

June 27, 2005

James W. McMahon, Director
New York State Office of Homeland Security
5 Empire State Plaza
Suite 2170
Albany, NY 12223-2170

Dear Mr. McMahon:

I am writing in response to your letter of May 11, 2005, in which you asked for certain information regarding the NRC's assessment of nuclear power plants in New York State. You requested documents on the NRC's Reactor Oversight Process (ROP), which assessed each of the six New York plants in the physical protection cornerstone of safety.

Mr. Steven Stein from my office spoke with Mr. Tabert of your office to confirm our understanding of precisely what information your office needed. During their discussion, Mr. Stein learned that Mr. Tabert had just recently received some of the documents requested in your letter. Specifically, Mr. Tabert received the annual end-of-cycle assessment letters for physical protection and the schedules for our baseline security inspections that were issued by our Region I office on March 2, 2005. Therefore, I have enclosed with this letter only the documents that your office requested but have not yet received.

The documents I have enclosed are electronic files in pdf format. The files contain the following information, current as of the first quarter of calendar year 2005, for each of the six nuclear power plants in New York:

- | | |
|----------------------------|--|
| <i>"Plant_summary.pdf"</i> | Graphical representations of inspection findings and performance indicators for all seven ROP cornerstones of safety, including physical protection |
| <i>"Plant_pi.pdf"</i> | Graphical representations of each performance indicator with accompanying data and explanatory notes for all of the ROP indicators reported to the NRC by licensees. The physical protection performance indicators are the last three in each file. |

Document transmitted herewith contains sensitive, unclassified information. When separated from attachments, this document is DECONTROLLED.

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J. McMahon

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The NRC considers the assessment letters your office has obtained from Region I and the documents with this letter to be sensitive, unclassified information. Although not designated as safeguards information, the letters contain information that the Commission has decided should not be available to the general public. I ask therefore that your office control the documents accordingly.

Although not requested in your letter, your office may also be interested in receiving reports of NRC security inspections at New York nuclear power plants. I suggest you contact our Region I office and request the reports. You can make this request through your State Liaison Officer to our Region I State Liaison Officer, Mr. Robert Bores, at 610-337-5212, e-mail RJB@NRC.GOV. The inspection reports will likely be designated as safeguards information. As such they must be properly controlled in accordance with Title 10 of the Code of Federal Regulations, Section 73.21.

You also asked to have a representative from your office accompany our security inspectors during their routine inspections at the six plants in New York. You may also make that request of Region I in writing, as specified in the "Protocol Agreement for the State of New York Observations of Inspections," through Mr. Bores.

Finally, I offer you or others in your office the opportunity to meet with representatives of my office to explain any aspect of our security oversight program. Please contact Mr. Barry Westreich at 301-415-0221 or e-mail at BCW@NRC.GOV to request such a meeting.

I hope this letter is responsive to your requests. If you need any information that we have not provided, please contact Barry Westreich at 301-415-0221 or e-mail at BCW@NRC.GOV.

Sincerely,

/RA/

Roy P. Zimmerman, Director
Office of Nuclear Security and Incident Response

Enclosures: As stated

cc:

Frank Tabert, New York Office of Homeland Security
Peter Smith, New York State Liaison Officer, NYSERDA
Jack Spath, New York State Liaison Officer, NYSERDA
Robert Bores, Region I State Liaison Officer

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Frank Tabert, New York Office of Homeland Security
Peter Smith, New York State Liaison Officer, NYSERDA
Jack Spath, New York State Liaison Officer, NYSERDA
Robert Bores, Region I State Liaison Officer

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