

**NYSE**

New York Stock Exchange

Date**February 25, 2002****Number of pages****3****(including cover sheet)****FACSIMILE**

TO: R. Radhakrishnan, P.E.
Director
Asbestos Control Program
New York City Department of
Environmental Protection

FROM: Geraldine M. Boylan
Associate General Counsel
New York Stock Exchange
Office of the General
Counsel

11 Wall Street

New York, NY 10005

Phone 212-656-5105

Fax Phone 212-656-8101

FAX #: (718) 595-3744**REMARKS:**☐

Urgent

☐

For your review

☐

Reply ASAP

☐

Please Comment

Privileged & Confidential

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Feb-25-2002 16:16 From-N.Y. Stock Exchange

2126568101

T-652 P.002/003 F-479

Associate General Counsel
Office of the General Counsel

11 Wall Street
New York, NY 10005

tel: 212.656.5105
fax: 212.656.8101
gboydan@nyse.com



February 25, 2002

Via Facsimile (718) 595-3744 and Regular Mail

R. Radhakrishnan, P.E.
Director, Asbestos Control Program
New York City Department of
Environmental Protection
59-17 Junction Boulevard – 8th Floor
Corona, New York 11373-5108

Re: New York Stock Exchange, Inc.

Dear Mr. Radhakrishnan:

The New York Stock Exchange, Inc. ("NYSE") recently received copies of three letters that purport to have been issued by the New York City Department of Environmental Protection ("DEP") and to require the production of confidential, non-public information and documents.

On Sunday, February 17, 2002, an individual who purported to be an employee or agent of the DEP approached a security guard standing outside premises of the NYSE at 11 Wall Street in Manhattan and requested access to the building to inspect certain roofs. Pursuant to established security procedures, the guard did not grant the individual's request. Upon being advised by the guard that the building was owned by the NYSE, the individual completed the date and building owner name and address information at the top of a letter on DEP letterhead and left it with the security guard. The letter requests the production, within five business days, of copies of "the environmental hazard assessments including bulk sample results and air monitoring results and a summary of clean-up activities at the above referenced site."

On or about February 21, 2002, an unidentified individual left two letters dated February 21, 2002, addressed to "Mr. O'Connor [sic] (Chief Engineer)" with a security guard outside premises occupied by the NYSE. The text of the first letter is the same as that contained in the February 17 letter. The second letter states that "a visual survey of your building's exterior was conducted as a follow up to DEP's October survey of buildings around the World Trade Center site" and that "visible dust accumulations were observed" at the building façade and windows. It requests information regarding the NYSE's "actions to address the dust accumulations" by February 27. Copies of the three letters are enclosed for your information.

Feb-25-2002 16:17

From-N.Y. Stock Exchange

2126568101

T-652 P.003/003 F-479

R. Radhakrishnan, P.E.

February 25, 2002

Page 2

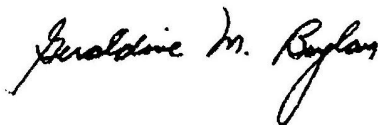
The NYSE fully complies with its obligations under federal, state and local laws. Although the NYSE did not receive the advice by the DEP or the Department of Health regarding building maintenance and re-occupancy issues referred to in the above letters, it did take appropriate measures following the events of September 11 to clean exterior building areas and to assess air quality, and will respond appropriately to any legally-mandated inquiry by DEP.

However, as a matter of consistently-enforced policy, the NYSE does not produce confidential, non-public information, such as that requested by the letters described above, without proper service of a valid subpoena, court order, or similar legal compulsion. In addition to the informal nature of the above-described requests (e.g., copies with the addresses left blank and completed by the persons who delivered them), they were not properly served on the NYSE. The letters were not even referred to counsel until Friday, February 22.

Subpoenas should be served on the Secretary of the NYSE, Darla Stuckey, at 11 Wall Street, New York, New York 10005. To facilitate NYSE's prompt compliance with your Department's requests, please send a courtesy copy of the subpoena or other document to me at the above address. I respectfully request that NYSE be given at least five business days after service of such a request to comply with it.

If you wish to discuss this matter, please call me at the above number.

Very truly yours,



cc: Mr. Bruce Motto



The City of New York
Department of Environmental Protection

59-17 Junction Boulevard
Corona, New York
11368-5107

Joe A. Miele Sr., P.E.
Commissioner

Robert C. Avaltroni
Deputy Commissioner

Bureau of Environmental Compliance
Tel (718) 595-4418
Fax (718) 595-4422

Building Owner Name: New York Stock Exchange

Address: 11 WALL ST
NYC

Subject: Joe O'Connor (Chief Engineer)

Dear Sir/Madam:

In September 2001, the New York City Department of Environmental Protection (NYCDEP) and the Department of Health (NYCDOH) advised building owners regarding building maintenance and re-occupancy issues following the collapse of the World Trade Center. The steps included the assessment of building contamination for possible hazardous components, including asbestos.

Today, a visual survey of your building's exterior was conducted as a follow up to DEP's October survey of buildings around the World Trade Center site. At the above referenced site, visible dust accumulations were observed at:

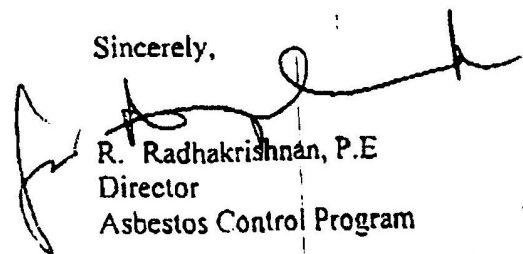
- | | |
|-------------------------------------|-----------------------|
| ☒ | building facade(s) |
| ☐ | setback(s) |
| ☐ | roof |
| ☒ | other, <u>windows</u> |

Please be advised building owners are responsible for the cleaning of building exteriors, grounds and common areas. Due to changing conditions and continued activity at Ground Zero, building owners should periodically assess the condition of building exteriors and air conditioning systems for cleanliness and may have to periodically re-clean areas. Adherence to proper cleaning methods is important for the protection of public health and the environment. DEP inspectors will be following up on this matter.

Please provide information regarding your actions to address the dust accumulations by February 27, 2002. Copies of the environmental hazard assessments including bulk sample results, air monitoring results and/or a summary of clean-up activities at the above-referenced site may be faxed to (718) 595-3744 or sent to the NYCDEP Asbestos Control Program at 59-17 Junction Boulevard, 8th floor, Corona, New York 11373-5108.

If you have any questions, you may reach the NYCDEP at (718) 595-3682 during office hours or the 24-hour Help Center at (718) DEP-HELP. NYCDEP staff is available to provide guidance and technical assistance.

Sincerely,


R. Radhakrishnan, P.E.
Director
Asbestos Control Program



February 17, 2002


The City of New York
Department of Environmental Protection
59-17 Junction Boulevard
Corona, New York
11365-5107

Joel A. Miele Sr., P.E.
Commissioner

Robert C. Avaltroni
Deputy Commissioner
Bureau of Environmental Compliance
Tel (718) 595-4418
Fax (718) 595-4422

Building Owner Name: NY Stock Exchange
Address: 11 Wall Street
New York, NY 10005
Subject: 11 WALL ST / 8-18 Broad St

Dear Sir/ Madam:

In September 2001, the New York City Department and Environmental Protection (NYC DEP) and the Department of Health (NYC DOH) advised building owners regarding building maintenance and re-occupancy issues following the collapse of the World Trade Center. The steps included the professional assessment of building contamination for possible hazardous components, including asbestos, and a retrospective filing, as required, if applicable.

The NYC DEP is hereby requesting copies of the environmental hazard assessments including bulk sample results and air monitoring results and a summary of clean-up activities at the above referenced site. Please forward the requested documents to our offices within FIVE BUSINESS DAYS. They may be faxed to (718) 595-3744 or sent to the NYC DEP Asbestos Control Program at 59-17 Junction Boulevard, 8th floor, Corona, New York 11373-5108.

Please be advised building owners are responsible for the cleaning of building exteriors, grounds, and common areas. Due to changing conditions and continued activity at Ground Zero, building owners should periodically assess the condition of building exteriors and air conditioning systems for cleanliness and may have to periodically re-clean areas. Adherence to proper cleaning methods is important for the protection of public health and the environment. DEP inspectors will be following up on this matter.

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Sincerely,


R. Radhakrishnan, P.E.
Director
Asbestos Control Program



February 21, 2002

Building Owner Name: New York Stock ExchangeAddress: 11 WALL ST
NYCSubject: Mr. O'Connor (Chief Engineer)Joel A. Miele Sr., P.E.
CommissionerRobert C. Avaltroni
Deputy CommissionerBureau of
Environmental Compliance
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Fax (718) 595-4422

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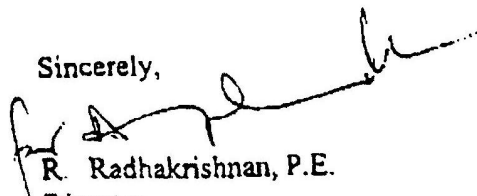
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Director

Asbestos Control Program



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RED-20-2002 10:20 From-N.Y. Stock Exchange
Associate General Counsel
Office of the General Counsel

2126568101

T-653 P.002/006 F-480

11 Wall Street
New York, NY 10005

tel: 212.656.5105
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gboydan@nysc.com



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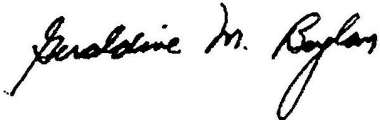
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