress and the licensee's delay on multiple occasions in implementing the new ANS. The factors and difficulties encountered in meeting the implementation due date described in the Order(s) were reasonably within Entergy's control. Therefore, to emphasize the importance of compliance with NRC requirements, the staff proposes imposition a Civil Penalty for a SL III violation in the amount of \$650,000, consistent with the Note to Commissioners' Assistants sent to the Commission on January 14, 2008.

It should be noted that the licensee has not been specifically informed of the enforcement action. The schedule of issuance and notification is:

Mailing of Notice	January 24, 2008
Telephone Notification of Licensee	January 24, 2008

The State of New York will be notified.

Contacts: Doug Starkey, OE, 301-415-3456      Nick Hilton, OE, 301-415-3055

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**

Electronic Distribution: EN-08-004, January 18, 2008

<u>OWFN</u>	<u>OWFN</u>	<u>TWFN</u>	<u>Regional Offices</u>	
Chairman Klein	EDO	OCFO	RI	RII
Comm. Jaczko	DEDR	OP CENTER	RIII	RIV
Comm. Lyons	DEDMRT	NMSS		
SECY	OE	OIG		
OCA	OGC	OCIO	<u>MAIL</u>	
OPA	NRR	RES	<u>PUBLIC</u>	
OIP	NSIR	ACRS	OE staff	
	OI	FSME		

DISTRIBUTION: (Hard copy)

C. Carpenter, OE  
S. Magruder, OE  
N. Hilton, OE  
D. Starkey, OE  
OE r/f  
EA-08-006 File  
EN binder

**ML080180148**

Publicly Available

Non-Publicly Available       Sensitive       Non-Sensitive

File Name: G:\OECASES\ENs\2008 ENs\EN-08-XXX Indian Point drs.doc

OFFICE	OE	OE
NAME	DStarkey	NHilton
DATE	01/ 17 /08	01/ 18 /08

**PRELIMINARY INFORMATION - NOT FOR PUBLIC DISCLOSURE UNTIL  
VERIFICATION THAT LICENSEE HAS RECEIVED ACTION**