



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

March 22, 2010

Mr. Joseph Pollock
Site Vice President
Entergy Nuclear Operations, Incorporated
Indian Point Energy Center
450 Broadway, GSB
P.O. Box 249
Buchanan, NY 10511-0249

RI-2009-A-0021

Subject: NRC Office of Investigations Case No. 1-2009-026

Dear Mr. Pollock:

The Region I Field Office, NRC Office of Investigations (OI), initiated an investigation (Case No. 1-2009-026) on April 17, 2009, to determine whether a member of the security force employed at the Indian Point Energy Center was discriminated against by Entergy management for having raised safety and security concerns.

The security force member stated that he/she had written a significant number of Condition Reports pertaining to safety and security concerns while employed at Indian Point. Some of the examples provided were Occupational Safety Health Administration (OSHA) items, which are not considered protected activity by the NRC employee protection regulation (10 CFR 50.7), while others were related to security items. As a result of raising these concerns, the security force member stated that he/she was subject to various discriminatory acts.

Based on documentary and testimonial evidence gathered by OI, the NRC was unable to substantiate that the security force member was subjected to discriminatory actions after raising concerns. The NRC concluded that none of the acts cited by the security force member were discriminatory. Rather, the actions were based on legitimate business decisions.

Please note that final NRC investigation 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.

No response to this letter is required. Should you have any questions regarding this letter, please contact Mr. M. Gray of my staff at (610) 337-5209.

Sincerely,
/RA/
David C. Lew, Director
Division of Reactor Projects

Enclosure: As Stated

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