

From: *RJ* - Beth Wetzel *- EDO*
 To: *NRK* - Brian Holian; Patricia Milligan; Tracy Walker *- RJ*
 Date: 10/23/03 6:23PM
 Subject: Bullets for Lowey Brief

*All
 PDR
 except for
 last page (ouo)*

Trish/Tracy/Brian,

Attached is what I've got so far for the briefing bullets. I've input all of Tracy's and Brian's comments except for the last bullet under "fast breaker". Your comments conflicted, so I left the wording as is. Please let me know how you want it and I'll revise. And feel free to provide any other comments.

I plan to provide background documents as suggested by the Chairman's office. They'll be a collection of previous slides, press releases, FOF Q's and A's and recent letters. (I have most of the items collected already).

I was able to keep the aircraft bullets OUO, but the background info. will be SECRET. I'm moving to a stand-alone computer to write the FOF SGI bullets and will be away from my e-mail for a while. If you need to contact me, you can reach me on my cell 240-418-3431.

These will go to NSIR front office either late tonight or early tomorrow morning. I'm sure that they'll get chopped some. Thanks for your help.

Beth
DNS TA

CC: Travis Tate

Information in this record was deleted
 in accordance with the Freedom of Information
 Act, exemptions 2
 FOIA- 2004-0042

Portions withheld - Ex 2

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Talking Points for Congresswoman Lowey Brief

GAO Report:

- Most of the information in the GAO report relates to historical programs, processes and specific examples from prior to September 11, 2001. Following the attacks, the NRC conducted a comprehensive review of its security programs and
- GAO report does not provide a balanced perspective and does not recognize the breadth and effectiveness of NRC's security oversight program.
- Oversight program broader than baseline inspection and FOF. It also includes threat, VAs, evaluations for mitigative strategies, development, implementation and inspection follow up of advisories and orders...
- With regards to GAO's concern that NRC suspended its baseline inspection program after 9/11, NRC appropriately refocused its program to develop orders to enhance licensees' security programs and ensure security upgrades effectively implemented .
- NRC postponed FOF program for several obvious reasons, including personal safety of those participating in the exercise in light of the heightened threat environment, NRC had diverted staff to assist in the Agency's response center activities and to evaluate licensees' heightened security posture and licensees similarly concentrated resources on enhancing security. NRC resumed tabletops in July, 2002 and a pilot FOF program began February 2003.
- GAO report takes relatively minor, isolated problems previously identified by the NRC at several sites, many of which were promptly resolved, and draws broad conclusions. Incorrectly implies that the public is substantially at risk because of weak oversight.
- NRC's security oversight has been vigilant and has resulted in demonstrable enhancements in the security of the power reactors.
- Note: See tabbed background material that provides NRC response to each GAO finding. This was an enclosure to the NRC's October 23, 2003 letter to GAO responding to its final report.

Indian Point Emergency Preparedness:

- Reasonable Assurance:
 - The NRC has determined, from its continuing evaluation of the licensee's on-site emergency planning and preparedness for radiological events, that Indian Point meets NRC requirements. Considering both FEMA's offsite and NRC's on-site emergency preparedness assessments, the NRC's overall determination continues to be that Indian Point emergency preparedness is satisfactory and provides reasonable assurance of adequate protection.
- Sirens:
 - All 154 sirens in all four counties were tested October 21. One siren failed in Rockland County, and nine operated but the monitoring system indicated that they were not operating. The indication problems are of concern to the counties because it would mean they would have to perform route alerting unnecessarily.
 - The licensee has upgraded the siren system; however they are still working through some bugs. Siren performance, as reported via the ANS performance indicator is above the NRC and FEMA thresholds. The EP staff continues to monitor the siren performance at IP.
- Exercises:
 - The next full scale exercise at Indian Point is planned for June 2004 and will include a security element. The staff is considering NRC participation in the exercise. NRC personnel attended a scenario planning meeting with representatives from FEMA, NY State and Entergy on October 23, 2003.
- Fast Breaker:
 - FEMA recently published a Federal Register notice on new evaluation criteria for rapid notification of the public by offsite authorities in response to a "fast-breaking" or rapidly evolving event. This was published for comment and the criteria is not yet final.
 - The fast breaker evaluation criterion is not a change that FEMA made in response to the post-9/11 threat environment. FEMA has been considering changes to their exercise evaluation methodology as part of a Strategic Review started in the 1990's. The initial version of the FEMA criterion for the fast breaker capability was published June 11, 2001.
 - Nuclear plant accidents are unlikely in any case, but those requiring the fast breaker capability are even more remote. Regardless of how likely these kinds of accidents are, NRC regulations require the capability to rapidly notify the public. NRC routinely inspects licensee capability to make rapid notifications and protective action recommendations. NRC considers this capability to be a very important aspect of emergency preparedness.
- Protective Actions:
 - The State and counties were not required to have formal KI distribution plans in place when they received KI from the NRC. They were given 12 months to develop plans. These plans would be demonstrated in the first exercise following the 12 month period. IPEC counties will demonstrate their plan as a part of the June 2004 exercise and/or in

an out of sequence exercise demonstration.

- Sheltering and evacuation are considered in the IPEC & county plans. Sheltering may be the preferred protective action and in fact, sheltering is recommended for the population not immediately in the plume pathway, per the IPEC E-plan.
- 2.206 petitions:
 - Staff is developing response to CT ATTY GENERAL Blumenthal 's petition to shut down IPEC based on EP/evacuation concerns. A similar petition was filed with FEMA several months before the NRC filing. FEMA denied their petition on September 9, 2003, based on the July 25 reasonable assurance decision. On October 15, 2003, the petitioner provided a second supplement, which like the first supplement, added more information to support the original contentions but added no new issues. NRC and FEMA will need to coordinate before a proposed Director's Decision is issued.
 - A previous director's decision to a Riverkeeper 2.206 petition on emergency preparedness is currently in the 2nd Circuit of US Court of Appeals in NY. The court has asked for the documentation surrounding the petition and Director's Decision for review prior to making a ruling on our motion to dismiss. CT Attorney General Blumenthal filed an amicus brief in the Riverkeeper appeal, arguing evacuation plan issues. On September 29, the NRC filed its brief to the court.

Indian Point Allegations:

- Congresswoman Lowey is aware, from the NRC's Calendar Year 2002 Allegation summary, that the Indian Point site has had a high number of allegations. In CY 2002 the IP site had 28 allegations (the nominal plant had four; Davis Besse had 27).
- The NRC's annual summary noted that approximately 75% of the allegations received at Indian Point 2 & 3 were in the security area. Possible reasons for the increase, as noted in the annual summary, were:
 - 1) a heightened concern by members of the security force as a result of their close proximity to the World Trade Center attack
 - 2) the integration of what had been two separate guard forces (accomplished in March 2003) may have contributed to an increase in security-related allegations.
- Current status:
 - <RI no.> allegations have been received in 2003. (Add a comment on where IP stands nationwide)
 - As of January 2003, four discrimination allegations were open and under investigation.
 - <RI no.> additional discrimination allegations have been received.
 - There has not been a substantiated allegation of discrimination at Indian Point in the last five years.
 - The NRC staff continues to monitor closely allegations at the Indian Point site.