

RAS 4451

DOCKET NUMBER  
PROD. & UTIL. FAC. 50-247/286

MOTION TO REOPEN CLOSED RECORD  
HEARINGS HELD IN  
White Plains, New York During  
1982 & 1983  
Concerning the Feasibility of  
THE EVACUATION PLAN FOR THE  
INDIAN POINT NUCLEAR POWER PLANT

MOTION MADE BY  
PARENTS CONCERNED ABOUT INDIAN POINT,  
original intervenor in the above captioned hearings

WE HEREBY MOVE that the NRC reopen the portion of these hearings dealing with the adequacy of the evacuation plan. The terrorism of 9-11-01 has materially changed the probability of a direct attack on the plants. The evacuation was devised to primarily address an evacuation caused by plant malfunction. A sudden and severe attack on the plants would result in a more widespread and acute need to evacuate.

PARENTS submits that the risk of terrorism targeting these plants is exceptionally grave, is significant to safety and environment and would support a materially different result if considered initially.

This motion is supported by the attached affidavit of Rachek K. Jones.

PARENTS hereby requests the issuance of an order reopening the hearings as to the adequacy of the Indian Point Evacuation Plan.

DATE: 2-13-02

PARENTS CONCERNED ABOUT  
INDIAN POINT  
Attention: Julianna FreeHand  
P.O. Box 93  
Croton-on-Hudson, New York 10520

AFFIDAVIT OF Rachel K. Jones IN SUPPORT OF MOTION

TO REOPEN CLOSED RECORD# 10 CFR 2.734

**EVACUATION INDIAN POINT : ORIGINAL INTERVENOR**

CROTON PARENTS CONCERNED ABOUT INDIAN POINT

Expert in an Appropriate Discipline

Purpose of the Affidavit: There is an exceptionally flawed evacuation scenario at present in the 10 mile area surrounding Indian Point Nuclear Power Plant and the Croton Parents Concerned About Indian Point intervenors is moving To Re-Examine the Record in Light of 9-11. On that day the public accessible transport infrastructure stopped due to a hunt for terrorists.

(1) Not only is Indian Point (Unit 2) plant operating despite a red-flag, it is a terrorist target: the impact of a fully fueled 747 airplane hitting either a) the containment reactor only a few feet thick at its top OR b) the pool of stored fuel rods--which has only a steel roof was not factored into its positioning near New York City's 9 million inhabitants. The people in the immediate vicinity of the nuclear power plant live in fear, based on the poorly orchestrated response to the Trade Center attack. Only 7,000 of the population of New York City were carried to safety by every boat and ferry available in the harbor--panicking people jumped into the river to escape the Trade Center's cloud of debris.

(2) Only after the 747 had passed by Indian Point did the emergency management response move to protect this MOST DANGEROUS weapon to the USA. The evacuation is not possible with the increased population density in 2002 and the aged metropolitan transportation/road infrastructure.

(3) Chairman of the Board, Administrative presiding Judge Louis J. Carter resigned due to the new rules and restrictions introduced by the NRC after the 1982 hearing on evidence presented by public interest groups began; and the subsequent 3-2 decision June 9, 1983 of the Commissioners (John Ahearne, NRC Commissioner being the swing vote) means the likelihood of this plant staying in operation with no adequate defense evacuation even in 1982-3 was controversial. Material changes that necessitate the reopening of the record include not only an increase in the likelihood of a terrorist attack but the increase in surrounding population which would likely affect a different result.

STATE OF NEW YORK

COUNTY OF WESTCHESTER

COMES NOW Rachel K. Jones to swear or affirm the following:

1. I am over the age of 18 years and otherwise fully competent to testify as to the matters set forth herein, based on my personal knowledge.
2. My address is 22 Park Trail, Croton-on-Hudson, New York 10520

3. Parent, regular commuter, Westchester resident, technical consultant re: refugees and reproductive health.

4. Family member in Parents Concerned About Indian Point.

5. The evacuation plan is unworkable in view of the dense population residing in the area of Indian Point.

6. There are approximately 20 million internally displaced people in the world. Internally displaced persons (IDPs) are people who have been forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries. Any incident at Indian Point nuclear power plant requiring an evacuation within a 50 mile radius would instantly result in the internal displacement of about 20 million people.

If such an evacuation were to take place, the United States would "have the primary duty and responsibility to provide protection and humanitarian assistance" for up to 20 million IDPs. [In accordance with Principle 3 of the internationally recognized *Guiding Principles on Internal Displacement* of the United Nations office for the Coordination of Humanitarian Affairs (OCHA).]

This duty and responsibility would include providing IDPs with the right to seek safety in another part of the country. Once these 20 million IDPs have obtained safe haven in another part of the United States, Principle 18 of the *Guiding Principles* requires that "At the minimum...competent authorities shall provide internally displaced persons with and ensure safe access to: essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical services [including reproductive health services] and sanitation."

Principle 5 of the *Guiding Principles* also declares that "All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons." In other words, such a mass incident of internal displacement in the United States would constitute an effort of humanitarian assistance of an unprecedented and incomprehensible magnitude.

7. I am uncomfortable with the amount of risk to my and my family's well-being that the NRC is willing to take in keeping Indian Point operational. For the US government to allow Indian Point to remain open despite credible risk of terrorist attack or technical malfunction that would require an evacuation could also constitute a violation of international law. Material changes that necessitate the reopening of the hearings include an increase in the likelihood of a terrorist attack and the increase in the surrounding population.

8. On September 11, 2001- I was sitting in my office at the UN Population Fund on 42nd Street at just before 9 a.m. when a colleague rushed in to tell me a plane had crashed into the Twin

Towers. We ran together to the conference room where there was a clear view of the Towers burning. At some point someone came in and shouted that the Pentagon had also been hit. By about 10 a.m., at my husband's urging, I decided to leave and try to get a train home from Grand Central to Croton. My boss came with me. We had to push our way through the streets because there were so many people rushing and panicking in all directions.

I was on a train waiting to leave when a siren went off. A man was yelling over the loudspeaker for everyone to evacuate Grand Central by the nearest exit. Everyone on the train got up & rushed to the nearest exit. We were all running, some people were falling down & being helped up or dragged along. We thought that maybe a plane had hit Grand Central or that a bomb was about to go off. Outside the building there was complete pandemonium as the throngs of people rushing towards Grand Central met with thousands running out of the building. I wanted to try to call my husband but there were huge lines at every pay phone because the signal for everyone's cell phones was on top of the Towers and so was not working.

I got to my friend's building but he wasn't home. Then someone screamed, "The Towers are falling!" I heard a sort of roar and could see the plume of black dust and smoke rise up into the blue sky. People on the street ducked or sat down because the sound made everyone think that maybe a nearby building had been struck. I finally got my turn at a pay phone but all lines were busy until I finally got through to my friend Cynthia on her 800 number at work. She told me to go to her friend Peter's apartment a few blocks away but he wasn't home either. I was just wandering aimlessly in the street. There were so many people in the streets. Most were in shock, like me, and many were sobbing or screaming. I ducked into a diner to get out of the chaos.

Inside the restaurant it was completely silent except for the TV that was on. I'm not sure how long I sat there drinking coffee and water when I heard on the TV that Metro North had resumed partial service so I paid my bill and headed back to Grand Central. In Grand Central I saw the track number for my train and started running because everyone else was running and I was afraid I'd miss the train. A police officer was asking everyone to slow down. The train was packed. I sat next to a woman who had been on Wall Street. She started crying as she told me of all the people she worked with who she left standing in the street watching the burning Towers. She was afraid they might have died in the collapse. She let me use her cell phone and I was finally able to call my husband to tell him I was ok and on the way home.

It was around 2 p.m. Getting off the train I saw a crowd of people waiting by the taxis searching the train's passengers for loved ones. One man rushed into the arms of his wife and young child as if they hadn't seen each other in months. I stood watching everyone and crying. Once all the passengers had left the station there were still people standing and waiting and I wondered if the people they were waiting for would ever come home.

[Signature]

2/12/02

Signature

Date

On this 12 day of February 2002, personally appeared RACHEL K JONES (affiant), personally know to me or who presented DRIVER LICENSE as identification, who swore or affirmed the truth of the foregoing and subscribed the same before me.

[Signature]

Notary Public, State of NY

DENNIS GARTNER  
Notary Public, State of New York  
Qualified in Putnam County  
No. 5008286  
Commission Expires Dec. 28, ~~20~~ 2002

Commission number:

My commission expires:

MOTION &  
SUPPORTIVE AFFIDAVIT  
TO REOPEN HEARINGS  
INDIAN POINT

2-13-02