

May 10, 2002

The Honorable George E. Pataki  
Governor of State of New York  
Albany, New York 12224

Dear Governor Pataki:

I am responding on behalf of the Nuclear Regulatory Commission (NRC) to your letter of February 6, 2002, in which you requested that the NRC and the Federal Emergency Management Agency (FEMA) review the Federal standards related to offsite safety and emergency planning and explore additional measures to ensure the security of Indian Point and the other nuclear facilities in New York State. As the two Federal agencies responsible for evaluating emergency preparedness at and around nuclear facilities, the NRC and FEMA continue to work closely on issues that impact offsite safety and emergency planning. FEMA and NRC routinely interact at both the headquarters and regional levels on issues affecting offsite preparedness.

Immediately after the attacks of September 11, 2001, the NRC took timely action to ensure security measures were enhanced at all nuclear plants, including Indian Point. The NRC advised all nuclear power plants to go to the highest level of security, which they promptly did. These facilities have remained at an appropriate and heightened security level since that time. In the wake of the attacks, I, with full support of the Commission, directed the staff to conduct a review of the NRC's safeguards and physical security programs. In reaction to the heightened threat environment following September 11, the NRC issued a number of Threat Advisories which outline specific measures our licensees were expected to promptly consider and implement, as appropriate.

On February 25, 2002, the NRC issued Orders to reactor licensees requiring that they implement interim compensatory measures in response to the threat environment. These Orders mandate many of the security measures and features already implemented in response to the Threat Advisories. Additional security enhancements, which have been identified by the on-going security review, are also delineated in the Orders. These requirements will remain in effect pending notification from the Commission that a significant change in the threat environment has occurred, or until the Commission determines that other changes are needed following the reevaluation of the safeguards and security programs. All NRC reactor licensees were required to respond to the Orders by March 18, 2002, and all licensees have responded. Full compliance with the Orders is required by August 31, 2002. The NRC will evaluate implementation of the interim compensatory measures through onsite inspection.

As you are aware, NRC staff worked closely with the New York State Office of Public Security as it conducted a review of security at the Indian Point facility. We appreciate the thoroughness of the review. Many of the recommendations either parallel the actions already taken as the result of the February 25 Orders or are currently under review.

With respect to emergency preparedness, the NRC Orders require that emergency plans be reviewed and revised, as necessary, to ensure they are compatible with the heightened security posture that currently exists at each plant. In the last two years and particularly in the aftermath of the September 11 attacks, FEMA, with support from NRC and other Federal agencies, has given special attention to the annual reviews of offsite emergency planning conducted by responsible State and county organizations. For example, FEMA, with frequent support from the NRC, has conducted numerous meetings and workshops with New York State and county officials to address issues which have arisen in these reviews. Additionally, NRC and FEMA played lead roles in coordinating and conducting a table-top exercise for the New York nuclear utilities, county, State and Federal response organizations in January 2001. Later this year both FEMA and the NRC will be involved with the State and counties as they conduct an emergency plan exercise at the Indian Point facility.

You also requested that NRC and FEMA conduct reviews of these safety concerns publicly, so that the input of the public and other interested parties will be obtained. Much of the information related to plant security is sensitive and cannot be shared with members of the public without a need to know. Notwithstanding these constraints, we strive to conduct as much of our work as possible in an open arena. In particular, the NRC has sought to understand the concerns of the citizens and local officials regarding the Indian Point 2 facility. In the last two years, the NRC has held more than a dozen meetings with Indian Point 2 licensee. All meetings were open to public observation, and many provided ample opportunity for public questions and comments. Additionally, preceding several of these meetings, the NRC met with local elected officials to brief them on the associated issues and to answer their questions.

FEMA has also had several meetings since the September 11 attacks with State and local officials to discuss offsite preparedness and to prepare for the upcoming Federally evaluated biennial exercise required by NRC regulations. Following this exercise, as in the past, FEMA, supported by the NRC, will host a public meeting to discuss exercise results. I assure you that the NRC will continue to communicate with the public at meetings and be receptive to public input.

I have spoken to Mr. Allbaugh about these matters and am certain that Federal support to New York State and county officials responsible for emergency planning and preparedness will continue.

Please contact me if you have any additional questions or concerns.

Sincerely,

*/RA/*

Richard A. Meserve

cc: Joe M. Allbaugh, FEMA