

August 11, 2005

The Honorable Hillary Rodham Clinton
United States Senate
Washington, D.C. 20510

Dear Senator Clinton:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am writing in response to your letter of May 26, 2005, in which you urged the NRC to reconsider and change its decision regarding the public petitions requesting that all nuclear power plants equip their alert and notification sirens with power sources independent of the electrical grid. We would like to take this opportunity to explain further the basis for the NRC's decision.

In the Director's Decision of May 18, 2005, the NRC staff concluded that the issues raised by the petitions are currently being considered and that it was unnecessary to act under 10 CFR 2.206 to modify, suspend, or revoke a license. On June 3, 2005, the NRC staff discussed the basis for NRC's decision with Mr. Dan Utech of your staff. The NRC considers the siren issue important and is committed to resolving it in coordination with the Department of Homeland Security's Federal Emergency Management Agency (FEMA). Specifically, FEMA is currently engaged in a process to update the current nationwide guidance (CPG-17) on outdoor warning and mass communication systems. This update is being performed pursuant to direction from the Appropriations Committee of the House of Representatives set forth in the Committee's report on the Department of Veteran's Affairs and Housing and Urban Development and Independent Agencies Appropriations Act for Fiscal Year 2003. [See H.R. REP. NO. 107-740, at 137 (2002).] The Committee, in its report, directed that "the updated guidance...shall require that all warning systems be operable in the absence of AC power supply." As part of the update process, FEMA is revising its standard for emergency notification sirens at nuclear power plants, FEMA-REP-10, "Guide for the Evaluation of Alert and Notification Systems for Nuclear Power Plants."

The NRC considers the planned revisions to FEMA-REP-10 an important component of improving the reliability of the nation's emergency notification systems. To this end, the NRC is working in partnership with FEMA during FEMA's ongoing revision to FEMA-REP-10 to ensure that the revisions appropriately address the issues. FEMA's process to revise FEMA-REP-10 will include solicitation of public comment through publication of a notice in the Federal Register.

In addition, as called for by Section 651(b) of the recently signed Energy Bill, the NRC will require Entergy to provide backup power to the emergency notification system, including the emergency siren warning system, for its Indian Point facility. In a related matter, Entergy announced in a news release on July 28, 2005, that it will install back-up power for all of its 156 sirens within the Indian Point 10-mile emergency planning zone. This decision was made following two recent system failures. The first failure occurred on July 19, 2005, and resulted in the loss of power to a transmitter that affected all the sirens. The second failure occurred during a thunderstorm on July 27, 2005, and rendered 20 emergency sirens inoperable. As you

may be aware, another failure occurred on August 5, 2005, involving Indian Point siren system communications hardware which limited, but did not prevent, the ability to actuate the emergency siren system. The NRC is reviewing the circumstances of these failures and the adequacy of Entergy's corrective actions to ensure a reliable emergency notification system.

The Commission believes that NRC's decisions regarding the petition were based upon careful consideration and sound judgment of all pertinent facts. Further, the NRC is committed to ensuring that the health and safety of the public is maintained. We take the area of emergency preparedness (including reliable and prompt public notification) very seriously, and we are moving forward to address the recent siren outages at Indian Point.

Sincerely,

/RA/

Jeffrey S. Merrifield
Acting Chairman