

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

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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.