

June 21, 2005

Mr. James W. Tuffey  
Director, New York State Emergency Management Office  
1220 Washington Avenue  
Building 22, Suite 101  
Albany, NY 12226-2251

Dear Mr. Tuffey:

On behalf of the Nuclear Regulatory Commission (NRC), we are responding to your letter dated April 26, 2005, and the followup conference call held on May 20, 2005. In your letter and during the conference call, you raised a concern that the NRC did not share with the State and local response officials information in the Safeguards Advisory (SA-05-02), which identifies information and actions (i.e., emergency action levels [EALs]), being considered by the licensees to address security-related events that would directly affect the offsite response organizations (OROs).

It was not our intention that Safeguards Advisory, SA-05-02, address offsite EP enhancements. Our intention was to engage State and local officials in an outreach effort subsequent to the issue of the advisory to receive input on offsite EP response that would be needed to support the advisory. SA-05-02 is a Safeguards Information (SGI) document, and RIS 2004-15 is an Official Use Only (OUO) document. At your request, we have provided a copy of SA-05-02 and RIS-2004-15 to your staff to enhance the coordination for offsite response surrounding nuclear power plants in the state of New York. In the meantime, we are revising our internal process in order to provide appropriately cleared OROs more timely OUO, SGI, or classified information that may impact nuclear power plant offsite responses.

As we discussed with you on our conference call, we began a dialogue with the Nuclear Energy Institute and some State representatives last fall on the proposed EP enhancements to solicit comments and feedback. We discussed this subject at the NRC/Federal Emergency Management Agency (FEMA) Joint Exercise Scheduling Conferences in the four NRC regions from November 2004 to January 2005, which was attended by many State officials. In addition, we discussed this subject during the April 2005 National Radiological Emergency Preparedness Conference. Hundreds of State and local officials attended this conference. (The presentation slides from the NRC/FEMA Scheduling Conferences and the National Radiological Emergency Preparedness (NREP) Conference are attached for your information.) They are also available on NRC public website <http://www.nrc.gov/what-we-do/emerg-preparedness/public-meetings/index.html>.) During these conferences, we received many comments. We have been working to address them, and we agree that further dialogue and feedback from stakeholders is needed.

We are preparing a bulletin that requests licensees to provide information on their emergency preparedness and response programs in the post-9/11 environment. The request for information has been informed by the comments received in previous venues and is focused on the onsite portion of preparedness and response, as follows: (1) security-based emergency classification levels and EALs, (2) prompt NRC notifications, (3) protective actions for onsite personnel, (4) emergency response organization augmentation, and (5) drill and exercise programs. This bulletin does not direct or change licensees' practices or NRC regulations regarding emergency preparedness and response interactions with State and local officials. The NRC is attempting to confirm what actions have been taken in the post-9/11 environment to enhance the various sites readiness in the identified areas. We will provide this bulletin to you concurrent with the licensees.

We would note that the Safeguards Advisory, the RIS, and bulletin that we have discussed are not changes in the NRC requirements. Additionally, all of these documents focus on "inside the fence" issues primarily of interest to NRC licensees from a security perspective. Although the NRC has not yet changed requirements or guidance, the staff intends to develop changes to regulations and guidance with the benefit of input and comment from all stakeholders, including State and local governments. We will also continue a dialogue on "outside the fence" issues that should be of particular interest to State and local emergency response organizations. Toward that end, we will schedule an NRC/FEMA co-hosted "Top-to-Bottom Review" public meeting later this year that will begin the process that will re-evaluate regulations and guidance in consideration of the post-9/11 environment. You will be invited to this "Top-to-Bottom Review" public meeting.

I want to assure you that we recognize that Emergency Preparedness is a partnership between the NRC, licensees, State government, local government and the public itself. We recognize that thousands of first responders from local communities make Emergency Preparedness work at the grass roots level. We value the role of State and local governments in Emergency Preparedness. While much of the security details at nuclear power plants must remain out of the public view, Emergency Preparedness is a different matter. Emergency Preparedness is fundamentally a matter of open cooperation with clear communication and prearranged agreements that are ready to be implemented should the need arise. We look to you to help us develop the kind of focused cooperative response that will be effective in dealing with post-9/11 challenges. We need and value your input.

During the conference call, we also indicated that the bulletin would contain information regarding notifications to OROs. We would like to take this opportunity to correct that statement. The bulletin will discuss licensee notifications to the NRC but will not address or change notifications to OROs. We believe that ORO notification needs further review and should include stakeholder input. As we noted earlier, we have initiated the discussion at the NREP conference in April 2005, and we will also discuss it at the "Top-to-Bottom Review" meeting. We will continue this effort to ensure a full consideration of stakeholder views.

J. Tuffey

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As noted in the conference call, we will be contacting you shortly to arrange a meeting with offsite response officials in your area. In addition, we plan to attend the New York State annual plant status meeting organized by NRC Region I in September 2005. If you have any other questions, please do not hesitate to contact us.

Sincerely,

Glenn Tracy, Director */RA/*  
Division of Nuclear Security  
Office of Nuclear Security and Incident Response

Eric Leeds, Director */RA/*  
Division of Preparedness and Response  
Office of Nuclear Security and Incident Response

Attachments:

1. Scheduling Conference Presentation Slides: Emergency Preparedness Response to Security Events
2. NREP Presentation Slides: Post-9/11 EP Initiatives

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Glenn Tracy, Director **/RA/**  
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