

**OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET**

Date Printed: Sep 11, 2003 17:47

PAPER NUMBER: LTR-03-0593

LOGGING DATE: 09/11/2003

ACTION OFFICE: OGC

AUTHOR: Sen. Christopher Dodd

AFFILIATION: SEN

ADDRESSEE: Nils Diaz

SUBJECT: Concerns about the emergency preparedness program for the Indian Point nuclear power plant

ACTION: Signature of Chairman

DISTRIBUTION: EDO, RF

LETTER DATE: 07/01/2003

ACKNOWLEDGED No

SPECIAL HANDLING: Comm Correspondence

NOTES: Please note attached letter from FEMA to:
Sen. Joseph Lieberman---Sept 3, 2003
Sen. Christopher Dodd---Sept 3, 2003
Hon. George Pataki-----July 25, 2003

FILE LOCATION: ADAMS

DATE DUE: 09/26/2003

DATE SIGNED:

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United States Senate

WASHINGTON, DC 20510

July 1, 2003

The Honorable Nils J. Diaz
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

The Honorable Joseph Allbaugh
Director
Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C Street, S.W.
Washington, D.C. 20472

Dear Chairman Diaz and Director Allbaugh:

On February 25, 2003, we wrote to then-Chairman Meserve and Director Allbaugh to express our serious concerns about the emergency preparedness program for the Indian Point nuclear power plant. On April 29, 2003, Chairman Meserve responded, conveying the willingness of the Nuclear Regulatory Commission (NRC) to assist the Federal Emergency Management Agency (FEMA) in the timely resolution of its assessment of the Indian Point program.

We are writing to demand a prompt and complete written response from FEMA and the NRC to the concerns expressed in the February 25, 2003 letter (copy enclosed) and an up-to-date report on the emergency planning status of the Indian Point plant. In March 2003, James Lee Witt Associates, Inc., released its final assessment of the emergency preparedness for the area surrounding the Indian Point plant and for that portion of New York in close proximity to the Millstone Plant in Connecticut. The final report contains the same disturbing findings about the plant's lack of preparedness. In addition, as we noted in the February 25, 2003 letter, FEMA Region II's February 21, 2003 Emergency Planning Report established a process by which the State of New York and its counties would be required to submit missing emergency preparedness certifications by May 2, or FEMA Region II would notify FEMA Headquarters that assurance could not be provided as to the adequacy of the plans to protect public safety and health, with further action to follow. May 2 has passed. What was FEMA's response and what actions does it now plan to take?

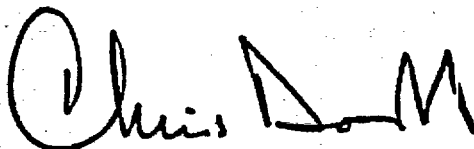
The NRC and FEMA bear primary responsibility, with the critical support of State and local emergency management personnel, for comprehensive emergency planning to protect the hundreds of thousands of citizens of Connecticut and New York who live in close proximity to the Indian Point plant. It is vital that they act with alacrity.

to assure the security of this plant and protect the public. Please respond to this letter by no later than August 1, 2003.

Sincerely,



Joseph I. Lieberman
United States Senator



Christopher J. Dodd
United States Senator

Enclosure

United States Senate

WASHINGTON, DC 20510

February 25, 2003

The Honorable Richard A. Meserve
Chairman
Nuclear Regulatory Commission
Washington, D.C. 20555

The Honorable Joseph Allbaugh
Director
Federal Emergency Management Agency
500 C Street, S.W.
Washington, D.C. 20472

Dear Chairman Meserve and Director Allbaugh:

We are writing to express our very serious concerns about the emergency preparedness program for the Indian Point nuclear power plant. The Nuclear Regulatory Commission (NRC) and the Federal Emergency Management Agency (FEMA) bear primary responsibility, with the critical support of State and local emergency management personnel, for comprehensive emergency planning to protect the hundreds of thousands of citizens of Connecticut and New York who live in close proximity to the Indian Point plant.

We are greatly troubled by a series of recent events that calls into serious question FEMA's ability to effectively evacuate and protect residents surrounding the Indian Point plant under the plant's approved 2001 emergency preparedness plan. A brief recital of recent events is:

- ❖ **Release of the Draft Witt Report:** On January 10, 2003, James Lee Witt Associates, Inc., a research firm founded by a former FEMA head, released a comprehensive draft assessment of emergency preparedness for the area surrounding the Indian Point plant and for that portion of New York in close proximity to the Millstone Plant in Connecticut. The draft report, which is expected to become final following a short period of public comment, finds that "the current radiological response system and capabilities are not adequate to . . . protect the people from an unacceptable dose of radiation in the event of a release from Indian Point, especially if the release is faster or larger than the design basis release."
- ❖ **FEMA Denial of the New York Petition to Withdraw FEMA Approval of the Current Plan:** On June 17, 2002, New York Assemblyman Richard L. Brodsky, with others, filed a petition with FEMA to withdraw FEMA's approval of the

fundamental safety and security concerns jeopardizes the integrity of the FEMA and NRC emergency planning and certification process. We request that the NRC ensure the expeditious resolution of this matter.

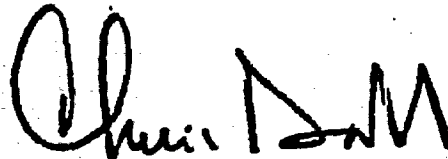
All of us are keenly aware of the understandable increase in concerns about the safety and security of nuclear power plants in the wake of September 11, 2001. The imminent likelihood of war with Iraq and the increase in the terrorist alert warning level to Code Orange, have heightened the importance of adequate emergency planning to ensure public safety and the security of nuclear power plants like Indian Point. That is why it is vital that FEMA act with alacrity to assure the security of this plant and protect the public.

Thank you for your consideration and prompt response to the important issues raised in this letter.

Sincerely,



Joseph I. Lieberman
United States Senator



Christopher Dodd
United States Senator



Federal Emergency Management Agency

Washington, D.C. 20472

SEP - 3 2003

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CHAIRMAN REC'D

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

Dear Senator Lieberman:

This letter responds to your letters of February 25, 2003, and July 1, 2003, concerning the status of offsite planning and preparedness in connection with the Indian Point Energy Center in Buchanan, New York (Indian Point). The Federal Emergency Management Agency (FEMA) is now incorporated within the Emergency Preparedness and Response Directorate of the Department of Homeland Security.

On July 25, 2003, FEMA sent a letter to Governor Pataki stating that FEMA has reasonable assurance that appropriate measures to protect the public health and safety have been developed and can be implemented for Indian Point (enclosure). As you know, responsibilities for nuclear energy centers are shared among numerous entities. The Nuclear Regulatory Commission (NRC) has on-site security responsibilities for Indian Point and FEMA coordinates its responsibilities for reviewing the offsite emergency preparedness of New York State and the affected counties at Indian Point with the NRC.

We recognize the heightened concerns of some members of the public regarding a potential terrorist attack at Indian Point. The NRC, in responding to public and Congressional concerns, has informed FEMA that security measures at all nuclear power plants, and particularly at Indian Point, have been significantly enhanced. In addition, FEMA and the NRC are working with New York State to include a simulated terrorist scenario as part of the next emergency preparedness exercise for Indian Point currently planned for the middle of 2004.

FEMA recently reviewed county plans that have been made available to assure that they indicate integration of the updated Evacuation Time Estimate Studies. These studies also include, for the first time, the impacts of shadow evacuation. In an additional effort to address some of the critical needs of the four-county area, New York State has approved and FEMA has funded the federal share of \$3.5 million in Hazard Mitigation Grant Program projects specifically for Indian Point. The projects range from education of the general public in the four affected risk counties to the development of a Geographical Information System that local officials can use to assess their plans.

We appreciate and share your strong interest in protecting the citizens who live in the communities surrounding the Indian Point Energy Center. FEMA continues to actively support the planning and preparedness of the four counties surrounding the plant.

Should you have any further questions, please have a member of your staff contact our Office of Legislative Affairs at (202) 646-4500.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. David Paulison". The signature is fluid and cursive, with the first name "R. David" and last name "Paulison" clearly distinguishable.

R. David Paulison
Director
Preparedness Division

Enclosure

cc: Mr. Nils J. Diaz
Chairman
Nuclear Regulatory Commission



Federal Emergency Management Agency

Washington, D.C. 20472

SEP - 3 2003

The Honorable Christopher Dodd
United States Senate
Washington, DC 20510

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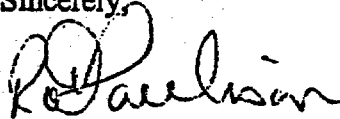
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R. David Paulison
Director
Preparedness Division

Enclosure

cc: Mr. Nils J. Diaz
Chairman
Nuclear Regulatory Commission



Federal Emergency Management Agency

Washington, D.C. 20472

July 25, 2003

The Honorable George Pataki
State Capitol
Albany, New York 12224

Dear Governor Pataki:

I am writing to transmit the Federal Emergency Management Agency's (FEMA) determination of reasonable assurance that the off-site preparedness for the Indian Point Energy Center (Indian Point) is adequate. I also want to outline the additional actions FEMA is prepared to take to help make the region a model of preparedness for the nation.

Basis for Determination

After carefully considering all available information, we have reasonable assurance that appropriate protective measures to protect the health and safety of surrounding communities can be taken and are capable of being implemented in the event of a radiological incident at the Indian Point facility.

Emergency planning for Indian Point is an on-going, cyclical process. In early 2003, FEMA reviewed in detail all of the State and local plans received since the late summer of 2002 and notified the State and local counties of additional improvements needed in the plans. At present, three of the counties - Putnam, Orange, and Rockland - have updated their plans and provided an annotated list of their changes. Westchester County has also updated its plans with the assistance of outside contractors, but Westchester has refused to provide FEMA with a copy of those detailed plan updates. However, Westchester County has demonstrated an adequate level of preparedness by actively exercising their plans and participating in other planning and training events. Our finding is based on the following:

- Our February 21, 2003 letter transmitting the Indian Point 2002 Exercise Report to New York State reported that the September 2002 full-scale exercise of local emergency response plans was successful, with no Deficiencies in the off-site emergency protective measures used.
- In the most recent out-of-sequence demonstrations and drills related to the September 2002 exercise, the State and counties have continued to successfully demonstrate their ability to respond to the scenarios presented.
- In our review, it is apparent that the plans from Rockland, Orange and Putnam counties have been further updated since the September 2002 exercise to

address: (1) the 2003 Evacuation Time Estimate Studies (ETE), with shadow evacuation estimates; (2) Letters of Agreement between counties and resource providers, such as bus companies; and (3) planning for schoolchildren with appropriate notification and protective action decisions. These plans, including Westchester County's plan, will be tested in the scheduled exercise in the middle of 2004.

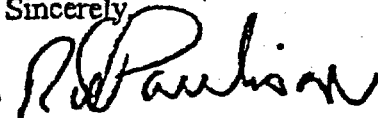
- Although Westchester County has not permitted a detailed review by FEMA of its updated plans the County has worked with Entergy to update its plans in response to comments from FEMA, it continues to participate in all drills, and continues to demonstrate its involvement by leading the Four County Nuclear Safety Committee and by attending other training and planning events.

The Future Security of Indian Point

In response to your previous letters concerning the security of Indian Point, FEMA has been working with the Nuclear Regulatory Commission (NRC) to ensure that your issues are addressed. To demonstrate our commitment to help the State and affected counties become a model of preparedness for the nation, FEMA and the NRC will work with New York to include a simulated terrorist scenario as part of the next emergency planning exercise for Indian Point currently planned for the middle of 2004. In addition, our regional office in New York will conduct additional training and provide further technical assistance on preparing for and responding to Weapons of Mass Destruction attacks. To fulfill your prior request that FEMA and the NRC review the safety of the Indian Point site, FEMA officials are available to meet with you to discuss federal guidance for offsite planning as they relate to potential terrorist threats.

We look forward to close coordination with your office to accomplish our mutual goal of assuring that the emergency response plans and preparedness not only continue to be adequate to protect the public health and safety but become a model for the nation. We remain available to meet with your office to further discuss our joint efforts and your suggestions regarding an improved radiological emergency planning process.

Sincerely



R. David Paulison
Director, Preparedness Division
Federal Emergency Management Agency

cc: Chairman Diaz