



James W. McMahon
Director

**NEW YORK STATE
OFFICE OF HOMELAND SECURITY**
5 Empire State Plaza
Suite 2170
Albany, NY 12223-2170

May 11, 2005

Mr. Roy P. Zimmerman, Director
Nuclear Security and Incident Response
U.S. Nuclear Regulatory Commission
Mail stop: T4 D22A
Washington, DC 20555-0001

Dear Mr. Zimmerman:

Article 26 of New York State Executive Law requires the New York State Office of Homeland Security (OHS) to review and assess measures being taken by the New York Public Service Commission, public authorities, state agencies, local governments, **and to the extent practical, federal regulating agencies** to secure critical energy generating and transmission facilities against acts or threats of terrorism.

Thank you for your staff's assistance to OHS during the past year to help us with this task. We recognize that NRC has primacy in nuclear security matters at the six operating power reactors in New York State and respectfully ask your further assistance in sharing with OHS the NRC's Reactor Oversight Process (ROP) dealing with Cornerstones and Performance Indicators related to physical protection.

We understand this information is classified as "Safeguards" (SGI) and will be treated as such by our office. Information that we seek includes the NRC's annual assessment of physical protection at Indian Point 2 & 3, Ginna, FitzPatrick and Nine Mile Point 1 & 2 power reactor complexes.

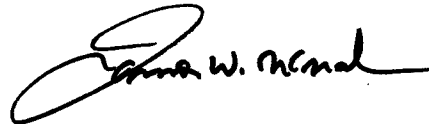
To further our ability to accurately assess the security posture at our state's nuclear power plants and to avoid unnecessary duplication of effort and overburdening the plant operators, we request that OHS personnel assigned to this task be permitted to accompany NRC staff during ROP baseline security inspections.

We appreciate your assistance in facilitating our mandates and welcome any suggestions as to how we may best work together in our common goal of insuring that all reasonable steps are taken by the responsible parties in insuring the safety and security of nuclear power plants.

It is respectfully requested that your designee provide the schedule of baseline inspections for physical protection to our office so we may plan our activities for the remainder of the year in concert with the NRC. My point of contact for this endeavor is Assistant Director Frank Tabert. Frank may be reached at (tel.) 212-867-1337 or (e-mail) ftabert@secureity.state.ny.us. OHS will follow the "Protocol Agreement for State of New York Observation of NRC Inspections" and work with the New York State Liaison Officer and the NRC Regional State Liaison Officer to insure that the plant visits are properly coordinated.

Thank you again for your assistance in this matter. Please be assured of our cooperation in matters of mutual concern.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. McMahon". The signature is fluid and cursive, with a large initial "J" and "M".

James W. McMahon
Director

cc: Robert J. Bores, Regional State Liaison Officer, NRC
Jack Spath, NY State Liaison Officer, NYSERDA