



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION I  
475 ALLENDALE ROAD  
KING OF PRUSSIA, PA 19406-1415

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December 8, 2008

EA-08-209

Mr. Joseph E. Pollock  
Site Vice President  
Energy Nuclear Operations, Inc.  
Indian Point Energy Center  
450 Broadway, GSB  
Buchanan, NY 10511-0249

SUBJECT: INDIAN POINT ENERGY CENTER - NRC INVESTIGATION REPORT NO 1-  
2007-031 AND NOTICE OF VIOLATION

Dear Mr. Pollock:

This refers to an investigation completed on March 21, 2008, by the Region I Office of Investigations (OI) at the Indian Point Energy Center (IPEC). The investigation was initiated on May 8, 2007, to determine, in part, if the site access procedure had been violated.

As a result of the investigation, the NRC identified one violation of very low security significance. In accordance with the NRC Enforcement Policy, this violation was evaluated using the traditional enforcement process because it involved willful acts. The violation was determined to be a Severity Level IV violation of NRC requirements. The NRC Enforcement Policy is included on the NRC's Web site at [www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html).

The violation is cited in the enclosed Notice of Violation (Notice) and the circumstances surrounding it are described in detail in the subject investigation report. A summary of the investigation is provided in Enclosure (1).

You are required to respond to this letter and should follow the instructions specified in the enclosed Notice when preparing your response. The NRC will use your response, in part, to determine whether further enforcement action is necessary to ensure compliance with regulatory requirements.

In accordance with 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 NRC's document system, ADAMS.

When separated from its Enclosure, this document is DECONTROLLED.
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J. Pollock

2

ADAMS is accessible from the NRC Website at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room). However, because of the security-related information contained in the enclosures, and in accordance with 10 CFR 2.390, a copy of this letter's enclosures will not be available for public inspection.

In accordance with 10 CFR 2.390(b)(1)(ii), the NRC is waiving the affidavit requirements for your response. This practice will ensure that your response will not be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system, ADAMS. If Safeguards Information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21. Otherwise, mark your entire response "Security-Related Information - Withhold Under 10 CFR 2.390" and follow the instructions for withholding in 10 CFR 2.390(b)(1).

Sincerely,

***/RA/ Original Signed By:***

David C. Lew, Director  
Division of Reactor Projects

Docket No. 50-247 and 50-286  
License No. DPR-26 and DPR-64

Enclosures:

- (1) Summary of Investigation (OUO-SRI)
- (2) Notice of Violation (OUO-SRI)

cc w/encl; w/OUO-SRI:

D. Gagnon, Site Security Manager, Indian Point Energy Center  
J. Spath, New York State Energy Research, SLO Designee  
F. Tabert, Assistant Director, NY State, Department of Homeland Security  
M. Balboni, Deputy Secretary for Public Safety

cc w/o encl; w/o OUO-SRI:

Senior Vice President, Entergy Nuclear Operations  
Vice President, Operations, Entergy Nuclear Operations  
Vice President, Oversight, Entergy Nuclear Operations  
Senior Manager, Nuclear Safety and Licensing, Entergy Nuclear Operations  
Senior Vice President and COO, Entergy Nuclear Operations  
Assistant General Counsel, Entergy Nuclear Operations  
Manager, Licensing, Entergy Nuclear Operations  
C. Donaldson, Esquire, Assistant Attorney General, New York Department of Law  
A. Donahue, Mayor, Village of Buchanan  
J. G. Testa, Mayor, City of Peekskill  
R. Albanese, Four County Coordinator  
S. Lousteau, Treasury Department, Entergy Services, Inc.  
Chairman, Standing Committee on Energy, NYS Assembly  
Chairman, Standing Committee on Environmental Conservation, NYS Assembly

J. Pollock

3

Chairman, Committee on Corporations, Authorities, and Commissions

M. Slobodien, Director, Emergency Planning

P. Eddy, NYS Department of Public Service

Assemblywoman Sandra Galef, NYS Assembly

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A. Spano, Westchester County Executive

R. Bondi, Putnam County Executive

C. Vanderhoef, Rockland County Executive

E. A. Diana, Orange County Executive

T. Judson, Central NY Citizens Awareness Network

M. Elie, Citizens Awareness Network

D. Lochbaum, Nuclear Safety Engineer, Union of Concerned Scientists

Public Citizen's Critical Mass Energy Project

M. Mariotte, Nuclear Information & Resources Service

F. Zalzman, Pace Law School, Energy Project

L. Puglisi, Supervisor, Town of Cortlandt

Congressman John Hall

Congresswoman Nita Lowery

Senator Hillary Rodham Clinton

Senator Charles Schumer

G. Shapiro, Senator Clinton's Staff

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Sincerely,

**/RA/ Original Signed By:**  
David C. Lew, Director  
Division of Reactor Projects

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**SUNSI Review Complete: SMC** (Reviewer's Initials) **Adams Accession No. ML083440122**

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\*See prior concurrence

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**OUO-SRI: (via e-mail)**

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- B. Bickett, DRP
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- T. Koonce, RI – Indian Point
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- P. Cataldo, DRP – Senior Resident Inspector
- G. Malone, DRP – Senior Resident Inspector