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FINAL REPLY:

Representative George W. Gekas

TO:

Madden, OCA

FOR SIGNATURE OF :

** GRN **

CRC NO: 02-0070

Travers, EDO

DESC:

ROUTING:

Credible Threat at TMI

Travers
Paperiello
Kane
Norry
Craig
Burns/Cyr
Miller, RI
Wessman, IRO
Virgilio, NMSS
ERCT
Schum, OEDO
Davis, NMSS

DATE: 02/06/02

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

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AUTHOR: George Gekas

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ADDRESSEE: Thomas Madden

SUBJECT: Provides transcript from November 19, 2001 regarding Oct 17, 2001 credible threat at the Three Mile Island nuclear facility.....

ACTION: Information

DISTRIBUTION: RF, OCA

Direct Reply

LETTER DATE: 01/29/2002

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Feb 28

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Congress of the United States
House of Representatives
Washington, DC 20515-3817

January 29, 2002

Mr. Tom Madden
Nuclear Regulatory Commission
1155 Rockville Pike
Rockville, MD 20852

Dear Mr. Madden:

It is my pleasure to pass along the transcript of the meeting held at Penn State-Harrisburg on November 19, 2001 to review the October 17, 2001 credible threat at the Three Mile Island nuclear facility. (Due to the recent anthrax mail crisis this mailing was delayed; my apologies.) This meeting was productive and meaningful, and I thank you for participating.

In reviewing the transcript of the meeting I was reminded of many points and commitments that were made. As the facilitator of this meeting, I will follow up to make sure that these commitments are being honored. I will strive to see that all parties are apprised of the progress made to insure that the situation of October 17, 2001 is not repeated.

Points to recall and consider:

- **The Nuclear Regulatory Commission (NRC) is “doing an additional top-to-bottom review of security overall to determine what the current design basis threat ought to be.”** (p.12) Mr. Miller informed us that this process will take “some months to complete.” This process must be expedited to the best of the Nuclear Regulatory Commission’s ability and its progress reported back to the participants in this meeting.
- **The NRC has “recommended that all licensees enter their emergency action plan to declare...an unusual event if there is a credible threat that develops, such as that evening.”** (p.14) We determined in our meeting that due to the lack of this declaration, local officials were not properly notified. I ask that the NRC and Exelon report as to the status of this recommendation.
- **Exelon stated at the meeting that they have changed their communication process since October 17, 2001.** “We have triggered a nondeclared security event procedure, and we will make sure that they also include the county emergency management association.” This is an excellent proactive step and I hope that the NRC, Exelon and county officials are ready to implement such a procedure of notification.

- **I stated at the meeting that, “it appears that there might be a salutary effect if Dauphin County and the municipalities have a subsequent meeting to this meeting, just for the purpose of coordinating communications within the cycle after the NRC and PEMA and the operators do their operation.”** This meeting took place on January 23, 2002. My staff and I will continue to monitor the situation so that the communications procedures are successfully coordinated and implemented.
- **Mr. Comey of the Pennsylvania Emergency Management Agency summed up the conclusion very well when he said, “If we had used, which we will be using in the future, the normal communications process, it’s much faster, much more efficient, and much more manageable.”**

Again, I feel that our meeting on November 18, 2001 was helpful to all parties involved. Together, we took major steps to reexamine the events of October 17, 2001. However, the work is not done. I ask all the parties involved not to forget the lessons we learned so that we together can continue to improve the security of the Three Mile Island nuclear facility and the safety of the communities around the facility.

Very truly yours,



GEORGE W. GEKAS
Member of Congress

GWG:bt

Please stay in touch
with us!

COPY

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 267

IN RE: SECURITY OF NUCLEAR FACILITIES IN THE
UNITED STATES

PENN STATE HARRISBURG
CAPITOL UNION BUILDING
MIDDLETOWN, PENNSYLVANIA

MONDAY, NOVEMBER 19, 2001, 10:00 A.M.

BEFORE:

THE HONORABLE GEORGE W. GEKAS, CONGRESSMAN
HON. THOMAS ARMSTRONG
HON. FRANK TULLI
LT. RICHARD BLOSSER
MR. KEVIN CELLARS
MR. JOHN COMEY
COL. PHILLIP DEHENNIS
MR. DOUGLAS GELLATLY
MR. JOHN GIANNELLI
MS. JANE GORDON
MR. ALAN KNOCHE
MR. DONALD KONKLE
MS. BARBARA LAYNE
MR. EMMET MAHON
MR. CHRISTOPHER MCNAMARA
MR. HUBERT MILLER
MS. GAYLE MILLS
MR. JAMES NEGLEY
MR. MARTIN NEVIL
MS. JUDY OXENFORD
MR. SCOTT PORTZLINE
MR. DON TAILLEART

JEAN M. DAVIS, REPORTER
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1 CONGRESSMAN GEKAS: Please take your
2 seats. The hour of 10 o'clock having arrived, this
3 special hearing on the events of October 17th will
4 come to order.

5 Just as we asked you to sit down, we
6 now ask you to stand so we can pledge allegiance to
7 the flag.

8 (Pledge of Allegiance.)

9 CONGRESSMAN GEKAS: This special
10 hearing is specifically and exclusively, I might
11 say, set for the purpose of reviewing the events of
12 October 17th. It came about because the following
13 day after the credible threat had subsided and was
14 erased from the scene, our office received several
15 calls from contiguous and noncontiguous townships
16 and other entities about the surprise that came to
17 them that the credible threat had even existed,
18 surprise even that the Three Mile Island operators
19 had gone into a security checkup and ratchet.

20 That prompted me to inquire further
21 and to conduct a series of telephone calls with the
22 Nuclear Regulatory Commission, with the licensee,
23 and with various others. And it became very
24 apparent to me that, indeed, there was a gap in
25 communications of various degrees starting from the

1 original notification by the Nuclear Regulatory
2 Commission to the operator of the existence of this
3 credible threat.

4 Hence, this hearing. This will be an
5 official hearing. The statements and testimony of
6 each will become a part of the record. We will at
7 this time mandate that the record will remain open
8 beyond this hearing for a week's time, so that
9 anyone sitting in the audience or anyone who is
10 seated at the witness table who wished to submit
11 supplemental statements may do so, and then they
12 will be after the fact included in the record.

13 We want to establish a complete record
14 for future purposes, so that we can be in a position
15 together to make sure that no lag, no gap, in
16 communications will ever occur again. We hope that
17 no incident occurs that requires communication, of
18 course, but if it should, then we want to proceed
19 with a protocol on which we can all rely.

20 I'm joined at the head table by
21 Representative Frank Tulli, and we will at the end
22 of the statements of history, chronology of that
23 date, we will have other statements from people at
24 the witness table. At the conclusion of all the
25 testimony, if time permits, we will permit questions

1 from the audience directed to anybody at the witness
2 table.

3 And following that, with strict time
4 constraints that the Chair will impose, after that
5 we will have summarizations by Representative
6 Tulli -- I thought I saw Representative Armstrong
7 here, Tom Armstrong. Come and sit with us, Tom.
8 Representative Tom Armstrong of Lancaster County is
9 also here. We will entertain summary type of
10 statements from Representative Tulli and
11 Representative Armstrong, and then we will conclude
12 the established hearing.

13 So with that, let us proceed with
14 direct statements now by the representative of the
15 Nuclear Regulatory Commission who is with us to
16 establish the time line of October 17th.

17 For the record, please state your name
18 and your title as you are beginning to present your
19 testimony. You may proceed.

20 MR. MILLER: I am Hubert Miller. I am
21 the regional administrator of NRC's northeast
22 region, Region 1, which is located near
23 Philadelphia, King of Prussia, Pennsylvania.

24 Congressman, I appreciate being here
25 this morning to talk about the events of October the

1 17th. I think it may be of use to you to have me
2 start with sort of a broad statement of what NRC's
3 role is, and then to talk about what we have done
4 generally. Because really the events of that
5 evening were events that took place in the context
6 of the broader response that NRC has had following
7 the events of September the 11th.

8 We are the lead federal agency with
9 respect to assessing the threats that exist, as they
10 might exist, at nuclear power plants and other
11 facilities, other nuclear facilities that we
12 regulate at the NRC; coordinating with the FBI, the
13 office of Homeland Security, the intelligence
14 community. We are on an ongoing basis sifting
15 information that comes forward and is brought out
16 from many different sources to determine what should
17 be considered credible and, therefore, acted upon by
18 us and by our licensees.

19 I would say that within minutes
20 following the World Trade Center event on September
21 the 11th, we staffed our incident response centers.

22 And since that time, we have had our
23 incident response center staffed on an ongoing
24 basis. And one of the key things in that incident
25 response mode is the ongoing real-time collection of

1 information and assessment of data and information
2 coming forward.

3 There have been thousands of threats
4 that have been received since September the 11th.
5 And the team of people that are assessing these are
6 people in the NRC, along with the FBI and others,
7 have screened out all of those events except for one
8 which was the event, the situation, that developed
9 on October the 17th.

10 That threat -- and I, as you can
11 appreciate, cannot describe it in detail to you
12 here, but I can in general terms characterize it as
13 a threat that involved a potential airborne aspect.
14 There was an airborne aspect to the threat. It was
15 a threat that had a certain time frame identified
16 with it.

17 We received that threat late in the
18 afternoon on the 17th. After the coordination that
19 I talked about with the FBI and other agencies, it
20 was deemed appropriate to communicate this to the
21 licensee, the company that operates the plant,
22 Exelon, and to advise the company to act upon it as
23 if it were credible.

24 We communicated the threat to Exelon
25 at about 6:20. We had also communicated the threat

1 to various agencies at the federal government. Our
2 records show that at about 7:30, we notified the
3 Pennsylvania Emergency Management Agency.

4 Throughout the evening, we were in
5 close contact with Exelon. We had -- as I
6 mentioned, we have had our incident response centers
7 staffed on an ongoing basis since September the
8 11th. That evening, we staffed up to a very high
9 level in our incident response centers both in
10 Washington and in our regional office.

11 Much of our focus was on determining
12 that the company, Exelon, was taking reasonable
13 measures to safeguard the plant and as well
14 communicate with other agencies of the federal
15 government.

16 I think you know, I think it is
17 recognized, that that evening the FAA took steps to
18 restrict and then to close flights into the
19 Harrisburg airport. As well, federal assets,
20 combat aircraft, were brought to the area, and they
21 patrolled the area throughout the evening.

22 And as the evening went along, our
23 role was to coordinate the federal assets, but also
24 to be very much focused on what was happening on
25 site. We had our inspectors, resident inspectors,

1 report to the site, give us first-hand accounts of
2 what was going on.

3 Through the evening, we spoke to the
4 state officials to understand what steps were being
5 taken by the state, which was giving supplemental
6 assistance to the company in terms of strengthening
7 the perimeter of the plant.

8 After the time when the threat was to
9 have taken place and for several hours after that
10 with continued monitoring, we eventually stood down
11 from our high heightened level at around 2 o'clock
12 on October the 18th. After judging that, again,
13 reasonable steps had been taken and with the kind of
14 patrols that existed and with the information that
15 we had, we had confidence that the period of the
16 threat had passed.

17 Now, eventually through additional
18 assessment of the threat, the additional time that
19 we had working with the FBI, we were able to
20 determine the next day that it was not at that time
21 determined to be a credible threat.

22 And so I think -- what I've tried to
23 do here is to give you in just sort of a thumbnail
24 sketch of how this developed that evening and what
25 we did from our side.

1 Let me just add a couple other things,
2 because I think this is also important background in
3 context for the discussion that we will have here
4 today. On September the 11th, in addition to
5 staffing our incident response centers, we issued a
6 notification advisory to the companies that operate
7 the nuclear power plants, that they needed to go to
8 the highest level of security at the plant.

9 Since that time, we have issued a
10 number of so-called threat advisories to companies
11 to advise them on steps that we believe are prudent
12 and necessary in this current threat environment.

13 There has been no credible specific
14 threat to a nuclear power plant in this country. As
15 I mentioned, that evening given the time frames that
16 existed, we felt as though the threat we had needed
17 to be acted upon as if it were credible. But there
18 have been no specific credible threats.

19 Having said that, we are mindful that
20 on September the 11th, things changed in a dramatic
21 way. We require all plants, well before September
22 the 11th, to have a very strong security program.
23 We have what we call a design basis threat. It's
24 defined in our regulations. The details are
25 safeguards information and I can't give you the

1 details of it. But in general terms, it is a threat
2 that involves a violent attack at a nuclear power
3 plant by dedicated armed individuals working with a
4 knowledgeable insight.

5 And so the kinds of security, physical
6 security measures that we have required exist at
7 these plants include fairly substantial security
8 barriers, fences, with intrusion detection systems,
9 surveillance systems, a substantial armed guard
10 force on site at all times, well-trained, vehicle
11 barriers to assure that truck bombs and that sort of
12 thing cannot damage the plants. So this has been
13 something that preexisted September the 11th.

14 Since that time we have required and
15 have advised licensees to go to a higher level of
16 security, increase the number of armed responders in
17 the plants. We have required more restrictive
18 access control. There has always been access
19 control of these plants. There has always been a
20 requirement to do background checks on people who
21 are permitted unescorted access of these plants. We
22 have raised that to a higher level.

23 We advised our chairman shortly after
24 the events of September the 11th, wrote a letter to
25 all of the Governors, because we recognize that it

1 is not only what the licensees do on site, but it is
2 what they do in concert with local law enforcement
3 and states that presents the defense at these
4 plants. We wrote the Governors and advised them
5 that it was in our view important for them to work
6 with licensees. And from what we have been able to
7 see, and we are monitoring this on an ongoing basis,
8 the coordination has been very good between
9 licensees, states and local law enforcement in terms
10 of the protective measures that have been taken.

11 So this has been a little long-winded,
12 Congressman, but I wanted to not only talk about
13 specifically what we did that evening but also to
14 talk more generally about what the agency has done.
15 We are doing an additional top-to-bottom review of
16 security overall to determine what the current
17 design basis threat ought to be. And it will take
18 some months to complete those assessments.

19 But hopefully this is helpful in
20 keeping with what you were looking for.

21 CONGRESSMAN GEKAS: Yes. We thank you
22 for that. I just want to nail down the time that
23 your first notifications came this way.

24 Did you mention that your first
25 contact was the operator, the licensee?

1 MR. MILLER: Yes, it was with the
2 control room at TMI and that occurred at about 6:20
3 on the 17th.

4 CONGRESSMAN GEKAS: Then the next item
5 of communication that the NRC protocol required was
6 to the emergency management agency of the state; is
7 that correct?

8 MR. MILLER: It was not a required
9 call. It was a call that I made and we made as a
10 prudent measure, because the state needed to hear
11 about it. All plants have an emergency plan that is
12 prescript. It involves steps that need to be taken
13 if there were to be an event at the plant, but it
14 also includes security type of events.

15 The emergency plan at Three Mile
16 Island that evening, as it existed that evening, did
17 not require the licensee to issue a -- to enter the
18 emergency action plan.

19 We were in a similar mode where we
20 were not involved in a specific mode where we were
21 required to make notification, but as a prudent
22 measure we did at about 7:30.

23 Now, since that time we have issued
24 recommendations to all licensees that -- going
25 forward and learning the lessons of that evening, we

1 have recommended that all licensees enter their
2 emergency action plan to declare what is called an
3 unusual event if there is a credible threat that
4 develops, such as that evening. That would trigger
5 a whole host of notifications. And we expect that
6 that's what would happen in the future.

7 CONGRESSMAN GEKAS: Did you in your
8 recommendations take it to the next step of
9 promulgating a regulation requiring the operators to
10 include that kind of notification in their emergency
11 plan filed with the NRC?

12 MR. MILLER: We have not taken it to
13 the level of requiring that, Congressman, at this
14 point. As I mentioned, we are going through this
15 top-to-bottom study of our regulations. And will we
16 after that assessment is complete make it a
17 requirement; that is, specifically write it into our
18 regulations? There is a good chance of that.

19 I think, as you know, it is not
20 possible for us to create regulations really
21 overnight. It is a process that we have to go
22 through. I'm sure that we will be assessing, we
23 will be assessing, whether or not we need to change
24 our regulations with respect to what you are talking
25 about.

1 CONGRESSMAN GEKAS: We want you to
2 know here and now that we urge that. And I believe
3 that I am buttressed by others sitting at this table
4 that that's a minimum that the Nuclear Regulatory
5 Commission ought to do; that is, to promulgate the
6 regulation binding the operators to file an
7 emergency plan or an amendment to their existing
8 emergency plan to include various modes of immediate
9 notification to entities that are contiguous to them
10 and to the state.

11 Now, there may be different modalities
12 for that, but that's the general tenor that I
13 believe that I want to urge upon the Nuclear
14 Regulatory Commission.

15 MR. MILLER: Congressman, I clearly
16 hear that. I think for others here it is important
17 to know that in this period since 9/11, the NRC has
18 issued a lot of what we call advisories to
19 licensees. We have not been in the mode to, in this
20 sort of crisis situation, emergency situation, to go
21 through our normal very long processes of issuing
22 regulations.

23 What we have done, however, is we have
24 been monitoring very closely through our inspectors
25 and surveys on site, we have done them at TMI. We

1 have not found any instance where these advisories
2 have not been acted upon in a way that we would feel
3 appropriate by our licensees.

4 CONGRESSMAN GEKAS: But you will agree
5 that the advisory does not carry the requisite from
6 our standpoint, requisite mandate to the operators
7 to enter into a protocol of communication and
8 notification?

9 MR. MILLER: It is not a matter of
10 federal law.

11 CONGRESSMAN GEKAS: That is why I
12 raised the level of my assertions to you that I
13 would like to see a regulation nationwide.

14 MR. MILLER: Yes.

15 CONGRESSMAN GEKAS: Then we will now
16 turn to the operator of Three Mile Island, because
17 that's the next entity in this chronology that we
18 established with the existence of the credible
19 threat and then notification to the operator at
20 6:20 p.m. on October 17th.

21 The operator is going to be
22 represented by -- state your name and title, and
23 please proceed from 6:20 on October 17th.

24 MR. CELLARS: Thank you, Congressman
25 and other important guests. My name is Kevin

1 Cellars. I am the General Manager of Generation
2 Support for Exelon Corporation.

3 I appreciate the opportunity to offer
4 a few comments on the security, the emergency
5 planning and the related communications that are
6 associated with our ongoing and recently heightened
7 state of awareness at Three Mile Island.

8 We take our obligation to protect the
9 health and safety of the public and workers
10 seriously in all aspects of our operation of the
11 plant, including security, as you have all already
12 heard, because of a very heightened state of
13 awareness.

14 The term credible threat was not
15 adequately addressed at our notification procedures
16 prior to the September 11th time frame. We had a
17 clear understanding of what to do in various events
18 at the plant would mean in terms of declaring an
19 emergency action level, like an unusual event, the
20 term you're hearing today, or an alert. But this
21 term credible threat was somewhat in a gray area
22 and, again, not procedurally controlled.

23 Because of the events of October 17th,
24 it did not fit easily into one of those prescribed
25 categories, and there was not a clear path that

1 needed to be taken in terms of notification
2 processes and informational calls.

3 In spite of that fact, within a few
4 hours of the initial notification, informational
5 calls were made to many elected officials in the
6 area to inform them of the credible threat to the
7 plant.

8 On October 17th, while we were sorting
9 out the nature of the threat and various information
10 specific actions that were taking place, our primary
11 concern was to ensure the protection of the plant in
12 the event of an attack. We contacted the
13 Pennsylvania Emergency Management Association as one
14 of our first notifications of the credible threat,
15 and we were in continuous dialogue with the Nuclear
16 Regulatory Commission and the FBI, as well as other
17 federal agencies. We staffed our emergency
18 operations facility and our joint information center
19 in Susquehanna Township.

20 Late last month, we performed a
21 lessons learned with the state agencies and
22 implemented specific protocol for any future
23 credible threat notifications. It is important to
24 understand that when you establish an emergency
25 action level, a regulatory formal notification

1 process to notify PEMA, the county emergency
2 management associations and the NRC. We also made
3 information calls to off-site government officials.

4 These notifications would most likely
5 be supplemented by one or several press releases
6 over the course of the emergency. In the
7 nonemergency situation, these formal notifications
8 would not take place.

9 What has changed in our communication
10 process since then? We have triggered a nondeclared
11 security event procedure, and we will make sure that
12 they also include the county emergency management
13 association. Previously, these calls have been made
14 only to elected officials in various counties,
15 townships and boroughs.

16 Another important change that you
17 already heard that is being made or it has been made
18 is that the definition of credible threat is now
19 incorporated in our procedures. And when we receive
20 a notification of a credible threat by the Nuclear
21 Regulatory Commission, we will implement an unusual
22 event.

23 By having this designation, calls will
24 automatically be made to PEMA, the Nuclear
25 Regulatory Commission and emergency management

1 associations.

2 This concludes my remarks. Thank you.

3 CONGRESSMAN GEKAS: For the purposes
4 of the record, I would like to recount the actual
5 events of October 17th. According to testimony of
6 NRC, you received notification at 6:20 p.m.?

7 MR. CELLARS: Yes, sir.

8 CONGRESSMAN GEKAS: At that juncture,
9 I suppose you reeled into action on all the security
10 measures that you felt you had to undertake. Now,
11 when was the next time after 6:20 or when was the
12 first moment that the operator notified anyone?

13 MR. CELLARS: Let me go through the
14 time line, Congressman.

15 CONGRESSMAN GEKAS: Yes.

16 MR. CELLARS: At 6:21 p.m. or
17 thereabouts, the Nuclear Regulatory Commission
18 notified us of the credible threat.

19 At 7:15 p.m., we made a one-hour
20 notification to the NRC.

21 At 7:30 p.m., the NRC notified PEMA.

22 At 7:30 p.m., the control room staff
23 of TMI notified the Exelon duty officer.

24 At 7:30 p.m., TMI took heightened
25 security measures throughout the plant, the vital

1 areas, and they were also taking measures
2 immediately upon the threat to secure the plant.

3 At 9 o'clock, we had a senior
4 executive conference call about the event.

5 At 9:10 p.m., the state police were
6 informed.

7 And at 10:10 p.m., the decision was
8 made to staff the technical support center, the
9 emergency operations facility and the EOC.

10 At 10:30 p.m., Exelon communication
11 staff began making informational calls to off-site
12 officials.

13 And at 11 p.m., the emergency
14 operations facility was staffed, and state personnel
15 were reporting to the operations center.

16 On October 18th at 0200, as you heard,
17 we stood down from the event.

18 CONGRESSMAN GEKAS: I just want to
19 clarify. At 7:15, you recontacted the Nuclear
20 Regulatory Commission; is that correct?

21 MR. CELLARS: Yes, that's correct.

22 CONGRESSMAN GEKAS: And at 7:30, you
23 did internal notifications?

24 MR. CELLARS: Yes, the nuclear duty
25 officer which would have been external to the site.

1 CONGRESSMAN GEKAS: External to the
2 site but --

3 MR. CELLARS: Internal to the
4 corporation.

5 CONGRESSMAN GEKAS: Yes, internal to
6 the corporation. So then after 9 o'clock was the
7 first that you notified anyone in the surrounding
8 areas; is that correct?

9 MR. CELLARS: Correct.

10 CONGRESSMAN GEKAS: That is one of the
11 gaps that we have to fill in our considerations
12 around this table.

13 MR. CELLARS: Absolutely.

14 CONGRESSMAN GEKAS: When I had my
15 conversations with -- I don't know if you were on
16 the phone or not --

17 MR. CELLARS: No, I wasn't.

18 CONGRESSMAN GEKAS: -- the next day,
19 the officer of the operator told me that after 9:15
20 or so at the gathering of the officials of the
21 operator, somebody determined it was prudent to call
22 -- and that's the word they used, prudent to call --
23 the local municipalities. And I think that's the
24 first time that Middletown -- and we will hear from
25 Mr. McNamara later and Mayor Layne, was the first

1 time that they learned of this, because a decision
2 was made by the operator prudently that it was
3 prudent to make that communication. But that was at
4 the discretion, judgment call, of the operator.

5 What we want to see in place
6 eventually, as we're going to discuss, is that there
7 would be obligatory on the part of the operator and
8 at an earlier stage so no gap appears.

9 Now, that brings us in the
10 chronological set of events to PEMA, to the
11 Pennsylvania Emergency Management Agency. Are we
12 ready to bring a time line narrative into this
13 record?

14 MR. COMEY: To the degree that I can.

15 CONGRESSMAN GEKAS: Classified
16 information. First, we want you to, if you can,
17 confirm what has been stated here as to when PEMA
18 received notification and what PEMA then did.

19 MR. COMEY: That is correct. For the
20 record, my name is John Comey, C-O-M-E-Y, Executive
21 Assistant to the Director, Pennsylvania Emergency
22 Management Agency.

23 We were notified, as indicated, at
24 approximately 7:30 by the Nuclear Regulatory
25 Commission that there was what was characterized as

1 a credible threat to the nuclear facility for a
2 range of reasons as was broadly identified by the
3 Nuclear Regulatory Commission.

4 We were also advised at that time that
5 this was a close hold information. What that means
6 to us is we are not at liberty to discuss this at
7 length. We are not going to issue a press release
8 on this type of material.

9 Any threat of this nature is also
10 obviously an ongoing investigation that would
11 involve law enforcement, so you have that issue as
12 well.

13 What we immediately did was activate
14 the state's emergency operations center on a limited
15 basis with key state agency personnel and key PEMA
16 personnel. The Bureau of Radiation Protection,
17 which is a bureau within the Department of
18 Environmental Protection, is the state agency
19 equivalent to the Nuclear Regulatory Commission.
20 They were called in.

21 The Pennsylvania State Police were
22 called in. The Pennsylvania National Guard was
23 called in; those key agencies that could play a role
24 if something were to happen at that power plant.

25 At approximately 9 o'clock, we

1 recognized that it was probably again prudent, given
2 the fact that there were no guidelines to deal with
3 a situation of this type, to notify the counties,
4 and we did that. We advised the counties that this
5 was close hold information. Again, that means we
6 are not asking them to make a widespread
7 notification of this information, but it was prudent
8 for them to be aware that a potential existed at
9 least sufficient that the federal government brought
10 it to our attention. And it was an appropriate
11 threat to warrant their attention.

12 We continued to be activated
13 throughout the evening. And, fortunately, nothing
14 happened. We stood down the next morning.

15 The state police immediately assigned
16 additional personnel to that site to provide backup
17 security for off-site conditions. Related to that,
18 Senator, as mentioned by the Nuclear Regulatory
19 Commission, the chairman did issue a letter to the
20 Governor. The Governor immediately tasked this
21 agency to convene a meeting with all the nuclear
22 operators. There are five nuclear stations in
23 Pennsylvania operated by three companies.

24 And we met with their senior
25 management team and security personnel, with key

1 state agencies, state police, the PUC, national
2 guard, and others to review their on-site and
3 off-site security conditions. It was a lengthy
4 meeting and a very productive meeting.

5 Likewise, because of what we perceived
6 as a gap in our notification process, we have been
7 meeting weekly with the operators to identify those
8 shortfalls and correct them. We believe that at
9 this point in time the notification procedures,
10 which were somewhat ad hoc is the best I can
11 describe it on the 17th, will be led on a much more
12 formal process, because working with the utilities,
13 the operators, and the Nuclear Regulatory
14 Commission, have resolved that gap between a
15 security issue off-site and the more formal
16 notifications.

17 CONGRESSMAN GEKAS: When did you say
18 that you notified the state police?

19 MR. COMEY: Immediately.

20 CONGRESSMAN GEKAS: Meaning when, at
21 7:30?

22 MR. COMEY: Yes.

23 CONGRESSMAN GEKAS: It was at 9
24 o'clock or so that you contacted Dauphin County?

25 MR. COMEY: Yes.

1 CONGRESSMAN GEKAS: Are you talking
2 about the commissioners or are you talking about the
3 emergency management?

4 MR. COMEY: We never contact elected
5 officials, Congressman.

6 CONGRESSMAN GEKAS: Thank you very
7 much.

8 MR. COMEY: We leave it to the
9 emergency management agency, because of the numbers
10 involved, for them to disseminate the information as
11 they deem appropriate. We also -- the emergency
12 management community is there twenty four hours a
13 day, seven days a week. We have special
14 communications equipment to be able to get to them
15 in a very timely manner. Many cases we can do that
16 simultaneously. The system is in place to provide
17 that notification.

18 CONGRESSMAN GEKAS: But that was after
19 9 p.m.?

20 MR. COMEY: Approximately, yes, sir.

21 CONGRESSMAN GEKAS: All right. So on
22 a rather consistent basis with the testimony thus
23 propounded, there is an uncontroverted gap of time
24 between at least 7:30 and after 9; and in some
25 cases, in most cases, between 6:30 -- or 6:21 and

1 after 9 p.m.

2 From what the PEMA representative is
3 saying, that there have been corrective steps taken
4 to close that gap. The NRC has indicated that
5 they're reviewing that very same gap. And the
6 operator is also cognizant of the fact that if it
7 was prudent to contact someone after 9, it might be
8 prudent to call them at 7 or 6:30 after the initial
9 chain of events.

10 MR. COMEY: Congressman, let me just
11 try to put this into context. As mentioned, the
12 four emergency classifications carry with them very,
13 very detailed, very precise notification
14 requirements that are exercised at least with
15 off-site communities every other year and have been
16 for 20 years.

17 The notifications, if we were into one
18 of the four formal emergency classifications, are
19 immediate to all counties or simultaneous when they
20 are notified to the states through special
21 technology. And when it is necessary to notify the
22 communities of any off-site response or decisions
23 made, that must be done within 15 minutes.

24 So the mechanism is in place very
25 definitely for rapid dissemination of information in

1 those four emergency classifications.

2 Unfortunately, on the 17th of October,
3 this condition did not fit that notification
4 process.

5 CONGRESSMAN GEKAS: That brings to
6 mind just one other question, that when I talked
7 with the Nuclear Regulatory Commission staff on
8 October the 18th, they reestablished what we thought
9 was the case, that a credible threat was the highest
10 state of alert. Is that correct or is it not? It's
11 not just a --

12 MR. MILLER: It's a binary thing.
13 It's either credible or noncredible. There are two
14 things to talk about. There are the threats
15 themselves and how you characterize them. And they
16 fall into categories, credible or noncredible.
17 There are separately by our threat advisory system,
18 there are three levels of security posture that we
19 expect licensees or operators to go to. And they
20 vary by such things as whether or not you have
21 additional armed responders brought to the site and
22 things like that.

23 As I mentioned in my opening remarks,
24 we advised companies to go to the highest level of
25 alert on 9/11. And with adjustments over time, they

1 have been at that highest level of alert, security
2 alert, since that time.

3 Now, obviously if there is something
4 aimed and focused at a particular plant, it is our
5 expectation that a company will take steps in the
6 plant and coordinate with local law enforcement to
7 strengthen those assets that are brought to the
8 plant. So that occurred that evening.

9 The other thing I want to mention --

10 CONGRESSMAN GEKAS: My question is,
11 though, we heard from PEMA that they have several
12 levels of what they consider the kinds of
13 emergencies that lead them to local notification,
14 regional or statewide. I take it that's what the --

15 MR. COMEY: These are NRC notification
16 requirements, Congressman, not ours.

17 CONGRESSMAN GEKAS: You've adopted
18 them. But what I'm saying, if this was, as was
19 communicated to me, the highest level of threat,
20 then that should have been triggered to the PEMA
21 notification process as well, should it not?

22 MR. MILLER: I see what the point of
23 confusion here is.

24 CONGRESSMAN GEKAS: That's why we are
25 here.

1 MR. MILLER: I was talking about
2 levels of security response, and there are three
3 levels. In the emergency plans at all sites, there
4 are four levels. There is the notice of unusual
5 event, there is alert, there is a site area
6 emergency, and a general emergency.

7 And those have to do with the kinds of
8 actions that we would expect be taken by both the
9 licensees that operate the plant and emergency
10 responders which, of course, prominently include the
11 state and local officials who are part of the
12 emergency plan. There are four levels associated
13 with that.

14 Now, that's a generic thing,
15 Congressman. It isn't related just to security
16 events. It relates to if there is a plant
17 transient, if there's a failure of some equipment in
18 the plant that raises the level of risk, you grade
19 those events according to their potential risk to
20 the public and you advise the responders to go to
21 various levels.

22 General emergency, for example, would
23 involve potential evacuation of people and
24 protective measures of people in the population.

25 So there is a range of response

1 off-site that can occur, and that depends upon the
2 nature and the level of the event that's occurring.
3 Those are four levels that apply to emergency
4 response. So you have levels of security alert,
5 that's what's happening within the plant, protecting
6 the plant, three levels there with respect to any
7 kind of an event.

8 There is a spectrum of levels of
9 response, and these are defined in the emergency
10 action plan. There are four levels there. The
11 emergency action plan as it was written on October
12 the 17th for the kind of threat that was received
13 did not require the company to go to an unusual
14 event or to implement their emergency action plan at
15 all.

16 Now, as I mentioned, we have, the
17 Commission, undertaken a top-to-bottom review of all
18 of our requirements that relate to security matters,
19 including emergency response. But we have not
20 waited for that assessment, which may take several
21 months, to immediately act upon the lessons that
22 were learned on October the 17th.

23 We issued this advisory to all
24 licensees across the country. The events of October
25 17th provided us a wonderful opportunity to sharpen

1 our thinking and our expected actions. And so what
2 we advised licensees to do following October the
3 17th is to declare an unusual event, to trigger the
4 beginning of -- as a minimum, declare an unusual
5 event if there is something -- if we declare -- or
6 if we designate a threat as credible.

7 And so that -- and from what I
8 understand, and we followed events in Pennsylvania,
9 there has been close coordination between -- what we
10 have seen is that there has been good coordination
11 between licensees and the states working out
12 procedures that are consistent with what we have put
13 out in our advisory.

14 We have taken a couple of additional
15 steps. We have advised companies beyond what is
16 required by our emergency action plan to sit down
17 with local officials. And here we are giving
18 advice, to sit down and review the corporate sort of
19 good citizen notification commitments that they have
20 to advise local officials of various things that are
21 happening at plants, and to study that again and
22 talk to local officials about what they might do
23 beyond the notifications that would be required as a
24 minimum in the emergency action plan.

25 We have also asked licensees and

1 advised them to look again at the procedures for
2 staffing their emergency response centers, because
3 at the unusual event stage, as Mr. Comey well said,
4 for each of these emergency response levels there
5 are very specific things that are called for. An
6 unusual event would not in all cases require the
7 emergency response centers of the licensee to be
8 staffed. We have asked companies to look at that
9 and to take actions to assure that the kind of
10 coordination that is just necessary to be effective
11 with the State and other local officials, to make
12 sure that they are effective if there is an event.

13 Now, that is what we have issued in
14 this sort of interim guidance that we have put out.
15 I'm sure we're going to look at it all and determine
16 how much of this needs to be made a matter of
17 regulation as we go forward.

18 MR. CELLARS: Let me follow-up. The
19 advisories he is referring to we have taken as a
20 licensee, consistent with the Nuclear Regulatory
21 Commission's concerns and desires, and we have
22 proceduralized those advisories. So, as PEMA
23 pointed out, this gray area is no longer gray. And
24 if we have a Nuclear Regulatory Commission credible
25 threat, then we will implement the unusual event and

1 staff our emergency facilities. And then that
2 formalizes the communication processes quickly and
3 more comprehensively than this informal credible
4 threat, the way we dealt with it before, since it
5 was not in our vocabulary or in our procedures.

6 So we now go to the formal procedural
7 processes based on a Nuclear Regulatory Commission
8 credible threat notification.

9 CONGRESSMAN GEKAS: And that's already
10 been coordinated with PEMA?

11 MR. CELLARS: Yes, I believe so.

12 MR. COMEY: Yes, it has.

13 CONGRESSMAN GEKAS: Let's hear from
14 Dauphin County.

15 MR. NEVIL: Martin Nevil, N-E-V-I-L.
16 I'm the Manager of Operations for Dauphin County
17 Emergency Management.

18 I'll preface my notes with a bit of an
19 emphasis on the alert process, if you would, or
20 notification processes associated. The NRC staff,
21 the facility themselves staff twenty four hours a
22 day. It probably wouldn't get to our level of
23 government -- after-duty hours, the notification
24 processes require timely activation, so that staff
25 who are not resident at the location can man and

1 perform certain functions.

2 Having stated that, at approximately
3 2115 hours or 9:15 p.m., the director of our agency
4 was notified by telephone direct from the director
5 of the Pennsylvania Emergency Management Agency,
6 again, emphasizing that he is now at home, well
7 outside the immediate area of our agency.

8 His direction of recourse was to
9 activate myself and certain other key staff by
10 telephone to report directly to the EOC for a staff
11 briefing --

12 CONGRESSMAN GEKAS: EOC meaning?

13 MR. NEVIL: Emergency Operations
14 Center, pardon me. For a staff briefing by him at
15 that point in time upon his arrival.

16 When he arrived, he briefed us on the
17 situation that had been communicated from PEMA
18 related to the threat, which obviously doesn't need
19 to be repeated here; and also indicated the emphasis
20 that the information needed to be held tight to
21 chest or in secure mechanisms and not disseminated
22 outside the emergency management community.

23 Based upon that action, we made
24 initial contact with our oversight commissioner,
25 Commissioner John Payne, who oversees our

1 operations, and provided him with that information
2 that we had and requested his guidance and contact
3 to PEMA to ensure that we were authorized to release
4 that information obligatorily and out of
5 responsibility to the municipalities that could be
6 immediately impacted by any type of an event.

7 And those were categorized initially
8 as Londonderry Township, the Borough of Middletown
9 and Royalton, and Lower Swatara Township,
10 anticipating that there would be a possibility for a
11 need, if the facility identified, for off-site
12 resources which had already been communicated, that
13 indeed possibly there would be additional security
14 forces required, etc.

15 Commissioner Payne had a dialogue with
16 the director of PEMA, and it was determined that
17 indeed we were going to be, quote unquote,
18 authorized to make those notifications.

19 I would emphasize again that all of
20 those types of actions require time on our part, to
21 physically make telephone contact to, first of all,
22 the elected municipal official, the senior official
23 for those municipalities, and then subsequently the
24 emergency service providers in those municipalities,
25 providing them very limited information, that we are

1 requesting at the direction -- or, correction, at
2 the recommendation of PEMA to posture public safety
3 responders -- fire, EMS and police -- to be able to
4 assist immediately, should the request come from the
5 site, for additional support from the municipality.

6 Those notifications were initiated by
7 our staff, who had been called in, via telephone and
8 secure pagernet.

9 And, subsequently, just as another
10 time reference, at 2202, we received contact by a
11 facility representative from the plant. And that
12 would have been our first notification or contact
13 and dialogue with the plant in relationship to
14 current conditions or situations.

15 CONGRESSMAN GEKAS: What time was
16 that?

17 MR. NEVIL: That was at 2202, and that
18 came through our 911 center.

19 I would also like to point out that
20 because of information exchange by national media
21 markets, etc., we, just like everyone else, were
22 receiving scattered less than secure intelligence
23 information from the media market indicating, first
24 of all, the restricted air space, obvious when our
25 911 lines lit up, the activity of military aircraft

1 in the airspace, followed by a huge saturation of
2 calls from both elected municipal officials and
3 citizens at large throughout the community.

4 Throughout the evening, we partially
5 manned our EOC, including crisis counselors and
6 rumor control, to assist in disseminating
7 information to the general public through those
8 mechanisms. And our director also ensured that a
9 contact had been made to potential other risk
10 counties, understanding the proximity of those
11 facilities.

12 Again, in summary, and understanding
13 the facility and NRC's position, this particular
14 event was clearly outside of what would be
15 considered our normal annex for operation in our
16 county EOP for nuclear power plant emergencies.
17 However, we did implement provisions of the county
18 generic emergency operations plan; and subsequently
19 the annex X which is our annex for emergency
20 response to potential acts of terrorism or weapons
21 of mass destruction.

22 CONGRESSMAN GEKAS: If you had known
23 at 6:30 that these events were occurring, would you
24 have done the same protocol that you described here
25 that began for you after 9 p.m.?

1 MR. NEVIL: Congressman, yes. With
2 the processes that we have in place related to
3 situation analysis, intelligence gathering,
4 coordination with higher authority which in this
5 case would be the Pennsylvania Emergency Management
6 Agency, the local office of the FBI and those folks
7 that are identified in our terrorism annex, we would
8 have gone through a threat assessment in our EOC and
9 made appropriate notifications with our emergency
10 operations plan, obviously in a more timely fashion
11 than that evening.

12 We all know that we were -- again, the
13 emphasis on notifications and more on a full-time
14 environmental versus in a staff-up ramp-up type of
15 environment that most municipal EOCs are in. It
16 takes us time to both mobilize and then make those
17 telephone calls. We did not want to make any
18 notifications over nonsecure network in relationship
19 to sensitive issues related to security of the
20 plant.

21 CONGRESSMAN GEKAS: You are
22 describing, unless I'm wrong, a time lag that can
23 occur within your capabilities if it's after-duty
24 hours?

25 MR. NEVIL: That would be correct.

1 And that's true of any type of a mobilization at
2 municipal level, whether it be county government.
3 And that same thing you are going to probably hear
4 orchestrated or communicated by the municipalities.
5 They would have to recall staff and implement
6 certain portions of their emergency operations plan,
7 which all requires time. So the earlier the
8 notification, the more timely response we can effect
9 as county emergency managers and public safety
10 officials.

11 CONGRESSMAN GEKAS: Well, it seems as
12 part of the remedial mode that we find ourselves in
13 to what happened October 17th, we ought to be also
14 looking or you ought to be looking at reducing the
15 time lag for after hours. The terrorists are not
16 going to be bound by our on-duty hours.

17 MR. NEVIL: Absolutely, and we
18 certainly respect that. That's why we have
19 implemented secure telephone notification system
20 through a paging network that allows us to page key
21 staff in close proximity to the EOC. For instance
22 -- and I think I made mention to that -- the
23 director was outside of the area in the northern
24 part of the county. He immediately notified me,
25 because of my close proximity to the EOC, to

1 expedite the implementation of the procedures and
2 policies through duty officers and telephone pagers.

3 CONGRESSMAN GEKAS: We thank you. Now
4 we turn -- yes, Representative Armstrong.

5 REPRESENTATIVE ARMSTRONG: I want to
6 go back to John. When you said counties, you were
7 alerting all of the counties around TMI. Have you
8 talked with the counties as to what they did? My
9 assumption is they would have a similar response.
10 Have you had those discussions with them yet over
11 how they responded to this event?

12 MR. COMEY: I have not,
13 Representative, but I have not been participating in
14 the meetings. We have had a meeting with these
15 counties on a weekly basis since that,
16 Representative, but I just don't know that we went
17 into that kind of detail. It's been looking forward
18 as opposed to going back to what happened that
19 night.

20 MR. NEVIL: If the Congressman would
21 like, there are some points related to the current
22 situation review, but I believe you were going to
23 cover those at a later point; is that correct?

24 CONGRESSMAN GEKAS: State that again.

25 MR. NEVIL: I believe we were going to

1 address some issues or current situation review,
2 kind of where we have gone since that night at a
3 later point?

4 CONGRESSMAN GEKAS: Yes, when we
5 complete the chronology of October 17th.

6 MR. NEVIL: There will be some points
7 that support John Comey's comments and address the
8 Representative from Lancaster's points.

9 CONGRESSMAN GEKAS: What we want to do
10 now is go to the contiguous entities to determine
11 what happened on October 17th with respect to those
12 municipalities. We will hear from Mayor Oxenford of
13 the Royalton borough.

14 MS. OXENFORD: Good evening. I was
15 notified. I didn't know nothing was going on,
16 nothing. I was notified at 10:30, not by county but
17 by Exelon. They called me at 10:30. I was then
18 called at 11 o'clock by Doug who said, Judy,
19 something's going on, pay attention. And then at
20 11:30, Barb Layne called me from Middletown to tell
21 me something was going on. That was the only
22 communication I had with anybody at all.

23 And the only thing that Exelon told me
24 was that there was an emergency, there was a
25 terrorist attack supposedly going on or coming to

1 TMI. And that was the end of the -- they left it on
2 my message on my answering machine.

3 Doug just called and said, Judy, call
4 me right away, there's an emergency. And Barbara
5 called me right away, Mrs. Layne from Middletown
6 called me right away at 11:30, and told me that she
7 was up at EOC, the Emergency Management Operations
8 Center, and that I was to proceed over there at
9 11:30.

10 CONGRESSMAN GEKAS: What did you do?

11 MS. OXENFORD: I stayed in my borough.

12 CONGRESSMAN GEKAS: Waiting for
13 further instructions?

14 MS. OXENFORD: Yes, and nothing
15 happened.

16 CONGRESSMAN GEKAS: Let's hear from
17 Middletown.

18 MS. LAYNE: Thank you. I actually
19 received the first contact from my communication,
20 who was notified by the fire emergency staff at the
21 airport, and that was approximately 9:15.

22 So, with that, I started to make
23 attempts to get in touch with David Carl and left a
24 message but obviously --

25 CONGRESSMAN GEKAS: David Carl

1 representing whom?

2 MS. LAYNE: David Carl representing
3 the communication staff at Exelon. And based on all
4 the facts that have been presented to us today, it's
5 obvious why I was not able to connect with him
6 immediately.

7 At 10:10, I received a call from David
8 Carl indicating what we have discussed here this
9 morning, and I'm not going to be redundant about the
10 lapse of time that has occurred.

11 But what I had done was at 9:15 called
12 my emergency coordinator back to Middletown who was
13 out working a part-time job in another community,
14 and did call him back to the station and had him in
15 the building along with myself in emergency
16 operation and started to make the calls to the
17 president of council and all of the council in the
18 borough.

19 I think the one thing that I would
20 like to stress is I was sitting down at EOC -- and
21 Mr. Nevil can attest to this -- when a call came in
22 for the president of council. And I was not able to
23 have information released to me as the mayor.

24 And I said to Marty, I said, you know,
25 I think whoever is giving you the direction that

1 information has to go through the president of
2 council to get to the mayor in the borough is
3 clearly somebody not understanding that the mayor is
4 responsible for emergency management. Marty
5 acknowledged that and indicated that.

6 Now, he was working under direction,
7 and it was to proceed with information from the
8 county to the president of council based upon a
9 federal discussion that he had had or a federal
10 mandate.

11 And if I would like to leave us with
12 anything today, it is to make sure that in
13 Pennsylvania when we have incidences that happen as
14 it did in October, that the mayor who is responsible
15 for emergency management be the first one that
16 receive contact within a borough other than the
17 president of council, and let the mayor then contact
18 the president of council.

19 CONGRESSMAN GEKAS: You will note to
20 your satisfaction that they are taking notes at the
21 Nuclear Regulatory Commission and elsewhere on what
22 you stated.

23 MS. LAYNE: As I said to Marty that
24 night, I'm not being critical of the fact that
25 Pennsylvania's form of government is totally

1 different from other states in the country, that
 2 perhaps the president of council is appropriate in
 3 Idaho, but it certainly is not appropriate in
 4 Pennsylvania where emergency management falls under
 5 the jurisdiction of the mayor.

6 CONGRESSMAN GEKAS: With that, we
 7 segue right to the councilman, Chris McNamara, who
 8 will add whatever he wishes to add to the testimony.

9 MR. McNAMARA: My concern,
 10 Congressman, is when the dissemination of the
 11 information from the county to the municipality, the
 12 surrounding municipalities, whom was notified from
 13 each of the municipalities?

14 MR. NEVIL: What we do is based upon
 15 the necessity of posture, both public safety and
 16 municipal officials, we make contact with the first
 17 senior elected municipal official that we can get
 18 from each municipality. And generally in accordance
 19 with their internal operations plans, they would
 20 notify their subsequent, as we would call it,
 21 telephone tree of elected officials.

22 In this case, we went to the --
 23 attempted to make contact with the president of the
 24 Londonderry Township Board of Supervisors, president
 25 of Lower Swatara and the president of the borough

1 council, anticipating dissemination through the
2 process.

3 MR. McNAMARA: And then from there,
4 whose responsibility was it in terms of emergency
5 responders?

6 MR. NEVIL: We made initial
7 notifications to a fire chief, police chief and EMS
8 provider for each of those municipalities.

9 MR. McNAMARA: I would just like to
10 add for those of you that don't know, Middletown has
11 its own communications center. And the fact that we
12 have that ability, I was a little bit amazed that
13 they were not -- it's my understanding that we were
14 not officially -- that the communications center
15 notified.

16 MR. NEVIL: Correct. And if I could
17 at least address that issue, the county's 911 center
18 was not privileged to the information at the
19 direction of PEMA to hold the security issues
20 related to the plant close at hold in relationship
21 to the security measures, etc., that were being
22 implemented.

23 Under that direction, we wanted to
24 make sure that we had a direct telephone
25 communication with the elected officials and the

1 service providers, not disseminating across radio
2 frequencies where it could be misunderstood or
3 misinterpreted, and subsequently obviously not to
4 allow or provide information that may not be factual
5 to any members of the public or elected officials.

6 CONGRESSMAN GEKAS: It appears that
7 there might be a salutary effect if Dauphin County
8 and the municipalities have a subsequent meeting to
9 this meeting, just for the purposes of coordinating
10 communications within the cycle after the Nuclear
11 Regulatory Commission and PEMA and the operators do
12 their operation.

13 MR. NEVIL: Congressman, I couldn't
14 more than agree with that, but I also think that the
15 power plant or the provider, the licensee, needs to
16 be included in that.

17 CONGRESSMAN GEKAS: That's all right,
18 yes.

19 MR. NEVIL: As you heard earlier,
20 there were elected municipal officials that were
21 contacted prior to the county emergency management
22 agency, etc., because of those triggers.

23 CONGRESSMAN GEKAS: We want you to
24 consider this session the first session of this
25 renewed cooperative effort.

1 All right. Then let's turn to Lower
2 Swatara Township.

3 MR. KNOCHE: My name is Alan Knoche.
4 I'm the Emergency Management Coordinator for Lower
5 Swatara Township.

6 We have had issues in the past with
7 communications from Exelon Corporation or Three Mile
8 Island operator. This incident was an extreme
9 example of the opposite happening. The first
10 notification anybody from Lower Swatara received was
11 from Exelon, followed shortly after that by a
12 notification from the county to the president of the
13 Board of Commissioners.

14 CONGRESSMAN GEKAS: What time?

15 MR. KNOCHE: I don't have the exact
16 time, sir, I'm sorry.

17 When you get down to the municipal
18 level, there are a lot of informal communication
19 pathways; fire chiefs, police chiefs, EMS chiefs
20 that know people at the county level and work with
21 people at the state level. Some of our information,
22 a good deal of our information, was on this informal
23 level.

24 We did staff up our emergency
25 operations center to a limited degree and we did

1 make contact with Dauphin County, who then provided
2 us information that they were allowed to provide,
3 but it was limited information at best based on
4 their instructions.

5 Police, fire and EMS units were on
6 standby throughout the township for the duration of
7 the event until ordered to stand down by Dauphin
8 County. So there was a similar time lag with the
9 other municipalities, but in this particular
10 instance, Exelon was one of our first notifications
11 and we did appreciate that. We have been very vocal
12 on problems in the past with the operator.

13 CONGRESSMAN GEKAS: We thank you.
14 Londonderry Township.

15 MR. GELLATLY: Before I -- I have some
16 questions for -- does Congress have oversight over
17 the NRC?

18 CONGRESSMAN GEKAS: Yes.

19 MR. GELLATLY: Who has oversight over
20 PEMA, is that the Lieutenant Governor's office or
21 the Governor's office?

22 CONGRESSMAN GEKAS: Both.

23 MR. GELLATLY: Was the Governor's
24 Office notified at the same time that you were and
25 the Governor was okay with not disseminating out to

1 the county or municipalities I assume?

2 MR. COMEY: This was a request from
3 the federal government, not our decision.

4 MR. NEVIL: That needs to be
5 emphasized. As we keep looking back -- and we've
6 already initiated some after acts review of trying
7 to determine who said what to whom, please emphasize
8 Mr. Comey's remarks, that the levels of federal
9 government had emphasized the need to hold or
10 restrict the information and its dissemination based
11 upon the security threat.

12 MR. MILLER: We are making judgments
13 all the time on what we can release to who. What we
14 communicated that evening -- and we communicated it
15 over unsecured line. We made a conscious decision.
16 We went through a process within the federal
17 community, which involves the FBI agreeing and other
18 officials agreeing to communicate what was
19 essentially safeguards information as we provided
20 that to the licensee, which obviously had the need
21 to know, and to the state.

22 I imagine we ought to pursue going
23 forward in this new environment what restrictions
24 there ought to be as you cascade down other levels
25 of government, but this was safeguards information

1 that we were providing that evening.

2 We ought to look at it going forward,
3 though.

4 MR. COMEY: Congressman, let me add if
5 I may?

6 CONGRESSMAN GEKAS: Yes.

7 MR. COMEY: Because of the safeguard
8 nature of this information and our guidance to the
9 counties, the normal communication systems at their
10 disposal were not used. They had to go to telephone
11 lines. They had to take much longer and a much more
12 difficult process in disseminating information.

13 As Chris indicated, his 911 dispatch
14 center in Middletown was not contacted, nor was the
15 county's dispatch center contacted. We called the
16 county coordinator at home because of the safeguard
17 nature of this information.

18 If we had used, which we will be using
19 in the future, the normal communications process,
20 it's much faster, much more efficient, and much more
21 manageable. And you wouldn't have this confusion
22 that actually occurred with the special treatment of
23 the safeguards nature of the information. We went
24 out of our way to make sure that the information was
25 handled very carefully, but that took much longer.

1 CONGRESSMAN GEKAS: Are you saying
2 that, God forbid, if another risky incident occurs
3 that the Middletown established communications
4 center would know right away?

5 MR. COMEY: That appears to be the
6 case as I understand the NRC's guidance at this
7 point.

8 CONGRESSMAN GEKAS: No, I'm saying
9 from your standpoint.

10 MR. NEVIL: I may be better to address
11 that.

12 CONGRESSMAN GEKAS: Yes.

13 MR. NEVIL: If we go to the emergency
14 classification of an unusual event, procedures are
15 already in place in accordance with that ops plan as
16 we exercise biannually on a regular basis to make
17 notifications which would include that being a
18 step-up point, that their center would be notified
19 and they actually physically take care of
20 notifications of their municipal officials, etc.,
21 the same as Harrisburg city, etc., etc.

22 But this was outside the purview, if
23 you would, of the annex associated for an event at
24 the plant.

25 MR. MILLER: I suspect that one very

1 fruitful area to look at is really a question of
2 what was detailed. What I mean by that is the
3 details of a threat could be safeguards, can be
4 safeguards information. The fact that there is a
5 threat and that it is a security-related threat, and
6 maybe some aspects of it in a general level can
7 perhaps not be safeguards information, and what we
8 ought to look at is what level of detail can we
9 without concern have passed on, so that there aren't
10 these hang-ups associated with the appropriate
11 concern that the state had about controlling this
12 information and not having it be widely
13 disseminated. I think that was an appropriate
14 concern of folks.

15 But there's still this need to pass on
16 at some level some information, and that's the thing
17 we need to look at and sharpen, I think.

18 CONGRESSMAN GEKAS: Yes. I think that
19 we ought to be focusing on the fact that any threat
20 of any degree is one worthy of transmitting to the
21 people most concerned and most able to respond. So
22 whether or not some information is withheld as to
23 the outer limits of this threat, the fact that a
24 threat exists, there should be no excuse whatsoever
25 for retaining control over that information to the

1 detriment of notification of the people involved.

2 But back to Mr. Gellatly.

3 MR. GELLATLY: It doesn't sound as
4 though the problem was at the state level, but it
5 sounds to me on the local level that it all
6 originates at the NRC. If they pass on the warning
7 to PEMA that they can't notify us for fear of
8 whatever, then that kills the whole process. There
9 has to be some sort of responsibility here. If
10 there's not, I don't think -- I think he would be,
11 Mr. Miller would be, what I would consider a
12 bureaucrat, which when something happens you are not
13 the one that has to be -- you're not going to be
14 directly responsible, like I would or like the
15 Congressman would, should there really have been
16 anything that happened that night.

17 And I think the Congressman needs to
18 share that with the fellow Congressmen back in
19 Washington, that I was a little bit offended when
20 you made the comment that you really didn't share
21 that with elected officials. I think when you look
22 at this whole process, that's where a lot of it
23 broke down, the fact that the people, the elected
24 officials, weren't brought into the process.

25 You had books and you had things that

1 were triggers and you had scripted events. But do
2 you have a scripted event for an act of war?

3 I know that we do a practice session
4 every two years with the county, which I think is
5 also involving PEMA, where we practice for maybe
6 radiation leaks or evacuations. But I don't ever
7 recall practicing for what we went through on the
8 17th at Londonderry.

9 MR. MILLER: I have a deep and
10 visceral sense of responsibility for what happens,
11 and I was in the midst of it. And I assure you it
12 was all consuming for us. We have protocols. We
13 learned a lot that evening. What existed that
14 evening -- and this is not a bureaucratic answer, it
15 is just a simple matter of fact -- that the
16 protocols were what they were that evening. They
17 did not call for an unusual event to be declared.

18 One of the first questions I asked my
19 people that evening, beyond understanding what steps
20 were being taken by the licensee on site, are they
21 properly following their emergency action plan. And
22 I asked that question probably three times. And
23 since that time, all of the confirmation is that it
24 was responded to correctly. It did not fall into
25 that category.

1 Now, we've learned from that, and we
2 have advised all licensees across the country that
3 in the future if there is a credible threat it ought
4 to be treated as a minimum as an unusual event, that
5 licensees ought to enter the emergency action plan.

6 So we take this very seriously. There
7 is a strong sense of responsibility and concern.
8 That was our approach that evening.

9 CONGRESSMAN GEKAS: The question
10 recurs on the advisability of an advisory as
11 compared to and contrasted to a mandated emergency
12 plan action from NRC down to each operator, etc.

13 MR. MILLER: And, clearly, that will
14 be looked at.

15 CONGRESSMAN GEKAS: Anything else,
16 Doug?

17 MR. GELLATLY: Yes. I can't express
18 how upset Londonderry Township was to get a call at
19 10:10 at night from a county commissioner letting me
20 know that I couldn't notify anybody because of the
21 federal aspects coming in, telling PEMA to tell us
22 that nobody is allowed to know about this other than
23 the other elected municipal officials. That's why I
24 get back to the responsibility. Luckily, nothing
25 happened that night. But I would just like to know

1 who would have been held responsible had something
2 happened.

3 It was nice that Exelon was able to
4 protect their assets and begin doing that at 6:20,
5 and it was great that PEMA was notified at 7:30, and
6 I guess the state police at 9:10, that's okay. But
7 what about the people that live a hundred feet away
8 from the entrance, the assets of Londonderry
9 Township, the residents? At what point do we change
10 the triggers so that we could have at least gone out
11 and said, hey, maybe tonight you should sleep in
12 your basement, because something might be happening.

13 MR. MILLER: There was no statement
14 that evening specifically to people.

15 MR. GELLATLY: That's not what John
16 just said.

17 MR. MILLER: I'm just talking about
18 what came out of our center. There is on a standing
19 basis a limit on safeguards information and what
20 information is provided on a safeguards basis. It's
21 clear to me that since that event, what we have
22 learned among other things is that we've got to sort
23 out the difference between providing safeguards
24 information, which is the details of an event, the
25 details, and the fact that a threat has been

1 determined to be credible, that a security threat
2 exists. Those are two things. That's the thing we
3 ought to look at.

4 The fact that you can't communicate
5 safeguards information, I would think, should not
6 preclude at least passing on the fact that a
7 security threat exists. And that is the thing we
8 will learn, move forward, working with the state and
9 others to clarify.

10 MR. GELLATLY: I just can't express
11 how -- it can't be the way we do everything else,
12 where we study it to death and we take a year or two
13 years. Some of these things are real basic. But I
14 think if you would have brought some of the local or
15 even the congressional -- I think if you would have
16 called up Congressman Gekas and said, Congressman,
17 in your district tonight there is a possibility --
18 it's 6:20 right now. There's a possibility that
19 something might happen at that island. Would it be
20 okay if we put those 80 residents that live 100 feet
21 away on hold tonight, or should we do something a
22 little different, because according to the rule book
23 I can only do this, this and this.

24 MR. MILLER: I completely agree with
25 you.

1 MR. GELLATLY: I think things would
2 have been different.

3 MR. MILLER: I completely agree with
4 you. I understand your point. And hopefully you
5 heard me and what I have said here today. We have
6 not let bureaucracy stand in the way of issuing
7 expectations, issuing guidance, taking steps,
8 insisting that licensees follow those steps from
9 September the 11th on. The last thing we have
10 worried about is bureaucracy as we have made these
11 decisions.

12 But we've got to now go back. And, as
13 the Congressman has consistently told us, he's told
14 us this for several weeks now, he wants to see this
15 made a matter of federal law. And eventually we'll
16 get to the point that we complete the well-developed
17 process and look at our regulations. But we have
18 tried to avoid anything that involves bureaucracy
19 standing in the way of getting word and getting
20 steps and action taken where they are needed. I
21 understand your perspective, though.

22 MR. GELLATLY: The other thing, you
23 used words like, when you were discussing the
24 operator, that you hoped the operator would do
25 certain things. My experience this far in the last

1 two years is that unless you write these standards
2 in stone, your hopes don't mean anything a year from
3 now, two years from now, because things change.

4 Prior to September 11th and prior to
5 October 17th, the new operator had made a decision
6 to start cutting back, scaling back on security.

7 MR. MILLER: Yes.

8 MR. GELLATLY: Because the NRC didn't
9 mandate and didn't require, and to this day my
10 understanding is, we were down there less than two
11 weeks ago, that Three Mile Island is not prepared
12 for an act of war, an act of terrorism maybe, but
13 not an act of war.

14 MR. MILLER: We will write in stone
15 those things that are vital to emergency response.
16 The context of my comment when I used the word
17 suggestion had to do with things that go beyond what
18 is vital and go to whatever the company might set up
19 in a way of local officials beyond what is vital for
20 effective emergency response.

21 But for those things that are in our
22 view vital to effective emergency response, we will
23 write in stone.

24 MR. GELLATLY: Okay. Thank you.

25 CONGRESSMAN GEKAS: Thank you. Now

1 Derry Township, Mr. Negley.

2 MR. NEGLEY: Thank you, Mr.
3 Congressman. It's a pleasure to be here.

4 I can tell you we were never notified.
5 I realize we are not a contiguous township.
6 However, we are at the moment the area's regional
7 trauma center, Hershey Medical Center. We felt it
8 would be vital for us to be involved in this and at
9 least have knowledge of it.

10 And I do want to add this. If our
11 police officers on patrol that evening saw the
12 Pennsylvania State Police mobilization heading
13 towards Middletown and made an inquiry as to if
14 there was anything going on. We contacted the
15 Middletown communications center. They confirmed
16 only that there was a situation presently occurring,
17 but they were on orders not to elaborate.
18 Therefore, our township was never notified and
19 remains unnotified.

20 CONGRESSMAN GEKAS: You mean not at
21 all that evening?

22 MR. NEGLEY: No, nor the 18th.

23 CONGRESSMAN GEKAS: We have now noted
24 it and it is part of the record.

25 MR. NEVIL: Congressman, while you're

1 noting that, none of what we would classify or
2 consider to be our risk municipalities within our
3 county were formally notified, once again based upon
4 the direction and the fact that it did not fit into
5 a normal EOP or the normal operations plan.

6 With the corrective action that Mr.
7 Miller points out, that would occur. Those
8 notifications as routinely exercised and actually
9 implemented in responses to the plant would be
10 officially notified. Mr. Negley makes very
11 important and timely emphasis that that is the need
12 at the municipal level, to coordinate municipal
13 level resources and assets all the way from medical
14 infrastructure to public safety providers, should a
15 request come from the site where off-site assistance
16 or support of the citizens in our community.

17 MR. GELLATLY: Were fighter jets
18 flying for protection over a part of this?

19 CONGRESSMAN GEKAS: Wait a minute.

20 MR. GELLATLY: As far as for Derry
21 Township. You are out of the realm of being
22 effective, but I think the fighter jets were flying
23 over.

24 MR. NEGLEY: I heard them. I just
25 didn't know what they were doing. I have no other

1 comments. Thank you.

2 CONGRESSMAN GEKAS: We note the
3 presence of representatives of the Borough of
4 Highspire. Do they wish to make any presentation at
5 this time? If so, please come to the front.

6 MR. SHANK: Our president of council,
7 our vice president, I don't think he was notified.

8 MR. FRITZ: My name's Ed Fritz. I'm
9 Vice President of the Borough Council of Highspire.
10 At no time were we notified. At no time was our
11 Chief of Police notified, and he is the chairman of
12 our EOC Committee. None of our officers on the
13 street were notified of any emergency or to be on
14 the lookout for anything. And these are the people
15 we're going to call the first time to look for help,
16 and they weren't notified.

17 Sir, I can understand that certain
18 security concerns were in place and only certain
19 people were notified and certain people and elected
20 officials weren't ask to participate. But I think
21 at least the officers on the street, the people that
22 we are going to call first to stand up and protect
23 us, and they weren't notified. And I think they
24 were very remiss in not notifying those people.

25 If you can't trust your police

1 officers on the street with notification and to keep
2 it to themselves and being on heightened lookout, I
3 think that's very remiss.

4 CONGRESSMAN GEKAS: Your contents are
5 now part of the record. And, actually, when we have
6 this next meeting of the local officials to follow
7 up on this meeting, we know that Highspire will be
8 included.

9 MR. FRITZ: Thank you, sir.

10 CONGRESSMAN GEKAS: Now, before we
11 proceed to a general -- Swatara Township. How could
12 I avoid Mr. Spagnoli?

13 MR. SPAGNOLI: Yes, Representative
14 Gekas. I just wanted everyone to know that Swatara
15 Township is within a ten-mile radius of TMI. There
16 was a map published in the newspaper, and no mention
17 of -- although bounds are shown, but no mention that
18 Swatara Township is definitely within the ten-mile
19 radius.

20 To my knowledge, we did have a meeting
21 on the evening of the 17th. There was no official
22 notification whatsoever. But thanks to the national
23 media, there was an awareness that something was
24 going on. That's as much information as we got that
25 evening.

1 I'm also a member of our Emergency
2 Preparedness Committee, and none of our people to my
3 knowledge were notified. Thank you.

4 CONGRESSMAN GEKAS: Thank you, Mr.
5 Spagnoli. Now we're going to turn for about half an
6 hour, twenty minutes or half an hour to --

7 MR. KONKLE: Could I make a comment?

8 CONGRESSMAN GEKAS: You are? You
9 represent?

10 MR. KONKLE: Don Konkle from the City
11 of Harrisburg.

12 CONGRESSMAN GEKAS: Of course.
13 Proceed.

14 MR. KONKLE: Thank you. And my
15 perspective is somewhat different. I am the fire
16 chief and the emergency management coordinator in
17 the city of Harrisburg and serve as an extra hand on
18 Dauphin County's emergency management staff on
19 events that don't directly affect the city.

20 On the 17th, I was paged to come to
21 Dauphin County's emergency operations center. On my
22 arrival, I was briefed on what the subject was and
23 was told at that time that the decision had been
24 made to only inform staff members.

25 Shortly after that, it was

1 communicated that there was a decision made to
2 inform the three municipalities that were aware of
3 that. At that point I explained to my director that
4 I thought I had the obligation to at least inform
5 Mayor Reed what I knew at the time. If I was being
6 thrown out of the EOC after that, that was a
7 decision they could make. But I made that call and
8 explained to the mayor that this information was
9 confidential and should be closely held.

10 He did that. And to Exelon's credit,
11 I guess, they had made the decision to begin to call
12 their entire list of elected officials. And shortly
13 after my notification, he received a notification
14 from Exelon Energy.

15 He immediately called back to Dauphin
16 County's EOC trying to figure out why we were
17 telling different stories on different levels, that
18 PEMA and Dauphin County are telling us this is
19 closely held information and Exelon Energy is
20 telling everyone.

21 The next communication I had with the
22 mayor, while this is still a confidential matter, is
23 when the 11 o'clock news breaks and there are TV
24 cameras at Harrisburg International Airport
25 announcing this security threat to all of central

1 Pennsylvania, if not the world.

2 My conversation with the mayor at that
3 time is that some very hard lessons learned in
4 communications after the accident at Three Mile
5 Island had obviously evaporated, is that the crisis
6 in confidence that occurred at the accident beyond
7 the technical problem, was that the utility was
8 telling one story when every level of government was
9 also telling another story. And public confidence
10 very rapidly eroded.

11 We had a situation -- and I was
12 sitting in Dauphin County's EOC -- the night of
13 October 17th where members of the public are calling
14 in to inquire what's happening at Three Mile Island
15 and they're embargoed from releasing that
16 information.

17 Very quickly when people determine
18 that they are getting different stories, they are
19 going to chose to believe and act in their own self
20 interest. I think that the opportunity to panic the
21 public existed, and I'm pleased to hear what the NRC
22 said about lessons learned. I think that will be
23 helpful in the future.

24 But I know the frustration level in
25 Dauphin County's EOC that night was that 20 years of

1 work after the accident had evaporated in two or
2 three hours.

3 We can discuss a little later maybe
4 some concerns about Exelon's manner in informing
5 people that moved to Coatesville with the emergency
6 operations center and not done very well, and we
7 still have concerns about that matter. But it
8 seemed to be a snowballing effect that was coming
9 apart very rapidly. I think a lot of those concerns
10 have been addressed.

11 But the bottom line, what all of us
12 are charged to do is maintain the public confidence
13 and their safety. And if we can't communicate with
14 each other and trust each other, then we are going
15 to lose that confidence once again. And at that
16 point the best written plans in the world are going
17 to have very little effect.

18 CONGRESSMAN GEKAS: We thank you.
19 We're pleased to receive your assessment that we
20 seem to be on the way to filling the gaps that
21 existed on October 17th. Thank you for that.

22 At this juncture, are there any other
23 municipalities in the building who wish to testify
24 or to enter remarks in the record? If not, we are
25 going to enter into a general discussion, starting

1 with Representative Tulli to make some comments or
2 ask some questions. But even before that, I
3 promised by motion to Mr. McNamara that I would
4 permit one question as a follow-up to him.

5 MR. McNAMARA: If I may, can someone
6 tell me -- I don't know if I missed it or not --
7 what guidance was given to PEMA, to Dauphin County
8 in terms of alerting the first responders in the
9 emergency services resources? What was the message
10 that was passed post 9/11 when you have the director
11 of Homeland Security telling you that your emergency
12 responders are going to be your front line in the
13 war against terrorism? What kind of guidance was
14 passed to PEMA and to Dauphin County in terms of
15 what was getting down, disseminated, to police,
16 fire, EMS, etc.?

17 MR. MILLER: Well, speaking from the
18 NRC, we originated -- the cascade starts with us
19 notifying the licensee, and we told the licensee
20 there was a threat that they needed to consider and
21 act upon as if it were credible. And we provided to
22 them the details of it a page long. We provided
23 that to them.

24 We have communicators that do the
25 actual discussions so I can't tell you exactly what

1 their words were, but it was passed on as safeguards
2 information. And that's it.

3 Just thinking about it since I made
4 the remark earlier, I don't know, I'd have to go
5 back and confirm. I think all of this is
6 transcribed and is a matter of record. So we can
7 check to see this in the tapes. But I don't believe
8 that we ever put a restriction on folks. In fact,
9 Exelon ultimately did say that there was a threat.
10 The thing we would restrict is providing the details
11 of what we communicated. So that's starting from
12 the NRC side, that's what we provided.

13 MR. McNAMARA: In my discussions --
14 and this is my biggest concern besides the lack of
15 communication, what I feel, is in talking to the
16 fire chiefs, his guidance was get a crew at your
17 firehouse, and that call came at 2245, 15 minutes
18 prior to what the assumed time of the incident.

19 I, for one, through my travels have a
20 concern where I don't want to be placed in a
21 situation where you are forced to have to react to
22 something. I would rather be able to act upon it.
23 This is where I am coming from in terms of what
24 guidance was given.

25 I've got a fire chief that's making

1 phone calls at 10:45 trying to get volunteers to
2 come to the station. As Marty Nevil described, it
3 takes time. And you received a call at 6:20 in the
4 evening. I'm saying I understand that you don't
5 want the general populace in terms of your
6 safeguards, I understand that.

7 But at the same time, your front
8 liners are your police officers, your firefighters
9 and your EMS personnel. So you had a period of time
10 from 6:20, 6:21 in the evening until 11 o'clock when
11 the threat was due to take place, that was three and
12 a half, four hours, where we could have had time to
13 man the fire departments and have the stations up on
14 line. And Middletown, having its own communications
15 center, could have come up on the net and
16 established through the mayor and the EMA
17 coordinator.

18 MR. MILLER: I completely understand
19 the frustrations. If I was in your shoes, I would
20 be as frustrated as you are. I think the important
21 point here is that we from the beginning were asking
22 the question, is the emergency action plan being
23 followed. I repeatedly asked that question and
24 repeatedly got back the answer that it was being
25 followed.

1 And the major lessons learned, which
2 we have already acted upon, is that licensees if
3 they receive a credible threat from us ought to
4 declare at least an unusual event, which triggers
5 the emergency action plan, which triggers all of
6 these notifications. And that has been done.

7 MR. CELLARS: Those procedures are in
8 place.

9 CONGRESSMAN GEKAS: Now we'll turn to
10 -- is Mr. Portzline here or not? I thought he was.
11 At this time we'll defer to Representative Tulli.

12 REPRESENTATIVE TULLI: Yes. Thank
13 you, Congressman Gekas. I have a question for the
14 NRC based on a very heartening document that we have
15 before us. I think we all have Concurrent
16 Resolution 267 that Congressman Gekas has written
17 and introduced. And the question, Mr. Miller, I
18 believe you probably anticipated from me, on his
19 third finding, whereas -- on Page 2, he says,
20 Whereas studies suggest that spent fuel storage
21 areas, such as dry casks and pools, may be
22 vulnerable to terrorist attacks, and that an attack
23 on these areas could result in a release of lethal
24 doses of radiation.

25 My question to you, this passage of

1 this concurrent resolution, I think, is an important
2 step to getting local, federal and state governments
3 working together to solve the storage problem. Is
4 this an opportune time to take very quick action to
5 move the storage of nuclear spent fuel from the
6 nuclear plant sites to a central storage area? I
7 know the Yucca Mountain storage area is apparently
8 ready to receive such things. Is the national
9 emergency, is the war that is going on, a good
10 impetus for you to start moving those things to a
11 permanent storage facility, to break the local
12 government, state government, federal government
13 logjam that has occurred on that site?

14 MR. MILLER: Disposal of the spent
15 fuel from these sites is a national priority. It's
16 the subject of legislation that calls upon the
17 Department of Energy to develop the Yucca Mountain
18 site, a site west of Las Vegas, to do testing at
19 that site to determine its capacity to hold spent
20 fuel and to ultimately petition the NRC and to have
21 the NRC review their site studies to determine, in
22 fact, it is a suitable site.

23 And where the process stands at this
24 point is that the Department of Energy has completed
25 many studies, have not completed all of their work.

1 I don't have the exact time frame in mind, but they
2 are to be making a recommendation, as I understand
3 it, sometime within the next several months. And I
4 don't have the exact time frame, so don't hold me to
5 that, but to make a recommendation for the continued
6 study of the site and ultimately application for its
7 use as a depository. I'll have to get back to you
8 on the exact dates.

9 But I think that this will serve to
10 underscore the necessity to address the spent fuel
11 issue in this country. I think that the Congress is
12 also ultimately going to play a part in this.

13 Our role is to review what they submit
14 to us. And at this point we stand ready. We've
15 issued the regulations that set the standards and
16 the target that the site has to meet in terms of
17 environmental protection and radiation protection.
18 We have done that piece, and we are ready when the
19 Department of Energy submits their application to us
20 to act on it.

21 REPRESENTATIVE TULLI: Congressman
22 Gekas, I think we are all grateful that you have
23 written this concurrent resolution. I think it may
24 be a very good catalyst to get that moving after
25 these months have gone by.

1 CONGRESSMAN GEKAS: Yes, thank you.
2 You point up that the thrust of this resolution is
3 to grapple with the waste and spent fuels problem
4 while we are grappling with communications and other
5 forms of security. And what we recommend in this
6 resolution ultimately is that the office of Homeland
7 Security and the Pentagon and the President of the
8 United States and all our local public officials are
9 in one stream, one line, of authority to deal with
10 all these problems.

11 This meeting is in concord with that
12 proposal and that vision.

13 Representative Armstrong.

14 REPRESENTATIVE ARMSTRONG: I just want
15 to thank you, Congressman Gekas, for having such a
16 meeting, calling this forum together. It has
17 brought to light the need for better notification,
18 and I appreciate the comments that have been made
19 thus far.

20 Another interest that I have had and
21 begun to work with with Three Mile Island on and
22 Exelon is the actual routes of evacuation. I think
23 we need a further development of that discussion,
24 too. Lancaster County itself, we have one site and
25 looks as if two arteries themselves would be clogged

1 up very quickly. So we are beginning to have
2 discussions as to how we can look at that better.
3 And I think everybody can look at all these kinds of
4 aspects together so we provide the answers for our
5 own constituents. Thank you very much.

6 CONGRESSMAN GEKAS: Now we want to
7 turn to a representative of the Three Mile Island
8 Alert, a citizens group, for any statement.

9 MR. PORTZLINE: Thank you. I'm Scott
10 Portzline, former security chairman for Three Mile
11 Island Alert and now a consultant for security.

12 I'm concerned about a delay that
13 hasn't been discussed yet, and that was a delay from
14 the time the threat was received until the FBI could
15 be made available. I'm hearing from NRC staff that
16 the FBI was not immediately available in that first
17 hour to assess the threat, so there's even a delay
18 that happened beforehand that I'm concerned about.

19 The second thing is that the NRC has
20 actually degraded its ability to assess threats
21 because it stopped paying into a fund called CAT.
22 Pennsylvanians don't like that too much. This was a
23 credibility assessment team that was with the
24 Department of Energy. And in 1998, they stopped
25 paying into that, even though they admitted that it

1 would severely affect a timely assessment of
2 threats.

3 And so the NRC has been decreasing
4 security, despite its claims that it's increasing
5 security. It just depends on where you draw the
6 lines and how you receive some common sense things.

7 Two other quick points.

8 Mr. Miller, I think that the Nuclear
9 Regulatory Commission should consider a credible
10 threat an alert rather than an unusual event. And I
11 believe that at the alert level, when a licensee has
12 to declare an alert, that would require the staffing
13 of the EOS; is that correct?

14 MR. MILLER: The advisory that we last
15 issued said that we expect companies to, as a
16 minimum, declare an unusual event. One of the
17 things that we attempt to do is to convey
18 qualitatively what the nature of the threat is. So
19 it's conceivable that certain threats might warrant
20 a higher level of emergency response. So it's
21 conceivable that an alert might be appropriate.

22 MR. PORTZLINE: A credible threat
23 means that it is very possible within a few minutes
24 the reactor could be heading towards an emergency, a
25 release of radiation. An unusual event, I think, is

1 just a little bit too low for that.

2 MR. MILLER: Let me just -- this is an
3 important point. Really, credible threat can be a
4 range of things. That evening we had information.
5 And the folks who were reviewing this, as I
6 mentioned, had reviewed thousands of threats and
7 were able to determine that they were noncredible.
8 There's a time element to this one. And even though
9 there were some dubious aspects to this threat, the
10 judgment was made that -- it was dictated that some
11 action needed to be taken by the licensee and could
12 not be ruled out; as distinguished from a threat
13 which is highly probable, you see the eyes of the
14 enemy coming over the hill, imminent threat. This
15 one didn't fall in that category.

16 So there is understandably a range of
17 situations that can exist. So not all credible
18 threats I wouldn't say are alike and, therefore, I
19 think -- it doesn't follow that -- I don't think it
20 is necessary to go to an alert in all instances.

21 MR. PORTZLINE: I understand what
22 you're saying. When somebody says there's a
23 credible threat and it is unknown what the
24 qualitative factors are, I think we should err on
25 the side of caution.

1 MR. MILLER: There's a line. You can
2 go -- you want to do enough. You don't want to
3 exercise unduly people and create an impression that
4 something is far more likely than perhaps it is that
5 has its own set of significant --

6 MR. PORTZLINE: I understand that.
7 The last point I want to make, there is an expedited
8 rule-making process that the Nuclear Regulatory
9 Commission could use if it wanted to promulgate a
10 new rule on an emergency basis. The Coast Guard has
11 used that rule to protect standoff distances around
12 some of the nuclear missiles that it protects coming
13 and going from port. And then public comment can be
14 submitted for a 60-day period.

15 CONGRESSMAN GEKAS: We have requested
16 that.

17 MR. PORTZLINE: I'm sorry?

18 CONGRESSMAN GEKAS: We have requested
19 that procedure.

20 MR. PORTZLINE: Expedited.

21 CONGRESSMAN GEKAS: That concludes the
22 informative part of this session. I want to thank
23 each and every participant. We have a record and a
24 public consumption now of what happened on October
25 17th. There are tremendous lessons to be learned

1 from it. And I personally believe that great
2 advances have been made to solving these problems to
3 the end that these gaps will never again occur if,
4 God forbid, something else ever should occur.

5 We are in a better state of
6 notification at this moment than we ever were
7 before.

8 MS. OXENFORD: Can I just ask two
9 questions? No. 1, there is a statement I would just
10 like to make. No. 1, I really feel bad for the
11 Hershey Med Center. That's my hospital. I really
12 -- that is not right. I think someone along the way
13 should pay attention to the Hershey Med Center. I
14 think that's a great travesty.

15 And I don't know what I can do, but I
16 will help you in any way. I just think that they
17 should be notified. They have the trauma unit. I'm
18 sorry, but I think that's been a great travesty that
19 Hershey Med Center was not notified. I really do.

20 CONGRESSMAN GEKAS: Mr. Nevil has
21 addressed that.

22 MS. OXENFORD: And I would take great
23 offense being in your shoes. I really would.

24 No. 2, I just learned some new things
25 I didn't know about. I understand it seems that

1 Londonderry and Royalton are last on the totem pole,
2 and we would have been hung out to dry. We knew
3 nothing. I understand through the testimony that
4 Middletown knew it at 9:15. I was called at 10:30.
5 Doug of Londonderry was called at 10:30. So for an
6 hour and 15 minutes, Londonderry and Royalton,
7 whatever happened, we could have been dead by then
8 and we would have had no way to notify our people or
9 anything. There was an hour and 15 minutes lapse
10 between the time that Middletown knew at 9:15 and
11 that I was called at 10:30. Doug was then notified,
12 and Doug then called me at 11 o'clock. So that's an
13 hour and 15 minutes that there's that big gap.

14 CONGRESSMAN GEKAS: That gap has been
15 noted as have been the other gaps that we have
16 determined existed on that night. We thank the
17 mayor.

18 MR. STILP: Gene Stilp from
19 Pennsylvania involved in the Three Mile Island
20 accident. All the events in the country that have
21 happened in the last two months really affect
22 everybody in this room.

23 In regard to today, today you noted
24 that the federal workforce now includes workers at
25 -- will include workers at airports. It is time for

1 this body and everybody in this body to request or
2 require that the NRC, the federal government and the
3 Congress require that the workers, security workers,
4 at nuclear plants become federal employees and use
5 the security forces of this nation. Because the
6 threat that would be at Three Mile Island wouldn't
7 take an hour, wouldn't take two hours. You would be
8 notifying people after it happened.

9 It has to be federal forces that
10 actually have the weapons at the site to handle an
11 aerial threat if that occurred which would be
12 surface to air missiles. You don't want a private
13 security service to handle those. You want the
14 federal government, the Army, whoever to handle
15 those.

16 It's time to think of the nuclear
17 plants, especially Three Mile Island, in terms of a
18 federal security force being there, the Army or
19 whoever who can handle this type of weaponry. It's
20 ludicrous to think that first responders are going
21 to say they can handle any kind of threat coming
22 through the air or the security force at Three Mile
23 Island.

24 That's all I have to say today. Thank
25 you very much.

1 CONGRESSMAN GEKAS: We thank you.

2 This now concludes --

3 MR. PORTZLINE: Wait a minute. Wasn't
4 there a whole section that was about current
5 problems and things that still exist that wasn't
6 discussed yet?

7 CONGRESSMAN GEKAS: That was
8 discussed.

9 MR. PORTZLINE: May I please add a
10 couple comments?

11 CONGRESSMAN GEKAS: Yes. Proceed.

12 MR. PORTZLINE: Conditions as they
13 exist at Three Mile Island where I observed the
14 National Guard not checking for bombs properly in
15 the vehicles, no mirrors underneath. I have this on
16 videotape. It is possible that a large bomb gets on
17 the island and from a great distance, even hundreds
18 of feet, that the lateral shock wave that
19 promulgates through the ground -- and I have reports
20 on this to document it -- can cause pipe breakages
21 and things like this.

22 This is an unanalyzed condition by the
23 Nuclear Regulatory Commission that exists today. We
24 can't allow vehicles on to the island without a
25 proper security check outside the island, off of the

1 island.

2 Secondly, I need to impress upon
3 everybody that a commando type of assault can
4 distort a reactor within 3 minutes, from the time
5 they reach the control area fence, the boundary at
6 TMI, to the time a reactor is destroyed, three
7 minutes. I'm aware of the low number of attackers
8 assumed by this threat, very small. I'm not going
9 to say it. You would be alarmed. There's a few
10 people here that know it in the public official
11 realm.

12 And you have to have sufficient
13 numbers of guards. If we don't have enough National
14 Guards at the plants, we can be seriously harmed.
15 We should assume that 20 attackers will be willing
16 to lay down their lives as they did on September the
17 11th. And the guard force would easily be
18 overwhelmed by that number of attackers.

19 I have many other details I would like
20 to say in a closed session because it's not
21 appropriate.

22 CONGRESSMAN GEKAS: Then you should
23 feel free to submit it for the record or for private
24 consumption any time you wish.

25 MR. PORTZLINE: Lastly, the NRC says

1 that there are no failing grades with their security
2 evaluations and security tests, no failing grades.

3 CONGRESSMAN GEKAS: One last comment
4 to your last comment, and this is the last comment
5 of the last comment of the last comment, is that the
6 resolution to which Representative Tulli referred
7 takes into consideration the further assessment of
8 the security needs of each nuclear facility in the
9 United States, with a resolve that, if necessary,
10 the President should federalize Nation Guard or
11 other contingent forces to apply additional security
12 measures.

13 So we are considering all the things
14 which you mentioned.

15 We are now officially adjourned. The
16 press conference will begin in five minutes where
17 the press is.

18 (The hearing concluded at 11:50 a.m.)
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I hereby certify that the proceedings
and evidence are contained fully and accurately in
the notes taken by me on the within proceedings and
that this is a correct transcript of the same.



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Notary Public

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