The Subcommittee on Economic Development, Public Buildings, & Emergency Management

Hearing on

Emergency Preparedness At The Indian Point Energy Center Located In Buchanan, New York

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PURPOSE

The Subcommittee will meet on Tuesday, February 25, 2003 at 2 p.m. in room 2167 Rayburn House Office Building for a hearing on “Emergency Preparedness at

the Indian Point Energy Center located in Buchanan, New York."

BACKGROUND

As a result of the Three Mile Island incident in 1979, the President directed the Director of the Federal Emergency Management Agency (FEMA) to take the lead in State and local emergency planning and preparedness activities with respect to non-governmental nuclear power facilities. Under Section 201 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §5121 et. seq.) and other statutory functions, FEMA is charged with the responsibility to develop and implement plans and programs for disaster preparedness.

To carry out this responsibility, FEMA has promulgated a number of regulations in conjunction with the Nuclear Regulatory Commission (NRC), as well as putting into place the Federal Radiological Emergency Response Plan (FRERP). The FRERP is a cooperative document that details the roles and responsibilities of a number of signatory federal agencies in the event of an off-site (beyond the facilities boundaries) release of radiation. Additionally, FEMA has engaged in a cooperative effort with State and local governments in the development of preparedness plans to address these incidents. Each community located within an Emergency Preparedness Zone (EPZ) surrounding a nuclear plant must have a preparedness plan.

According to NRC statutory requirements, prior to the issuance of a license for operation to any nuclear energy facility, the NRC must determine that there exists a State, local, or utility plan which provides assurance that public health and safety is not endangered by the operation of the facility. The NRC and FEMA have entered into an agreement by which FEMA will review and assess these preparedness plans and present its findings to the NRC for use in its licensing process.

To receive certification, each State having a nuclear facility must submit a preparedness plan, in conjunction with the counties and local government surrounding the facility, to FEMA for review. The preparedness plans submitted by the State and local governments to FEMA consider 16 criteria, developed by the

NRC. These criteria, promulgated by rule by the NRC as Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants (10 CFR Parts 50 (appendix E) and 70 (as amended)) have been adopted by FEMA as the criteria to be used in evaluating the preparedness plans and appear at 44 CFR §350.5(a). One particular criterion that is of particular note is number 14, which requires that periodic exercises be conducted to evaluate the preparedness plans. The NRC requires that each of the counties in the EPZ surrounding a nuclear facility submit documentation outlining their compliance with these regulations. This documentation is forwarded to FEMA by a State's emergency management office.

When considering the preparedness plans, FEMA takes into account whether these plans "…adequately protect the public health and safety by providing reasonable assurance that appropriate protective measures can be taken offsite in the event of a radiological emergency" 44 CFR §350.5 (b). This test has become known as the "reasonable assurance" test.

Recently, several communities in New York have raised questions about the effectiveness of the Radiological Emergency Preparedness Plan (REPP) at the Indian Point Energy Center, located in the City of Buchanan, Westchester County, New York (Indian Point). In August 2002, Governor George Pataki commissioned an independent review of the REPP at Indian Point and for that portion of New York in proximity to the Millstone Nuclear Plant in Greenwich, Connecticut.

The review was conducted by James Lee Witt Associates (JLWA) who looked at recent exercise results and public information efforts, current radiological emergency response plans, and the data underlying the response plans, such as population data, evacuation time estimates, alert and notification system specifications, offsite accident impact analysis methodologies, and communication capabilities. In a draft copy of the report released on January 10, 2003, JLWA concluded that there were significant deficiencies in the preparedness plans surrounding Indian Point. Specifically, the Witt Report is critical that the preparedness plans do not reflect how to respond if a radiological event is caused by a terrorist attack, that the plans do not address the possibility of a mass evacuation of the surrounding areas, and that the current regulations are not sufficient to address these problems. This report does not include the results of an exercise of the REPP at Indian Point held in September of 2002. The final version of this report is not due until the end of February 2003.

Ownership of Indian Point changed hands in 2000 and 2001 (the current operators acquired ownership of two active reactors previously held by different owners). Since that time, it has been in compliance with all applicable regulations issued by FEMA and the NRC. While Indian Point has had minor problems with its preparedness program, the NRC has indicated that none of these are out of the ordinary for the type and size of the plant, and according to FEMA and the NRC, all of these have been rectified in a timely manner. FEMA and NRC both reviewed the existing emergency preparedness regulations following September 11th, and neither agency has deemed it necessary to alter the regulations relating to emergency preparedness, based on the premise that no matter the cause of a radiological release, the processes and manner in which governments respond should be the same.

The Witt Report has received significant attention in the New York and national media. As a result of this, local officials in the counties surrounding Indian Point have decided to withhold certain documents required for a preparedness plan to be certified by FEMA, until the concerns raised by that report have been addressed. The State has indicated that without the County documentation, it cannot submit the preparedness plans to FEMA for certification.

In September 2002, an exercise was conducted which tested the preparedness plans in place at Indian Point. This exercise, which was held over several days, included tests of the response capabilities of the four counties surrounding Indian Point, performance of support resources such as public works and medical facilities, the coordination of the emergency management officials with the operators of Indian Point, communications and transportation infrastructure, as well as a number of other areas critical to responding to a radiological release. This exercise was conducted as a part of the normal certification process, and was scheduled, planned and completed prior to the release of the draft report prepared by JLWA. The final report from this exercise prepared by FEMA is due to be released at the end of February 2003.

WITNESSES

Panel I

The Honorable Eliot L. Engel, NY-17
Member of Congress

The Honorable Nita M. Lowey, NY-18
Member of Congress

Panel II

Mr. Joe Picciano
Acting Regional Director - Region 2
Federal Emergency Management Agency

Mr. Hubert Miller
Regional Administrator - Region 1
Nuclear Regulatory Commission

Panel III

Mr. Ed Jacoby
Director
New York State Emergency Management Office

Mr. Scott Vanderhoef
County Executive
Rockland County, New York

Mr. Andrew Spano
County Executive
Westchester County, New York

Mr. Ed Diana
County Executive
Orange County, New York

Testimony of Rep. Eliot L. Engel
Emergency Preparedness at the Indian Point Energy Center
Located in Buchanan, New York
Transportation and Infrastructure Committee
Subcommittee on Economic Development, Public Buildings, & Emergency Management
February 25, 2003

Thank you Chairman LaTourette and Ranking Member Norton for allowing me to address the Subcommittee about an issue that is extremely important to me and my constituents.

Indian Point is located in Buchanan, New York, 35 miles north of midtown Manhattan, and just several miles north of my district. Almost all of my district is located within the ten-mile radius of the plant, and **approximately 20 million people live within the 50•mile emergency planning zone (EPZ).**

The problems with Indian Point are not new. Over the past twenty years, people in the area have been concerned with safety at the plant due to several leaks that have occurred and the difficulties associated with evacuating the area in case of a catastrophic accident. The events of September 11th have only heightened concerns over Indian Point, particularly since one of the planes that flew into the World Trade Center passed directly over the plant. In addition, blueprints for American nuclear power plants were found in Al•Qaeda caves in Afghanistan. A study conducted by the Marist Institute found that 82% of people living within a 50 mile radius of the plant are concerned about a terrorist

attack on the facility. A majority of the residents within the 50 mile radius think the plant should be closed and are "undeterred by the possibility of the increased cost to energy, the loss of a portion of the jobs at the plant, or the loss of local revenue." Moreover, a majority of residents in the 50 mile radius do not feel that the plant is secure and protected against a terrorist attack.

People have a reason to be concerned. **Not only has the New York City area been under a heightened alert since September 11th, but the effects of an attack would be devastating: NRC•commissioned studies by Sandia Labs and Brookhaven National Lab estimate that a successful terrorist attack on the plant could cost over $500 billion and result in over a quarter million cancer•related fatalities.**

The basic problem we are all facing is not one of whether we are pro•nuclear or anti•nuclear. It is whether our constituents feel that there are sufficient plans to keep them safe and out of harms way.

As you will likely hear from many of the witnesses today, the plant was sited before the population moved from New York City to the suburbs. Although the population explosion was predicted when the plant was being sited, the plant was built anyway. Unfortunately, the population explosion was not coupled with the construction of a sufficient road system. As a result, the road system in the area is woefully inadequate to meet the needs of those people living nearby, making an

evacuation in an event of an emergency at Indian Point impossible. In light of the population density, the road system, and the proximity to New York City in light of the events of September 11th, there is no way the Nuclear Regulatory Commission would site a nuclear power plant in or around the New York City metropolitan area today.

Because of the concerns surrounding Indian Point, New York State Governor George Pataki commissioned a study of the evacuation plan by former FEMA Director James Lee Witt. The study found that the plant's evacuation plan is fatally flawed. The report determined that **"the current radiological response system and capabilities were not adequate to overcome their combined weight and protect the people from an unacceptable dose of radiation in the event of a release from Indian Point..." The report concluded that there is no way to improve the existing emergency plan to sufficiently meet the current security threat. Following the release of the report in early January, Governor Pataki and the four county executives within the 10•mile emergency planning zone refused to certify the evacuation plans.**

As a result, I have been urging FEMA not to certify the emergency evacuation plan. Mr. Chairman, I request unanimous consent to submit for the record a letter I and my colleague, Congresswoman Lowey, sent to FEMA Director Joe Allbaugh urging him not to certify the evacuation plan. Besides contacting the FEMA Director, I have met with Chairman Meserve of the Nuclear Regulatory Commission, and Hub Miller, the Regional Administrator of

the NRC. They both left me with the impression that they were listening to the concerns raised by the Witt report and by the citizens living around the plant.

It appears that FEMA was only half-listening to the concerns about the plant. On February 21, FEMA announced that unless the regional emergency plans were updated by May 2, they could not provide a "final recommendation of reasonable assurance that the county and state officials can take appropriate measures" in the event of a catastrophe at Indian Point. FEMA's responsibility is to provide adequate assurance that the evacuation plan works. Without that assurance, the plant needs to be shut down immediately. It is reprehensible that FEMA would wait until May 2 to forward its concerns to the NRC. If the plan does not adequately protect the 20 million people living within 50 miles of the plant, the plant needs to be closed.

FEMA should stop punting the responsibility back to the state and the counties and take its jurisdiction seriously. The state and the counties decided that the evacuation plan would not work. FEMA's most current action still allows too much wiggle room by setting a series of very low hurdles. All that FEMA has said it needs is basically signed bus contracts and more information on school evacuation. The millions of residents around Indian Point are depending on FEMA to give real scrutiny to the flawed evacuation plan, not just superficial lip service.

FEMA should not put the bottom line of energy companies before the safety of those living around the plant. In the end, should FEMA certify the plan, its actions would be in violation of its own rules and regulations.

While I recognize the fact that New York State needs the power that Indian Point provides, we can replace that power supply while we cannot replace the people who live there. September 11th taught us that by the time we actually have to manage an emergency it will be too late. The President is hoping to preempt dangers to our nation by acting against international terrorism. Closing Indian Point could preemptly avoid the largest terrorist catastrophe on American soil. I hope that this Committee will hold FEMA's feet to the fire and make sure they decertify the evacuation plan immediately. Once that takes place, the NRC can begin to take steps to close the plant.

Mr. Chairman, I respectfully request unanimous consent to submit for the record a statement from Riverkeeper, a non-profit public interest organization that is headed by Robert Kennedy, Jr.

Thank you for holding this important hearing.

Thank you, Mr. Chairman and my good friend, the Ranking Member from DC. I also want to recognize my New York colleague, Sue Kelly, for her leadership on this very important issue.

I appreciate this opportunity to share my views on safety and security at Indian Point. Like many of my colleagues, I have talked with and received letters from hundreds of concerned constituents, who fear that a terrorist act or unforeseen accident could bring deadly radiological material to their doorsteps. Together, a group of us have been working to bring evidence to the NRC and FEMA of the significant issues at this plant. As you know, one of the key developments was the release of a comprehensive review of emergency preparedness at Indian Point, done by former FEMA Director James Lee Witt at Governor Pataki's request. On Friday, FEMA released the Final Report for the September 24, 2002 Exercise. FEMA's decision to temporarily decertify the State and counties' emergency response plans pleased me. Yet, FEMA's apparent readiness to certify the plans following correction of a few minor flaws and receipt of some documents is unacceptable. Overwhelming evidence suggests that the plans are fundamentally unworkable. It is high time FEMA acknowledge this and decertify the plans, rather than shifting responsibility back to the State and counties.

Since today's focus is on emergency evacuation plans, I want to focus on just a few key ways I believe Indian Point's response plans are inadequate:

1. **THE CURRENT EVACUATION PLAN IS TOO LIMITED AND NOT WELL KNOWN**

The current Emergency Planning Zone extends just ten miles from the plant, even though a release could contaminate a 50-mile or even larger swath, exposing people to radiological doses well above the EPA threshold. The EPA recommends evacuation when exposure levels exceed 1 rem. The *rem* is a measure of radiation dose used for humans, which factors in both the type of radiation and the effect of the radiation on biological tissue. Twenty million people live within 50 miles of this plant, and NYC -- which was hit so terribly hard on September 11th -- is about 35 miles away.

The emergency plan assumes that people would comply with official government directions rather than acting in their perceived self-interests. We believe that significant self-evacuation within at least a 50-mile radius around the plant is likely, especially given the absence of plans to evacuate these people.

After Three Mile Island, 144,000 people fled, even though the official advisory was that pregnant women and pre-school children -- about 3,400 people --leave. This dramatically conveys the impact of what's called "shadow evacuation" on a community experiencing a nuclear incident.

The public doesn't participate in FEMA's biennial exercises, and is largely unfamiliar with evacuation procedures. Only 3% of those living within the Emergency Planning Zone could name a reception center. A poll conducted by Marist, a local college, found that 60% of residents living outside the Emergency Planning Zone but within a 50-mile radius of Indian Point would attempt to evacuate. The spontaneous exodus of some 12

million people would dangerously congest the few evacuation arteries that exist around the plant.

2. **RESEARCH, COMMUNICATION, AND PLANNING ARE INADEQUATE**

The Witt report found that the emergency plans do not integrate population density data, "plume speeds" (how fast released nuclear material is moving), and evacuation time estimates. Without this information, it's hard to really be prepared.

Even if we had access to the most complete data, we would have a serious challenge telling local communities about it – a problem also noted in FEMA's Final Report. Local communications systems are old, and would delay an effort to gather, assess, and share critical information quickly. There's no system to automatically transmit information to local communities -- for example, the phones and fax machines used by surrounding communities cannot transmit detail-rich maps.

Witt's report also found that, although the best defense is a good offense, strategies for various contingencies -- such as the length of time we'd have to evacuate a particular neighborhood during a release -- are completely absent. Although a terrorist attack could result in a radioactive release in as little as an hour, the evacuation time estimates for just the ten-mile Emergency Planning Zone are between 8-10 hours. Obviously, lost minutes could translate into loss of life during a fast-release incident.

3. **THOSE CHARGED WITH EXECUTING THE PLANS ARE SKEPTICAL**

We've seen a profound lack of confidence in the evacuation plan among the very people we'd rely on in an emergency -- from police officers and firefighters, to plant security guards and bus drivers. The police and firefighters who need to move the traffic and keep citizens calm lack the most basic protective gear. One police chief, just south of the plant in my district, told me he would have to send his guys out in RAINCOATS to deal with nuclear material. And what happens if the bus drivers who are charged with transporting our kids out of the emergency zone walk off the job?

Without protection and cooperation from our own first responders, this plan's not worth the paper it's printed on.

4. THE EMERGENCY EXERCISES DON'T TEST THE PLANS' EFFECTIVENESS

The most damming part of the Witt report dealt with FEMA's biennial emergency exercises, which Witt called "of limited use." FEMA talks a lot about these drills, but they only happen once every 2 years, Witt concluded that this exercise shouldn't be taken seriously, and I agree. Until FEMA puts in place strong performance measures, its exercises will prove little and bring even less comfort to my constituents.

5. THE PLANS IGNORE TERRORIST THREATS

Intelligence reports point to nuclear facilities as potential terrorist targets. Al Qaeda material found in Afghani caves support that. Why, then, does the NRC and FEMA ignore that possibility in its licensing decisions?

Sophisticated terrorists, such as those that toppled the World Trade Center, could not only attack the reactor but also destroy plume-tracking equipment, communications systems, or roads used in an evacuation. We should consider the impact of a terrorist attack – not only on the reactor, but on other facilities.

6. Security Deficiencies Persist at Indian Point and Other Nuclear Reactors

A December 2001 internal investigation conducted by Entergy, the plant owner, revealed that guards could take requalification tests several times. Portions of tactical training were routinely omitted, and physical agility tests were lax. What is the point of having training and qualification standards, even the weak ones used by the NRC, if they're not followed?

I cannot help but wonder what's going on at other nuclear power plants. At Indian Point, Entergy was not fined or even warned by the NRC. Neglecting security and emergency preparedness at Indian Point and the country's 104 nuclear reactors is courting disaster.

I concluded in February 2002 that the continued operation of Indian Point presents an unacceptable threat to the New York metropolitan area. The potential loss of life and economic damages from a successful attack are too horrible to contemplate. Until the plant is closed, I will work to force the NRC and FEMA to deal with the safety and security problems at Indian Point.

Thank you.

Statement of Joseph Picciano
Acting Director, Region II
Federal Emergency Management Agency

Committee on Transportation and Infrastructure
Subcommittee on Economic Development, Public Buildings, and
Emergency Management
U.S. House of Representatives

February 25, 2003

Good afternoon, Mr. Chairman and Members of the Committee. I am Joseph Picciano, acting director of the Federal Emergency Management Agency Region II, the agency's regional office for New York, New Jersey, Puerto Rico and the Virgin Islands. FEMA Region II is responsible for administering the agency's Radiological Emergency Preparedness program in the States of New York and New Jersey. I am pleased to be with you today to talk about this program and issues relating to the emergency plans and procedures currently in place for the 10-mile Emergency Planning Zone surrounding the Indian Point Energy Center.

Radiological Emergency Preparedness Program

FEMA has been the lead federal agency for state and local

radiological emergency planning and preparedness for communities near nuclear power plants since 1979, when responsibility for the Radiological Emergency Preparedness program was transferred to FEMA from the Nuclear Regulatory Commission.

FEMA's Radiological Emergency Preparedness program covers off-site activities around nuclear power plants – that is, local and state emergency plans involving preparedness efforts outside the physical boundaries of the facilities. On-site activities at the nation's nuclear power plants are the responsibility of the Nuclear Regulatory Commission.

In June 1980, Congress mandated adequate planning and preparedness for radiological emergencies for communities located in the 10-mile Emergency Planning Zone for nuclear power plants. With this mandate in hand the Nuclear Regulatory Commission and the Environmental Protection Agency, in consultation with technical experts and scientists, established the 10-mile Emergency Planning Zone and a 50-mile Ingestion Pathway Zone now used as the standard for planning across the nation.

The Radiological Emergency Preparedness program evaluates the effectiveness of state and local emergency preparedness plans to respond to any incident that may affect residents living in the 10-mile Emergency Planning Zone of a nuclear power plant and has

the potential for longer-term effects within the 50-mile Emergency Planning Zone. FEMA evaluates these plans and preparedness efforts to provide reasonable assurance that public health and safety can be adequately protected in the event of an incident. Without assurance that plans and emergency preparedness are adequate, the Nuclear Regulatory Commission will not issue a license to operate a commercial nuclear power plant or maintain an ongoing license.

FEMA Responsibilities Under Radiological Emergency Preparedness

FEMA's specific responsibilities include:

- Reviewing and evaluating state and local emergency plans and exercises to determine whether they meet the Radiological Emergency Preparedness program requirements and, therefore, can provide reasonable assurance of protecting the public.

- Providing professional emergency preparedness guidance to state, tribal and local governments responsible for protecting people in the 10-mile Emergency Planning Zone, to ensure that emergency response plans are reviewed and updated on a continuing basis.

- Working with state and local emergency management

officials and other federal agencies to provide federal guidance for the design, implementation and maintenance of emergency equipment for the detection and measurement of radiation.

- Developing and managing a radiological emergency response training program at FEMA's Emergency Management Institute, that offers Radiological Emergency Preparedness-related training courses to first responders, state, tribal and local emergency managers and employees of FEMA as well as other federal agencies.

FEMA chairs the national level Federal Radiological Preparedness Coordinating Committee, whose 17 member agencies implement federal activities in support of state and local emergency planning for radiological emergencies. The committee also coordinates the radiological research efforts of its member agencies to avoid duplication and to make sure that the research benefits state and local emergency planners.
FEMA also chairs Regional Assistance Committees, with federal agency memberships in the nine FEMA regions with nuclear power plants. The regional committees help state and local jurisdictions through the plan review process that is executed by FEMA and the federal member agencies. Each agency focuses on its particular area of expertise to assess the effectiveness of the emergency plans in place at the county and state levels.

Evaluating Response Plans and Exercises

During emergency response exercises, which are conducted for each nuclear power plant site every two years, FEMA officials evaluate the ability of state, tribal and local emergency responders to implement radiological emergency response plans to protect the public health and safety of residents within the 10-mile Emergency Planning Zone of the power plant**.**

Evaluation criteria include:

- The timely and effective mobilization of the first responders;
- The necessary and proper equipment and training for the first responders;
- Functional communications equipment;
- Effective direction and control by key leaders;
- Public notifications handled in a timely manner;
- Timely, consistent and accurate information provided to the public and media;
- Control of emergency workers' potential exposure to possible radiation;
- Implementation of appropriate protective action decisions to avoid or minimize exposure to radiation by the public;
- Effective control of traffic and access to evacuation routes;

- Protective action decisions, which might include evacuation if necessary, on behalf of special needs populations, such as the disabled and elderly, as well as school and correctional facility populations;
- Ability to monitor and decontaminate exposed and/or potentially exposed citizens and responders;
- The provision for mass care of evacuees at evacuation or reception centers;
- The transportation and treatment of contaminated and injured individuals;
- Effective use of state and local field monitoring teams;
- Accurate dose assessments of the release of radiological particles; and
- Use of proper techniques by radiological laboratories.

The September 24, 2002 Exercise

On September 24, 2002, state and local responder organizations conducted an exercise for the 10-mile Emergency-Planning Zone around the Indian Point Energy Center. This exercise was designed to assess state and local plans and procedures for responding to a radiological emergency. Exercise participants included responders and emergency managers for Westchester, Rockland, Orange and Putnam counties in New York; Bergen County, New Jersey; and the State of New York.

Protecting the public health and safety is the full-time job of some of the exercise participants and an additional assigned

responsibility for others. Still others have willingly sought this responsibility by volunteering to provide vital emergency services to their communities. The cooperation and teamwork of all participants were outstanding and evident throughout this exercise.

State and local organizations participating in the exercise demonstrated knowledge of their emergency response plans and procedures. These actions were implemented adequately, and there were no issues that rose to the level of a deficiency. However, observers identified 13 issues during this evaluation; additionally, five issues identified during the last evaluation still have not been corrected; and one issue remains unresolved from an exercise conducted in May 1999. It is important to note that none of these observed weaknesses would have endangered the public.

We have reviewed the radiological emergency plans for the State of New York and Westchester, Rockland, Orange and Putnam counties for the year 2000, and the plan changes submitted in 2002. We note that some significant planning items that FEMA has requested from the localities and the state have not yet been addressed or provided to us for our 2002 plans review.

The following are the most significant remaining planning issues. These issues are raised in both the FEMA report and the study that the State of New York commissioned (NY State

Report.)

Letters of Agreement. Neither the state nor the counties have submitted their letters of agreement to FEMA for review. Without these documents, we cannot determine whether the necessary resources would be available in the event of an incident at the plant.

Updated Evacuation Time Estimate Studies. The plans do not yet incorporate data from the updated evacuation time estimate studies that reflect new demographics as well as shadow evacuation. Without this information, the plans cannot reflect the latest figures regarding the time it would take to evacuate the populations of given Emergency Response Planning Areas under various conditions (i.e., time of day, day of week, time of year, weather conditions, etc.). It is our understanding that the information will be provided to each county and would be used to update plans accordingly.

Joint News Center Procedures. The Joint News Center Procedures provide the basic process for informing the public during a Joint News Center response to an emergency at the plant. These procedures are not as effective as they could be and it is critical that these procedures be corrected. If not they will continue to interfere with performance, as noted during both the 2000 and 2002 exercises. However, the state and counties have initiated improvements in the Joint News Center procedures. FEMA has and will continue to support this effort.

School District, Pre-School, Day Care Center Plans. The

procedures for schools in the county plans are adequate, but the individual school district, pre-school and day care center plans have yet to be submitted to FEMA for review for consistency and completeness.

FEMA is committed to continuous improvement of the Radiological Emergency Preparedness program and we will consider all recommendations. We value many of the findings in the NY State Report and understand the concerns it generated among state and local officials surrounding the facility. However, we note that some areas in the NY State Report did not appear consistent or did not reflect our information accurately.

Conclusion

In conclusion, it is FEMA's responsibility to ensure that the emergency plans in place provide reasonable assurance that the health and safety of the people around the plants can be protected. Exercises are an important component of that process; they allow participants to identify strengths and weaknesses in the plans so that corrective actions can be taken.

FEMA believes that emergency response plans must be flexible and dynamic. We expect them to be continually updated based on changing circumstances or improved procedures. For example, the 2002 exercise at Indian Point was based on a new evaluation process that focuses on performance and results.

Evacuation time estimates for Indian Point are currently being

revised to include consideration of shadow evacuations and new population numbers. It is important to note that the radiological emergency community uses the term "evacuation time estimates" to generally refer to effective traffic management matters. These estimates are not relied upon in the actual decision making process for evacuations, but are used in the planning process to identify potential bottlenecks so that effective traffic control measures can be put in place.

The Federal Emergency Management Agency recognizes and respects the concerns of the people of New York regarding the health and safety of those living and working in the vicinity of the Indian Point Energy Center. The health and safety of the public is our primary concern.

As described in the letter accompanying FEMA's evaluation of the Indian Point exercise and plans, based on the absence of corrected and updated plans from the counties and state, at this time, FEMA has not provided a final recommendation of "reasonable assurance" that the county and state officials can take appropriate measures. FEMA can however re-evaluate the situation.

Again, I would like to thank you Chairman LaTourette and Congresswoman Norton for the opportunity to appear before you today. I would be happy to answer any questions you may have.

STATEMENT SUBMITTED

BY THE

UNITED STATES NUCLEAR REGULATORY COMMISSION

TO THE

SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS
AND EMERGENCY MANAGEMENT

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

UNITED STATES HOUSE OF REPRESENTATIVES

FOR THE HEARING ON

EMERGENCY PREPAREDNESS AT THE INDIAN POINT ENERGY CENTER

SUBMITTED BY

HUBERT MILLER, REGIONAL ADMINISTRATOR

REGION I

Submitted: February 25, 2003

Introduction

Good afternoon, Mr. Chairman and members of the Subcommittee. It is a pleasure to appear before you today to discuss the role that the Nuclear Regulatory Commission (NRC) plays in the development and assessment of radiological emergency preparedness programs at nuclear energy facilities and the status of NRC reviews and oversight of Indian Point.

Radiological Emergency Planning and Preparedness

Following the accident at Three Mile Island in 1979, the NRC

reexamined the role of emergency planning for protection of the public in the vicinity of nuclear power plants. Our reexamination pointed out the need for improved planning by Federal, State and local governments to respond to possible reactor accidents. To compel this improvement, we implemented new regulations that establish emergency planning standards and define the responsibilities of nuclear power plant licensees, as well as State and local organizations involved in emergency response. The regulations now require that emergency plans be prepared for evacuation or other actions to protect the public in the vicinity of nuclear power plants.

For planning purposes, we have defined a plume exposure pathway emergency planning zone covering an area about 10 miles in all directions around nuclear power plants and an ingestion pathway emergency planning zone covering about 50 miles in all directions around nuclear power plants. Each licensee has its own emergency plan for the site of the plant, and State and local governments have detailed emergency plans for the offsite plume and ingestion emergency planning

zones. These emergency plans are tested in frequent small-scale drills and periodic full-scale emergency exercises that simulate a serious reactor accident. The plans and their implementation are periodically reviewed to confirm that plans and preparedness are being maintained in a manner that will ensure that adequate protective measures can and will be taken to protect the public in the event of a radiological emergency.

Federal oversight of radiological emergency planning and preparedness involves both the Federal Emergency Management Agency (FEMA) and the NRC. Consistent with President Carter's directive in December 1979, FEMA takes the lead in initially reviewing and assessing offsite planning and response and in assisting State and local governments in the development and maintenance of their plans and preparedness, while NRC reviews and assesses the licensee's onsite planning and response. FEMA makes findings and determinations as to the adequacy and capability of implementing offsite plans and communicates those findings and determinations to the NRC.

The NRC reviews the FEMA findings and determinations and in conjunction with the NRC's onsite findings, makes a determination on the overall state of emergency preparedness. These overall findings and determinations are used by the NRC to make radiological health and safety decisions in the issuance of licenses and in the continuing oversight and regulation of operating reactors. Periodic re-reviews and exercises serve to ensure that plans and preparedness are maintained and that changing circumstances are appropriately taken into account in planning.

I must emphasize that the primary responsibility for the review and assessment of offsite plans and preparedness resides with FEMA. However, if FEMA informs the NRC that an emergency, an unforeseen contingency, or some other matter would prevent FEMA from making findings and determinations in a timely manner, the NRC, in consultation with FEMA, might initiate its own review of offsite emergency preparedness.

Regarding certification, NRC has no requirement for certifying offsite emergency preparedness programs. State and local offsite emergency plan formal approval derives from a process developed by FEMA and codified in FEMA's regulations at 44 CFR Part 350. If in implementing this process for a particular set of State and local emergency plans, FEMA finds deficiencies or problems of such significance that FEMA is not satisfied with the adequacy of the offsite plans or preparedness, FEMA will inform the Governor of the State and the NRC. The NRC will then work with the reactor licensee and with FEMA, and FEMA will work with the State to address the identified deficiencies or problems.

Indian Point

We have maintained heightened oversight of the Indian Point 2 facility since an event in which a steam generator tube failed in February 2000. The concerns from that event were technical and managerial in nature, but there were several emergency response issues that surfaced from the event. We have closely

monitored the Indian Point station's improvement programs through expanded inspection efforts and regulatory performance meetings. At the end of the third quarter of 2002, we concluded that previously identified weaknesses had been substantially addressed. However, much work remains to be done at Indian Point, and we expect to maintain our heightened oversight of Indian Point 2.

The most recent emergency exercise at Indian Point occurred on September 24, 2002. This biennial full-participation exercise reflected positively on the Entergy management team and the ability of the emergency response organization to effectively implement the onsite emergency preparedness program. While some areas for improvement were identified, we judged the overall licensee performance to be satisfactory.

Emergency preparedness has been a matter of increased public interest since the terrorist attacks of September 11, 2001. A number of questions have been raised about whether

the counties' evacuation plans were workable and considered terrorism. While for many years, all nuclear power plants have been required to have security programs sufficient to defend against violent assaults by well•armed attackers, numerous additional steps have been taken since September 2001 to thwart terrorist acts. Emergency preparedness programs are designed to cope with a spectrum of accidents including those involving rapid, large releases of radioactivity. Emergency preparedness exercises have invariably included large releases of radioactivity that occur shortly after the initiation of events. Necessary protective actions and offsite response are not influenced by the cause of accident. Emergency planning is not predicated on a determination of the probability of a given accident sequence. Rather, emergency planning assumes the improbable has already occurred and develops a response to address the consequences of potential releases. Whether releases from the plant occur as a result of terrorist acts or equipment malfunctions, emergency plans guide decision makers and responders in the same way.

The Governor of the State of New York recently received a draft report from James Lee Witt Associates, LLC, regarding emergency preparedness at Indian Point. The NRC has received a copy of the draft Witt report. The matters addressed in the draft report in large measure relate to offsite planning and preparedness, which, at least in the first instance, are matters within the purview of FEMA. While any judgement as to the overall state of emergency planning and preparedness is for the NRC to reach, in keeping with the longstanding understanding between FEMA and the NRC, we look initially to FEMA for its views on the draft report relating to offsite preparedness. The NRC will work with FEMA and other Federal agencies, as well as the licensee for Indian Point 2, New York State and county officials, in continuing efforts to ensure adequate emergency planning and preparedness.

Following the attacks of September 11, 2001, the NRC took a number of actions that required NRC licensees to remain at a

heightened level of security. On February 25, 2002, the NRC issued Orders to all power reactor licensees requiring that they incorporate specific interim compensatory measures (ICMs) into their security and emergency preparedness programs.

Conclusion

I have summarized, in general terms, the NRC's requirements for radiological emergency planning and NRC's role in reviewing emergency preparedness programs for nuclear energy facilities. I have also touched upon the NRC's continuing heightened oversight of the Indian Point 2 facility and the status of NRC's assessment of the licensee's emergency preparedness. I appreciate this opportunity to appear before you today and I welcome the opportunity to respond to your questions.

WRITTEN TESTIMONY
House Committee on Transportation
Presented by Edward F. Jacoby Jr.
February 25, 2003

Mr. Chairman, Committee members:

I am pleased to have the opportunity to address your committee today. My comments will address the process of emergency planning for radiological hazards, specifically those associated with nuclear power plants. I will conclude with comments on more recent developments.

For more than 20 years, the State and counties have worked to protect the public health and safety in communities around the state's three commercial nuclear power generating sites, including Indian Point. The plans, policies and procedures required to achieve this are contained in the New York State Radiological Emergency Plan. As with other emergency

response plans, local, then county governments have the chief responsibility for responding to disasters and emergencies. The role of the state is to support these efforts.

The New York State Radiological Emergency Preparedness Plan (REPP) spells out New York's program for mitigating the possible consequences of a radiological emergency, especially an emergency that might occur at a nuclear power plant. The premise of this plan is that, as with any other emergency, all levels of government and private sector organizations are responsible for safeguarding the health and safety of the people through carefully planned and coordinated actions.

This plan has three major objectives:

1. To protect people living or working near nuclear power facilities, with special emphasis on the 10 - mile radius surrounding each plant, called the Emergency Planning Zone

(EPZ).

2. To organize and coordinate actions taken by the utility licensee, federal and state agencies, local governments and support groups into a comprehensive, effective response.

3. To effectively allocate and deploy resources and personnel in response to a radiological emergency.

The radiological emergency response plan builds on New York's emergency plan for radiation accidents and New York's Comprehensive Emergency Management Plan, which provides an integrated system to prevent or react to all types of natural or technological emergencies. New York State's authority is contained in a number of laws that I have included within the written testimony that I am submitting to you today:

() New York State Executive Law, Article 2•B (1979 and Chapter 708, 1981);~

() New York State Public Health Law, Section 201, 206~

() New York State Sanitary Code, Part 16;~

() New York State Defense Emergency Act, Chapter 784,~ Laws of 1951.~

The plan itself includes the following components:~

() initial notification and warning~

() radiological accident assessment and evaluation~

() protective actions such as: access control, sheltering evacuation, and ingestion pathway precautions,

() parallel actions such as: emergency medical services, radiation exposure control, law enforcement and crime prevention, social services, and long term recovery, and

() public information and education

Under the Radiological plan, the following organizations have pre-designated roles during an emergency:

THE COUNTY GOVERNMENT CHIEF EXECUTIVE directs the implementation of their local county preparedness plan. Local governments have developed procedures that parallel state procedures to inform and protect the public.

THE CHAIRMAN OF THE STATE DISASTER PREPAREDNESS COMMISSION (DPC) directs state response activities to protect the public; the State Health Department is the lead response agency and spearheads radiological assessment and decision making to protect public health.

THE STATE EMERGENCY MANAGEMENT OFFICE (SEMO) is responsible for preparing and updating the plan, including site-specific sections that detail emergency response plans for potentially affected counties. SEMO acts as state/county/utility liaison and, in the event of an emergency, deploys its staff to the utility Emergency Operations Facility (EOF), the appropriate county Emergency Operations Center (EOC) and near site Joint News Center (JNC) to facilitate implementation of the plan. State agencies support local

governments by providing personnel and resource assistance.

According to the plan, the chief executive officer of each county within the 10-mile radius of a nuclear power plant has the responsibility for the first line of protection and may proclaim a local state of emergency to aid response efforts. The chief executive may also ask the governor to declare a "State Disaster Emergency."

With such action, the governor assumes the ultimate authority to command and coordinate the state and local agency response activities.

Having outlined the basic responsibilities and authorities relegated to the state and the local jurisdictions, I would also like to briefly outline the roles and responsibilities of the federal agencies involved in this program and the State's interaction with these agencies.

The Nuclear Regulatory Commission (NRC) is responsible for the oversight and exercising of the mandated emergency

planning criteria that is the sole responsibility of the licensee of the facility. Under this charge, the licensee's prime responsibility during and accident or incident is to restore the facility to a safe condition and to advise the off-site agencies – local, county, and state officials of conditions within the facility. New York State works closely with the NRC on a variety of programs related to commercial nuclear power plants. The State, however, has no direct regulatory role related to the operation of commercial nuclear plants or security at these facilities. Through the State Public Service Commission and the New York State Energy Research and Development Authority, the State's role centers on reviewing changes to the existing licenses and observing on-site inspections.

As you know, the Federal Emergency Management Agency (FEMA) has the responsibility for establishing the emergency planning criteria for the "off-site" governmental agencies (local,

county and state) overseeing the preparation, implementation and bi-annual exercising and evaluation of the “off-site” emergency plans. This role also includes certifying that local plans “provide reasonable assurance” of being able to protect the public health and safety of the general populations living within the 10 mile emergency planning zones.

The off-site plans – both state and county – are based on NUREG 0654, a joint NRC/FEMA document – Criteria for Preparation and Evaluation of Radiological Emergency Response Plans and Preparedness in Support of Nuclear Power Plants.

Not only is this document the basis for planning, it is the cornerstone of the bi-annual federally observed and evaluated exercises required to provide reasonable assurance of the licensees, the local jurisdictions and the state’s ability to protect public health and safety.

In August, 2002, the State hired James Lee Witt Associates to perform an independent, objective analysis of the emergency planning efforts for commercial nuclear reactors located at the Indian Point site in Westchester County. A draft of this report was released in early January. As part of this process, a public comment period was offered through early February, with the final report to be published shortly.

The Witt Report compiled more than 900 pages of analyses, observations, and technical review, which led to findings and recommendations regarding the emergency preparedness program for the Counties within the emergency planning zone for Indian Point.

The State is moving to upgrade technology and public education to support emergency preparedness efforts around Indian Point, consistent with some of the recommendations contained in the Witt report.

The most-widely-reported theme of the Witt report is the inadequacy of the current plans to address the threats posed by terrorism. It should be noted that in 2002, Governor Pataki called on FEMA and the NRC to address public concerns about the adequacy of current federal regulations and standards for emergency planning in the post-9/11 world. The Governor determined to move forward with the independent study when the federal agencies did not address our request for review in a satisfactory manner.

Recently, The Chair of the Nuclear Regulatory Commission, Mr. Richard Meserve, stated that enhancements to security programs, directed by NRC since 9-11, have bolstered security at nuclear sites across the nation. Uniform national standards for post 9-11 security at nuclear plants and the NRC's diligence in improving plant security are vital to national security. It is encouraging that The NRC has pledged to conduct additional

security exercises at Indian Point. We hope that these efforts will help to alleviate public concerns about vulnerability to terrorist threats nationwide and at Indian Point.

Chairman Meserve also stated that the current regulatory standards that govern emergency planning for nuclear power plants, including Indian Point, were designed to cope with a spectrum of accidents, including those involving rapid large releases of radioactivity. It appears that this assessment has done little to calm public anxiety that has increased since 9-11.

The State Emergency Management Office will continue to work with NRC and FEMA to ensure that offsite emergency plans for Indian Point and other New York Sites are implementable. FEMA's recent efforts to move from a compliance-based program to one that measures effectiveness and outcomes are welcome and consistent with the Witt Report.

The state believes, however, that more must be done by NRC and FEMA. One of the benefits of the process that brought about the Witt report was that it was an open public process which sought varying viewpoints. The State urges NRC and FEMA to conduct a similar public effort to comprehensively review the policies and regulations that govern emergency planning at commercial nuclear power facilities. This would not only better educate the public, but also

help restore public confidence in the emergency planning process.

In closing, I want to assure you that the state of New York remains committed to achieving the highest level of emergency preparedness possible in communities surrounding commercial nuclear facilities. We will continue to work with federal, State and local agencies to improve existing plans.

I thank you for the opportunity to address your Committee today.

February 25, 2003

Chairman Steven C. LaTourette and Members of the Subcommittee on
Economic Development, Public Buildings and Emergency Management
2167 Rayburn House Office Building
Washington, D.C. 20515

Re: County Executive C. Scott Vanderhoef
Testimony before Congressional Committee on Indian Point

My name is Scott Vanderhoef, Rockland County Executive.

I represent a county of 287,000 people located on the western banks of the Hudson River across from the Indian Point nuclear power plant. This is substantially a residentially based county

with major transportation corridors running through it including the New York State Thruway, Palisades Interstate Parkway, and numerous major state highways.

I, along with my colleagues in Orange, Putnam, and Westchester Counties, am responsible for responding to any unusual event or emergency that might occur at Indian Point on behalf of our emergency offices and our citizens. I believe that Rockland County has an enviable record with respect to its ability to respond to emergency situations and regularly has achieved satisfactory marks with respect to exercises conducted to prepare for an emergency at the Indian Point plant.

Nevertheless, since the terrorist attack on our Country on September 11, 2001, our residents have been concerned about the potential for sabotage or terrorist attack on this nuclear plant and the counties' and state's ability to respond effectively to an event that could occur faster than the accident scenarios that we have practiced. For these reasons, we supported Governor George E. Pataki's decision to have an independent consultant review the emergency preparedness plans for Indian Point, particularly given the new terrorist threats that everyone in this nation faces.

Chairman Steven C. LaTourette
February 25, 2003

The consultant, James Lee Witt Associates, LLC, issued a draft report (the Witt Report) on January 10, 2003. The consultants determined that, despite our having satisfactorily performed during the exercises, that the following concerns remain: "…significant planning inadequacies, parental behavior that would compromise school evacuation, difficulties in communications, outdated vulnerability assessment, use of outdated technologies, lack of first responder confidence in the plan, problems caused by spontaneous evacuation, the nature of the road system, and the thin public education effort." Considering those factors together, the consultants concluded, "…the current radiological response system and capabilities are not adequate to overcome their combined weight and protect the people from an unacceptable dose of radiation in the event of a release from Indian Point."

The 244-page Witt Report outlined findings and recommendations with respect to improvements needed to make our emergency response plans more effective and reliable. Yet the report cautions that even if the recommendations were successfully implemented, it remains uncertain that an improved plan and exercise program would yield different conclusions as to its adequacy to protect the public. It is fairly clear to me that the realistic and practical difficulties in the emergency response of our region cited in the Witt Report (even assuming that some of its conclusions might be disputed) are enough to give pause about the planning methodology and exercise checklists used to indicate our readiness to respond successfully to an emergency

or unusual event at Indian Point.

Therefore, the normal annual submissions of technical compliance by the County's Office of Emergency Services to the State (including a conclusionary line ordinarily signed by the Director certifying that the emergency response plan is "current") could not be submitted in the normal course of business. After analyzing the Witt Report, it would seem irrelevant if not outright wrong to submit any kind of summary review indicating that our plan is "current" given the substantial concerns identified in the report and its conclusion that the plan is inadequate to protect the public.

Rockland County's emergency team has long argued that the preparedness standards set by FEMA and practiced by the local teams rely too heavily on procedural compliance rather than the reality of an emergency, including such issues as first responder actions, schools' and parents' responses, shifting winds, and the like. It seems clear to my County that many of the recommendations raised in the Witt Report concerning performance-based outcomes and real-life situations in our exercise and planning for emergency response would dramatically increase the margin of safety for our residents. Nevertheless, it is my considered opinion that any emergency response plan whether determined to be "adequate" or "inadequate" as to provide "reasonable assurance" for protecting the public may be severely handicapped by the sheer numbers of individuals

in our region who might need protection. The daunting prospect of an emergency response that is effectively carried out without casualties leads one to search for a more effective solution. In my mind, the cost benefit analysis of cheap nuclear power versus the protection of residents clearly weighs in favor of closing the plant permanently and seeking alternative sources of energy.

It is, therefore, my recommendation that FEMA, while perhaps not agreeing with the entirety of the Witt Report, consider the cumulative deficiencies of the emergency response plan for our populated region and conclude that reasonable assurances cannot be given to the NRC that the public can be adequately protected with the current emergency response plan. I would urge at that point that the NRC recognize the full cost and effectiveness of any corrective actions and determine that in the best interest of the public the Indian Point plant permanently decommissioned.

In the meantime, until the nuclear plant is fully decommissioned, we stand ready to cooperate with state and federal authorities to make the necessary changes to improve the reliability and effectiveness of the emergency response plan as we fully recognize the tremendous responsibility that remains on

our shoulders to protect our residents.

Finally, in light of another recent report on security concerns at the plants themselves in which security personnel indicated that they did not believe the plant could be defended against terrorists' threats, I have joined with my colleagues in neighboring counties in calling for federalization of security at Indian Point, which in our view should be placed under the jurisdiction of the newly created Department of Homeland Security. Until the plant is fully decommissioned, and the spent fuel has been removed, federal assistance is necessary to help us protect the public health and safety.

Thank you again for inviting me to testify before your committee. I hope that my testimony can help initiate the federal, state and local changes necessary to ensure the public health and safety of Rockland County residents and the residents of the Hudson Valley.

_____

C. Scott Vanderhoef
ROCKLAND COUNTY EXECUTIVE

Testimony of

Westchester (N.Y.) County Executive Andrew J. Spano

On Emergency Preparedness at the Indian Point Energy Center

To the U.S. House of Representatives'

Subcommittee on Economic Development, Public Buildings and Emergency Management

Of the Committee on Transportation and Infrastructure

February 25, 2003

Mr. Chairman, Steven LaTourette, Ranking Member, Eleanor Holmes Norton, my own Representative, Sue Kelly and other distinguished members of the subcommittee, thank you for holding these hearings on emergency preparedness in relation to the Indian Point nuclear plants in Westchester County. As the County Executive, I also appreciate the opportunity to present the County's perspective on these issues.

The health and safety of Westchester residents has always been my first priority. During the past five years as County Executive, that priority has translated into creating a professional Department of Emergency Services, increasing the

special operations capability of our Department of Public Safety, forming a Bio-terrorism Task Force, *prior* to September 11th, and *since* September 11th, developing on-going strategies and interventions to cope with terrorism in all its possible forms – chemical, biological, and, because of Indian Point, radiological. In addition, we are coordinating the creation of a county-wide all hazards emergency plan that incorporates the efforts of 43 municipalities, 47 school districts, 43 local police departments, 58 fire departments and the myriad other interests that comprise our great county.

These considerable efforts are constantly hampered by the attention and resources we historically and continuously have had to appropriate for the preparation, training, and execution of the Indian Point Radiological Preparedness Plan.

It is important for you to understand that this is not a matter of academic interest for many of us. My own home is within the ten mile zone. Even the Governor and his family live within the ten mile zone.

Indian Point is situated in the small Westchester County Village of Buchanan, some 35 miles north of Manhattan. There are approximately 298,000 people, in four counties, within 10 miles of the plants; 150,000 live in Westchester. With Indian Point's location just 24 miles north of the New York City border, one in twelve Americans live within 50 miles, the ingestion zone for radiation.

Before the threat of terrorism, issues about the response plan and, indeed, even the security of the plant itself were rarely raised by the general public. However, this lack of concern on the part of our residents never deterred our efforts to continually upgrade the plan and improve response efforts. In the last year alone, Westchester County spent almost $5 million to improve the plan, train responders and update technology, while receiving only $412,000 back from the utility.

Since September 11th, Indian Point as a possible terrorist target has not only become a monumental concern to those who live and work within the 10 mile zone, but it has also become an issue of national significance for residents throughout New York metropolitan area and in the surrounding states.

It was in reaction to these concerns that Governor Pataki hired former FEMA director James Lee Witt to conduct an extensive evaluation of the Indian Point nuclear response plan. I have concurred with much of that report and especially agree with its call for recognition of the new challenges facing us.

According to criteria determined by FEMA, response plans nation-wide were based upon the traditional assumption that an event at a nuclear power plant would be accidental and mechanical in nature and would evolve slowly over a period of several hours or even longer. In order to provide a "reasonable assurance" that the emergency response plans would work, FEMA established the guidelines and regulations for counties to implement. Westchester County, as have the other counties surrounding Indian Point, prepared plans consisting of hundred

of pages, trained thousands of responders, and participated in drills that were evaluated under FEMA's eye.

Not only have we met the bar FEMA has put before us, we have exceeded it. We have moved forward in a number of areas to protect the residents of Westchester County. On our own, we have for some time pressed for better technology and more sophisticated modeling of the radiological dispersion; and have worked with IBM Research Labs and others to contribute to this effort. We have included more conservative assumptions about travel time than the current models provide. We have set up a variety of modern communications capabilities, including internal web sites for quick transmission of status information. We have distributed potassium iodide to a large number of families in the emergency planning zone surrounding the plant.

But the picture is very different today. As the Witt report emphasized, since September 11, we also have to prepare for the possibility that the plants can be the target of terrorists and that the release of radiation could be fast-breaking. Nothing in FEMA's regulations addresses this stunning fact. Nothing in FEMA's directives to the counties ask that this kind of scenario be considered. Nothing in FEMA's criteria calls for a drill based on a terrorist attack.

The essential difference between the old approach and our new concerns is the difference between "doing things right" and "doing the right things". In the past, under FEMA and NRC directives, we have done our plans and drills right. But in today's world, it is no longer enough.

However, we, as a County, have gone about as far as we can go. It is time for the federal government – the Nuclear Regulatory Commission, FEMA, perhaps even the new Department of Homeland Security – to take control and give the counties the resources, the expertise, and the funding so that the evacuation plan can respond to a terror based scenario. This is no longer an issue for one county or four counties or ten counties. Indian Point is located in the most populated area of the country. This is an issue of national security. The federal government licenses this plant; the federal government must take control to protect its citizens.

In the face of today's heightened threats, the federal government must realize that its guidelines and actions do not go far enough. FEMA and the NRC must implement the recommendations of the Witt Report. However, even if these can be implemented, it is my opinion that the public still cannot be adequately protected. Therefore, I call for the closing of Indian Point due to the number of people around the plants and the sheer physical limitations of our roads to move everyone at once in the face of a fast breaking scenario.

However, even if the plant were to be shut down tomorrow, because of the spent fuel pools, there still would be a need for a workable response plan. Therefore, we ask for the following five actions:

1. *FEMA and the NRC must get out of their traditional rut and provide guidance for a range of possible disasters at the plant that include fast breaking, terrorist-initiated scenarios.* In general, FEMA must become directly involved with emergency planning, rather than insist on an evaluator's role, above the fray.

2. *The emergency planning zone around the plant should be extended beyond ten miles.* Whether FEMA and the NRC agree that the radioactive fallout can extend beyond ten miles is beside the point. In a densely populated area, people who live beyond ten miles will take actions – like self-evacuation – which would have a severe impact on the success or failure of the emergency response plans.

3. *The responsibility for security around the plants must be immediately transferred from the corporate operators, Entergy, to a Federal security force.* Security is bound to be viewed as a cost burden to a profit-oriented corporation like Entergy. Moreover, there are limits to the firepower that a private company can use to protect the plant. Only the Federal government has the resources and authority to deploy the protection needed on land, on the water and from the air.

4. *The NRC must use its expertise and those of the best laboratories in the nation to develop and deploy to us accurate predictive models of where radiation from the plant would go.* We are currently provided fixed, static plumes that do not take into account the local hilly topography and river valley around the plants, nor changes in wind direction, nor other dynamic factors. This will make it difficult to focus on the precise areas that need an emergency response and would lead to a more widespread panic among the public than would be warranted.

5. FEMA and the NRC must also recognize that the new threats to the Indian Point plants will require much greater investment in new equipment, communications capabilities, systems and technologies. *FEMA and the NRC should provide increased and truly adequate funding for us to upgrade our response to the new threats.*

I will continue to do whatever is in my power to protect the residents of Westchester County. However, both the NRC and FEMA should be put on notice that the lives of the people within the vicinity of Indian Point rests on their shoulders. Please help us to make sure that the Federal agencies move swiftly and realistically to deal with the fast-moving and devastating threats to the Indian Point nuclear plants in our midst. Nothing we do should ever compromise the safety of our citizens.

I would welcome any questions. Thank you.

DRAFT

ORANGE COUNTY EXECUTIVE EDWARD A. DIANA'S TESTIMONY TO THE SUB COMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS AND EMERGENCY MANAGEMENT REGARDING THE INDIAN POINT NUCLEAR ENERGY CENTER IN BUCHANAN, N.Y.

February 25, 2003

Chairman Young, Chairman LaTourette, Congresswoman Kelly and Distinguished Members of the Committee:

As Orange County Executive I am here today to speak about safety concerns at the Indian Point Nuclear Energy Center. This is an extremely important issue that is of great concern to all of us who live in the counties adjacent to these nuclear power plants. We are all here today because we recognize the tremendous responsibility that remains on our shoulders… the responsibility to protect the health and safety of the public.

The State of New York recently commissioned former Federal Emergency Management Director James Lee Witt to perform a comprehensive review of emergency preparedness for Indian Point. Since the release of the "Witt Report," many issues have been raised that must be addressed, including the event of a terrorist attack at the facility.

The plant's ability to protect itself in the event of a terrorist event is questionable. Recently, a number of security personnel at Indian Point came forward and indicated that they did not believe they could defend the plant against a terrorist threat.

My colleagues and I firmly believe that security at Indian Point, as well as all other nuclear facilities nationwide, should be federalized and placed under the jurisdiction of the newly created Department of Homeland Security, much the same way airport security was federalized post September 11th. We believe that the Department of Homeland Security is the appropriate agency to oversee security at nuclear power plants because its mission is to protect the public from terrorist and other threats.

Due to Indian Point's location in a densely populated area that is

less than 25 miles from New York City, I suggest that Indian Point be the first nuclear power plant to be federalized as a pilot project for the United States' 104 nuclear power generating facilities. With the resources of the Federal Government, we can be assured that nothing short of the best security measures will be instituted to further protect the public.

I believe in the need for the United States Coast Guard to patrol the Hudson River on a full time basis. A Coast Guard presence is a visible deterrent to threats at Indian Point. It will add a level of security at other energy producing facilities located along the Hudson, while helping to secure freighters that often transport oil and fuel upstate along this busy waterway.

Another area of great concern is the storage of radioactive waste on site at the plant in spent rod pools. Spent rod pools pose a significant threat that will exist even if the reactors are not operating. Steps must be taken to remove the spent fuel from the site once and for all. In the meantime, every effort must be made to make sure the existing pools are secure from all threats. A structure comparable to the containment building over the reactors should be constructed out of concrete and steel to act as an additional layer of protection.

I also bring to your attention the fact that emergency preparedness and public education are costly items that often fall on the backs of County taxpayers. Financial assistance needs to be offered to counties mandated to have nuclear emergency programs due to their proximity to a nuclear power facility. We must make sure we have nothing short of the best equipment and technology to protect the public, as well as the necessary funds to make absolutely sure the public is educated as to what they are expected to do in the event of an incident at Indian Point.

The Nuclear Regulatory Commission also has a role to play in helping the public understand nuclear power. I invite them to participate locally in our communities and to share with the public the oversight they provide in the day-to-day operations of all nuclear power plants.

Preparedness standards set by FEMA and practiced by the local teams rely too heavily on procedural compliance rather than the reality of an emergency. Real life events must be factored in when performing Federally observed practice drills and exercises and the costs associated with performing these exercises must not be absorbed by the individual counties.

An ample supply of electricity is not an option; it is a necessity

if we are to keep our economy strong and our communities safe. The demand for electricity is constantly growing, and yet we do not have alternatives to produce the energy should Indian Point be shut down. I understand that closing Indian Point at this time is probably not going to happen. However, we have to make it safer than it is today and I believe the issues I have pointed out will help to do just that.

On behalf of all Orange County residents, I thank you for your time and I thank Congresswoman Kelly for bringing this important matter to your attention.

We look forward to substantial changes and we stand ready to cooperate with the Federal and State authorities, as well as the utility, to make the necessary changes to improve the safety for the entire Hudson Valley Region.