

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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Nita M. Lowey
Congress of the United States
18th District, New York

September 9, 2005

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The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

I was pleased to learn that the Department of Homeland Security will be undertaking a Comprehensive Nuclear Review of the Indian Point nuclear facility in the next month. In anticipation of this review, I would like to express several concerns I have about the security of the plants, which I believe is grossly deficient in a number of areas. The inept federal emergency response to Hurricane Katrina has only deepened my doubts about our ability to prevent and mitigate the effects of any emergency event at the plants. It is my strong hope that you will consider these concerns as you conduct your review and that you will address them in your final report.

Emergency Sirens

In recent months, emergency sirens and their emergency backup systems, the proper functioning of which is vital in the event of an emergency, have failed on a number of occasions. In some instances officials of the plants' owner, Entergy, were not aware of these failures until hours after they occurred. Entergy's latest assurances to upgrade the system within 18 months to 2 years are wholly unacceptable and will leave millions of nearby residents at risk. I hope that you make the siren system and their backup systems priorities for this review.

Evacuation Plans

With 280,000 people living within a 10-mile radius of the plants and millions more just minutes away in New York City, Indian Point is located in one of the most densely populated areas in the country. Consequently, I have grave concerns about existing plans to evacuate the population surrounding Indian Point in the event of a catastrophe. Numerous reports, including an independent investigation commissioned by Governor Pataki and led by former Federal Emergency Management Agency (FEMA) Director James Lee Witt, confirm that the current evacuation plan is inadequate to protect the public from unacceptable doses of radiation.

The emergency plans, Witt found, falsely assumed that people would comply with official government directions rather than acting on perceived self-interests. Significant self-evacuation in the 50-mile radius around the plant would dangerously congest critical arteries, hampering evacuation efforts and possibly exacerbating exposure to radioactive fallout. The lack of confidence among key personnel in the evacuation plans – bus drivers and other critical participants suggested they would abdicate their emergency responsibilities during a nuclear incident—raises further questions about the feasibility of the plan.

Witt also concluded that the evacuation plan failed to consider the consequences of a terrorist-caused release, which could leave as little as one hour to evacuate. FEMA criteria for evaluating Indian Point's evacuation plan, the study continued, wholly neglected potential terrorist threats in the post-9/11 world.

Despite my strong concerns, FEMA certified the plans and the Nuclear Regulatory Commission (NRC) approved them within minutes of FEMA's decision, refusing to perform an independent review. Both FEMA and the NRC have failed to provide a comprehensive justification of their decision. Given the complexity and controversy surrounding these plans, such a decision was astounding. I hope that you use this opportunity to revisit the adequacy of this vital security measure.

Physical Security

Physical security lapses at Indian Point are another major cause for concern. Force-on-force drills performed in the past have been seriously flawed and have failed to incorporate threats comparable to September 11th, including attacks by multiple teams of highly-skilled attackers employing sophisticated tactics and weaponry. I was disappointed to learn that the force-on-force drills performed in 2003 chiefly relied on the Design Basis Threat in place prior to September 11th. I urge you to make the adequacy of on-the-ground protection measures a priority in your review.

In addition to ground security, Indian Point remains vulnerable to aerial attack. Following September 11th, the Federal Aviation Administration established a no-fly zone above Indian Point. However, these flight restrictions, which improved the Department of Defense's ability to respond quickly to airborne assaults, were terminated in November 2001. Indian Point's spent fuel pools, which contain tremendous quantities of radioactive material, are highly susceptible to attack. A recent report by the National Academies of Science acknowledged that these pools remain vulnerable and, if subjected to a successful attack, could pose a significant health threat to the surrounding area.

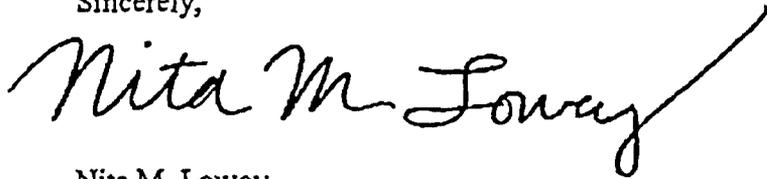
The adoption of aggressive security policies at Indian Point, including the creation of a no-fly zone above the plants, would not only reduce the plants' vulnerability to an aerial attack, but would also bring peace of mind to the communities surrounding these plants. Therefore, I urge you to consider the adequacy of airborne security at the plant as well.

Finally, Indian Point, as you know, sits on the bank of the Hudson River. While there has been an increase in maritime security around the plant, thanks mainly to New York State,

Indian Point remains vulnerable to attack from the water. Boats of varying size are able to approach Indian Point, making the possibility of a maritime assault a threat that we must confront. I urge you not to neglect this important aspect of overall plant security.

I thank you for initiating this important review of security at the Indian Point plants. Those of us who live near the plants are relying on you and your team to provide us and our emergency management officials with a thorough and complete review of the plants' security. I look forward to learning the results of your review and working with you to do what is necessary to better secure these plants.

Sincerely,



Nita M. Lowey
Member of Congress

Cc: Robert Stephan, Assistant Secretary for Infrastructure Protection, Acting Under
Secretary for Information Analysis and Infrastructure Protection
Michael Brown, Under Secretary for Emergency Preparedness and Response
Admiral Thomas H. Collins, Commandant, United States Coast Guard
Robert S. Mueller, Director, FBI
Nils Diaz, Chairman, Nuclear Regulatory Commission