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STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.
NUCLEAR REGULATORY COMMISSION HEARING
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Mr. Chairman, members of the Commission, I appreciate the opportunity to comment on proposed changes in the role of state and local governments in emergency planning for nuclear power plants. A hearing on the merits of the proposal at this early stage is an unusual step for the Commission, but not as unusual as the proposal itself.

As I am sure other witnesses will attest, the opinion of state and local governments as to the feasibility of evacuation plans cannot be set aside. They are the ones ultimately responsible for the health and safety of their citizens, and are in the best position to assess the effectiveness of the plan.

The Salem Nuclear Power Plant, across the Delaware River from my home state has over 11,000 Delaware residents in its 10 mile emergency planning zone. There are three nuclear reactors in operation at the Salem complex. The 10 mile emergency planning zone for the Salem facilities was not the subject of the intense opposition that has affected the Seabrook and Shoreham plants, but that is a reflection of the general public acceptance that emergency evacuation would be possible in the event of an accident.

In 1983, the Salem plant came too close to putting the emergency plan to the test. Without going into detail, a number of valves in the plant failed to operate correctly and the 'fail-safe' safety system did not automatically shut down the plant as it was supposed to, both without a recognition by plant operators and supervisors that an 'event' was occurring.

Mr. Chairman, the investigation of this event led to a number of changes in the way the NRC reviews accidents, but in light of the proposal before us, it also highlights the importance of a workable emergency plan. The nuclear industry assured us that a Salem-like event would never occur, but it did. We were assured that a Three Mile Island-like event was an impossibility, but it happened. Events at nuclear power plants that are not supposed to happen are occurring all too frequently. Until the nuclear industry improves its operating record, a demonstrated and regularly practiced emergency evacuation plan only increases in importance.

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The NRC's proposal seems to assume that an emergency plan on paper can be put into practice the first time, without a hitch. This assumption runs against experience with emergency situations, and is contrary to common sense. I have no doubt that if an emergency evacuation was needed around Seabrook or Shoreham, that police, fire, and other emergency personnel would not stand idly by, watching plant personnel attempt to coordinate activities. But even after they step in, full-time emergency personnel would face a situation of complete madness. Without practice, chaos would reign. This is no way to ensure the public's safety.

The solution contained in the Commission's proposal is to impose a plan on those communities that have concluded safe evacuation is not possible. It is the wrong approach for several reasons. The familiarity and knowledge of local conditions -- the major factors that will determine the success or failure of any evacuation -- reside in state and local officials, not in Washington. The federal government should not establish a policy that places the health and safety of citizens in a secondary position to investment risk.

The proposal also lacks the criteria that will be used to determine whether non-cooperation of state and local governments is based on a determination that the emergency plan is inadequate, or on 'political' reasons, as charged by some utilities. Development of this criteria will be difficult at best, but it is vital if the public is to believe that safety concerns are not just being brushed aside for the utility's convenience. The lack of such criteria raises further doubts about how this proposal will be put to use.

The operating experience of nuclear power plants in this country shows that an effective emergency plan is not a minor consideration in the site selection and operation of a plant. Repeated experience with emergency evacuations for non-nuclear disasters shows that state and local participation and practice is essential for the plan to operate as drawn up. The Commission's proposal to override state and local concerns is the wrong direction to go. I join my fellow witnesses in strongly opposing the Commission's proposal.