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HEADLINE: State rejects escape plan

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Agency says it can't vouch for Indian Point disaster measures

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New York state, in an unprecedented decision, has refused to certify to federal officials that emergency plans for the four counties around the nuclear plants at Indian Point are up-to-date.

The decision by the State Emergency Management Office to withhold its annual certification now forces the Federal Emergency Management Agency to determine if the emergency plans it has previously approved are still effective. FEMA's decision will be used by the U.S. Nuclear Regulatory Commission to determine if the plants are operating in violation of their license requirements.

In that regard, the state's decision not to certify the plans is the most significant development in the public debate over Indian Point's future since the Jan. 10 release of an extensive analysis of the plans by James Lee Witt, the former head of FEMA. The Witt report, commissioned by Gov. George Pataki at a cost of \$804,000, concluded that the emergency plans cannot protect the public in the event of a catastrophe at the Buchanan facility, particularly if it is a fast-breaking, terrorist event.

"We are in the process of evaluating the plans," Joseph Picciano, FEMA's regional director, said yesterday. "Our job is to provide a statement on reasonable assurance that the plans will protect the public to the NRC. We are looking at the state report and will have something out next month."

It is not clear, Picciano said, if his agency has the authority to approve the emergency plans for Indian Point without the concurrence of the state and counties.

"It is new ground for me," he said. "I hope it won't come to that. I don't think that has ever happened, so I'm not certain what we will do."

Edward Jacoby, head of the State Emergency Management Office, sent Picciano a letter yesterday stating that the annual certification does not "comment on the

effectiveness of the current radiological emergency preparedness plans." Instead, the state letter only confirms that appropriate improvements have been made to the plans to keep them current so FEMA can decide if they are adequate to protect the public.

Jacoby wrote that since the county executives of Westchester, Rockland, Putnam and Orange counties refused to sign their letters of certification, "I am unable to transmit checklists for the Indian Point planning area at this time."

The state did submit certifications for the Ginna, FitzPatrick, and Nine-Mile nuclear power plants upstate.

Pataki said in a statement that the state's position shows the findings of the Witt report "has heightened our concerns about the adequacy of the emergency plans for these communities. I strongly urge FEMA and the NRC to consider the concerns raised by the counties and continue working with us to ensure that these plans will protect our residents in the event of a nuclear emergency."

Pataki declined, however, to say if he has any opinion on the effectiveness of the emergency plans as a result of the Witt report. The governor "does not wish to make a rush to judgment," said Suzanne Morris, a Pataki spokeswoman.

Westchester County Executive Andrew Spano, the most prominent supporter of the plans prior to the Witt report's release, led the four-county revolt against signing the local certifications.

"The ball is in FEMA's park," Spano said yesterday. "FEMA must, at this point, get involved, evaluate the plan, raise the standards, address the criticism in the Witt report. And if they won't do it or can't do it, the plant should be closed immediately."

Rockland County Executive C. Scott Vanderhoef said the local certification "has a line which indicates that the county has a plan which is current. That clearly can't be true, given the Witt report. If current means it is up-to-date and ready to go, then we have problems."

Reaction to the state's decision ranged from praise for SEMO and pleas to FEMA to decertify the emergency plans, to hope that the action would help improve the plans.

"What the state did is more powerful than the tone of the letter indicates," said Assemblyman Richard Brodsky, D-Greenburgh, who issued a report last year asserting that the plans would not work. "This gives us an enormous weapon, and now FEMA is the last remaining domino in a chain. This house of cards that was the evacuation plan has collapsed, and all that is left is for FEMA to acknowledge it."

Jim Steets, spokesman for Entergy Nuclear Northeast, which owns the plants, called the state's decision "a milestone, a beginning of a process that improves the plan. It doesn't concern us that the governor is not sending the reports on. We expect to get an improved emergency response plan and expect to operate the plants for a long time to come."

U.S. Rep. Nita Lowey, D-Harrison, also praised the state's decision.

"FEMA must decertify the plans," she said. "The agency simply must not bury its head in the sand by ignoring the Witt report and the concerns of New York residents and public officials."

Staff writer Glenn Blain contributed to this report.

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What's next

- * FEMA is expected to rule on the emergency plans by the end of February.
- * If FEMA rules against the plans, the state, counties and Entergy have four months to correct deficiencies.
- * If the plans are still found inadequate, the NRC will review FEMA's findings and give Entergy another four months to make corrections.
- * If Entergy does not meet that time-table, the NRC must decide if the plants can operate without adequate plans or should be shut down.

Assemblyman seeks expanded energy plan

Assemblyman Paul Tonko, D-Schenectady, chairman of the Assembly Energy Committee, has asked Gov. George Pataki for a detailed explanation of how the state would replace Indian Point's 2,000 megawatts of power if the nuclear plants in Buchanan are shut down.

Tonko said the state energy plan completed last June does not include any contingencies to address the potential loss of Indian Point. He raised questions regarding the effect a shutdown would have on economic development, power plant construction, service curtailments and transmission systems, among other issues.

Tonko also asked Pataki to describe any administration plans for handling radioactive waste and its transfer from Indian Point and other nuclear plants in New York to Yucca Mountain in Nevada.

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