

Before the  
UNITED STATES NUCLEAR REGULATORY COMMISSION  
Washington, D.C. 20555

In the Matter of:	:	
	:	DOCKET No. 50-247
ENTERGY NUCLEAR OPERATIONS,	:	50-286
INC.	:	
(Indian Point Nuclear Generating Unit,	:	
Units No. 2 and 3)	:	Licenses DPR-5, DPR-26
	:	and DPR-64
	:	
-----	:	June 18, 2003

RICHARD BLUMENTHAL, ATTORNEY GENERAL  
OF THE STATE OF CONNECTICUT,  
Petitioner

**PETITIONER'S COMMENTS TO THE COMMISSION'S DRAFT DECISION**  
**PETITIONER'S SECTION 2.206 REQUEST FOR REVIEW OF**  
**INDIAN POINT ENERGY CENTER UNITS 2 AND 3**

On April 24, 2003, the Petitioner, Richard Blumenthal, Attorney General of Connecticut, filed a petition pursuant to 10 CFR §§ 2.206 and 2.202 (the "Petition"), urging the United States Nuclear Regulatory Commission ("NRC") to take immediate action with regard to certain security and other emergency preparedness issues at the Indian Point Energy Center, a multi-reactor nuclear power station located in Buchanan, New York. On June 3, 2003, and October 15, 2003, the Attorney General submitted supplements to the Petition including certain additional factual material relevant to the radiological emergency preparedness plan ("REPP") at Indian

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Point. On May 17, 2004 the Commission issued a proposed Director's Decision. The Attorney General now respectfully files his comments on the proposed decision.

As noted in the original Petition, the State of Connecticut has several specific interests with regard to emergency planning at Indian Point, including the impact on the already overburdened transportation infrastructure in southwestern Connecticut of the evacuation of large numbers of people from New York. Additionally, Connecticut has a clear stake in emergency response issues at Indian Point because, should there be an attack or accident at the facility, large numbers of Connecticut residents in cities and towns near the New York border would voluntarily relocate. Consequently, the State of Connecticut has, and will continue to have, a direct interest in emergency planning and preparedness at the Indian Point power station.

For Connecticut, the proposed decision raises numerous concerns, chief among them being the lack of attention given to the evacuation plans and the probability and severity of a terrorist attack. First, a central element of Connecticut's petition has not been addressed – specifically, the patent inability of the regional road system to handle the probable number of evacuees. Further, while it is clear that the NRC has undertaken several important new security enhancement initiatives at Indian Point, and elsewhere, the Decision does not contain sufficient information to permit a determination as to whether these enhancement programs provide a reasonable degree of security from potential terrorist attacks, particularly with respect to whether the existing security arrangements at Indian Point are adequate to defend the site from deliberate attack and whether the REPP adequately addresses the consequences of multiple simultaneous terror attacks on the transportation infrastructure.

### **Credibility and Public Trust.**

It is axiomatic that in an emergency situation the public will only cooperate and comply with official evacuation warnings if they trust and have confidence in their leaders. As noted in the Attorney General's petition, "In emergencies which call for a response by the public, the degree of reliability which is accorded to the source of information and instruction is known to be a major factor in determining the quality and speed of the public's response. This is especially true in emergencies in which individuals cannot perceive the danger through their own senses. For example, impending industrial, or even radiation, accidents can be foreseen by the competent authorities, but to the layman's eye everything in the vicinity of the plants appears absolutely normal. The credibility of the source of the public warnings about emergencies must be protected. . . ." (*Disaster Response*, University of Wisconsin Disaster Management Center, Lesson 4: Initial Emergency Operations, pp. 2-3.)

In the case of Indian Point, the Witt Report and subsequent events have shown that the public has little or no confidence in the REPP. While, as noted above, NRC has initiated several efforts to review security and emergency preparedness at Indian Point and other nuclear power stations, public confidence has not improved. One of the obvious reasons for this is lack of confidence is the absence of evidence that the level of security and preparedness has improved. While the Decision states that there have been improvements in security, it includes no specifics and there is no evidence that any substantive changes have occurred.

### **June 8<sup>th</sup> Emergency Exercise.**

The recent publicly reported force-on-force exercise at Indian Point is a clear example of this problem. While news reports indicate that, for the first time, terrorism was included in the exercise, it appears that very unrealistic assumptions were made. For example, the exercise began by assuming that a group of Middle Eastern terrorists had fortuitously been captured in Connecticut, before they were able to attack. These terrorists were found with plans which helpfully indicate (evidently in English) that Indian Point is the planned target. Finally, a separate group of terrorists commandeered an airplane and attacked the power station, but managed to miss the reactors. The scenario concludes without a simulated release of radiation and with a total of one Entergy worker as a casualty.

The exercise appears overly optimistic. It is not reasonable that attackers as careful as those in Madrid or New York will wander the roads of Connecticut with detailed plans and allow themselves to be easily captured. Further, it cannot be safely assumed that terrorists who can guide planes into buildings in New York and Washington cannot hit a large and obvious building at Indian Point, particularly when the presumed purpose of targeting a nuclear power station is to hit the reactor. Finally, the central element of any true test of a *radiological* emergency preparedness plan is a simulated release of radiation. Without such a release, there is no way to determine the effectiveness of such factors as how quickly and accurately a meteorological model for cloud dispersion can be prepared under emergency circumstances. Further, an exercise involving an attack at a nuclear power station that does not model the effect of dispersed radiation on the public during an evacuation is of questionable utility.

As noted above, the public needs to have confidence in official security and evacuation plans. The Draft Decision is essentially silent as to what, if any, progress or improvements have been made, and the recent exercise suggests that the new initiatives from the NRC in this regard may not be realistic. This is particularly true with regard to the assumptions built into the plan regarding transportation infrastructure.

**Transportation Infrastructure.**

The Draft Decision suggests that FEMA is satisfied that the evacuation plan can work. Respectfully, this conclusion is completely contrary to the facts. The uncontroverted evidence shows clearly that the major road network in southwestern Connecticut is, on parts of any given work day, at a stage of gridlock or near gridlock. It cannot be maintained that the transportation system as it now stands can move large numbers of panic-stricken civilians fleeing a terror attack and a cloud of radiation. Without a realistic approach to shelter-in-place planning or alternative transportation planning, the REPP cannot be taken seriously.

Until the Draft Decision can clearly indicate how security has improved at Indian Point and how the affected population can be evacuated, it remains deficient and the Attorney General requests that the Decision be returned to the staff for revision in light of these comments.

PETITIONER



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