

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE:

EDO

To: Zimmerman, NSIR

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NRR
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AUTHOR:

Edward Diana

AFFILIATION:

NY

ADDRESSEE:

James Tuffy

SUBJECT:

Annual PR-1 checklist pertaining to the Indian Point nuclear power plants

ACTION:

Information

DISTRIBUTION:

RF

LETTER DATE:

01/14/2005

ACKNOWLEDGED

No

SPECIAL HANDLING:

Made publicly available in ADAMS via SECY/EDO/DPC

NOTES:

cc: Chairman Diaz

FILE LOCATION:

ADAMS

DATE DUE:

DATE SIGNED:



EDWARD A. DIANA

County Executive

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January 14, 2005

Mr. James W. Tuffy, Director
New York State Emergency Management Office
Building 22, State Campus
Albany, New York 12226

Dear Mr. Tuffy:

I am writing to inform you that the County of Orange will not sign the annual PR-1 checklist pertaining to the Indian Point nuclear power plants.

As you know, the PR-1 checklist that Orange and other counties are required to submit at this time each year merely verifies our compliance with Federal Emergency Management Agency requirements regarding nuclear-emergency preparedness.

Although our team of top-notch emergency personnel and dedicated volunteers has fulfilled and even exceeded all the FEMA requirements for 2004, we believe that the issues identified in the Witt Report, commissioned by the Governor in March, 2003, are valid and need to be addressed.

After carefully analyzing the Witt Report, we believe it would be irresponsible to submit the PR-1 report given the substantial concerns identified in the Witt Report and its conclusion that the regional plan is inadequate to protect the public.

Preparedness standards set by FEMA and practiced by the local teams rely too heavily on procedural compliance rather than the reality of an emergency. The Witt consultants in their report agree that such an approach amounts to a major flaw in our planning efforts to effectively protect the public. We can dramatically increase the margin of safety by focusing instead on performance-based outcomes and "real life" situations.

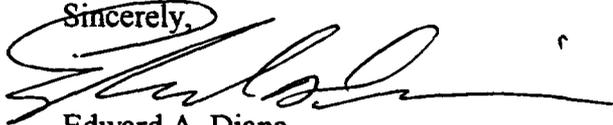
My colleagues in our neighboring counties and I believe that security at Indian Point, as well as all other nuclear facilities, should be federalized and placed under the jurisdiction of the newly created Department of Homeland Security.

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. The NRC's mission, on the other hand, is to regulate civilian use of nuclear materials to ensure adequate protection of public health and safety.

We look forward to substantial changes. We look to federal and state authorities and the utility company to account for issues of terrorism and develop a plan with the counties that can identify ways to meet the objections and concerns in the Witt Report.

We stand ready to cooperate with the state and federal authorities to make the necessary changes to improve the safety of the plant and the regional plan. And we recognize the tremendous responsibility that remains on our shoulders to protect the public.

Sincerely,



Edward A. Diana
Orange County Executive

cc: Honorable George E. Pataki, Governor
Honorable Alan Seidman, Chairman, Orange County Legislature
Honorable C. Scott Vanderhoef, County Executive, County of Rockland
Honorable Robert J. Bondi, County Executive, County of Putnam
Honorable Andrew J. Spano, County Executive, County of Westchester
Richard A. Meserve, Chairman, U.S. Nuclear Regulatory Commission
Michael D. Brown, Under Secretary of Homeland Security for Emergency Preparedness and Response, FEMA
Nils Diaz, Chariman Nuclear Regulatory Commission

EAD/SG