

PR 50, 72 and 73  
(71FR62663)

DOCKETED  
USNRC

Three Mile Island Alert  
315 Peffer St.  
Harrisburg, PA 17102

February 5, 2007 (2:57pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

February 1, 2007

Re: Power Reactor Security Requirements (RIN 3150-AG63).

Dear Ms. Vietti-Cook:

I am writing to reaffirm our support for the proposed rulemaking to require armed guards at nuclear plant entrances (#PRM-73-11). It is our understanding that our petition #PRM-73-11 will now be ruled upon as part of a separate NRC proposed rulemaking - Power Reactor Security Requirements (RIN 3150-AG63).

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With consideration for the post-9/11 security changes and the current proposed rules issued since the time of our original submittal (September 12, 2001), we have enclosed additional supporting rationale consistent with the goals of RIN 3150-AG63.

We are disturbed with the lack of attentiveness by the NRC for its own rulemaking process, and we are especially concerned that **five years after 9/11 there are still no requirements for entrance guards**. The NRC had scheduled resolution of our petition for September 2003.<sup>1</sup> The NRC has not given our petition "due process" or "due diligence." nor has the NRC met its statutory obligation.

It wasn't until adverse national news during the last week of December 2006 spotlighting the NRC's five year delay on entrance guards requirements that the NRC displayed any advancement, by in effect, combining the two rulemakings. This is not the first time whereby we have forced a response by embarrassing the Commission in a national news story.

Unfortunately, for five years the NRC has allowed our petition to languish whilst we vainly requested updates. Now in 2007, the NRC has in effect combined our petition with another NRC proposed rulemaking, "Power Reactor Security Requirements" (RIN 3150-AG63). The manner in which this merger has occurred gives the appearance of it being an "after-thought" rather than a thoughtful or timely judgment. So we cannot say that this development is advancement.

We believe it necessary to remind the commission that it cannot sidestep or delay public involvement in its regulatory process. In a recent speech to the NRC, Commissioner Gregory Jaczko stated, "Public confidence in the NRC is eroded each time we fail to resolve issues in a timely, clear, and transparent manner..."<sup>2</sup>

Ironically, our original intent was that by requesting only one regulatory change, the NRC would not tie it up in endless study. We are frustrated and dismayed that our concise petition has been relegated to **an invisible addendum** of a 200 plus page rulemaking which by itself had the industry (NEI) and the State of Pennsylvania requesting more time for study. There is no mention of Three Mile Island Alert's entrance guards petition included or published in the NRC's current proposed rulemaking (RIN 3150-AG63).

<sup>1</sup> NUREG-0936 Vol. 22, No. 1 NRC Regulatory Agenda.

<sup>2</sup> Speech on March 8, 2006 at the Regulatory Information Conference Rockville, MD

Template = SECY-067

SECY-02

Additionally, when the NRC had the opportunity to publish the merger of our petition in the Federal Register (January 5, 2007) announcing the 60-day extension for public and states' comments, there was no mention of the proposed rule for entrance guards. This is detrimental to the rulemaking process, to the citizens, and to the governmental officials and elected leaders who already have submitted letters of support for our petition to the NRC five years ago. We have no idea if those comments will be taken into account for rulemaking RIN 3150-AG63.

The NRC states in the background information for RIN 3150-AG63 that "it would address, in part [the] petition for rulemaking #PRM 50- 80 by the Union of Concerned Scientists and Mothers for Peace."<sup>3</sup> But there is no mention of our petition or the NRC's intent to address our petition in part or entirety within RIN 3150-AG63.

There is no "update" on the NRC's rulemaking website regarding the recent merger of our petition. There's no solicitation for additional comments now that the "top to bottom review" has been performed. The NRC provides a dedicated link for such updates to our petition but there has never been new information added in the five years following its origination.

However, there is an "update" link for Power Reactor Security Requirements granting the Nuclear Energy Institute's (NEI) request for a 60-day extension. Yet again, it does not state that Three Mile Island Alert's petition for entrance guards will be decided in conjunction with RIN 3150-AG63.

The January 31, 2007 NRC news release for the upcoming meeting to discuss the security requirement with the Commission mentions #PRM 50- 80 by the Union of Concerned Scientists and Mothers for Peace but not our entrance guard petition.

The NRC **should** have provided links to our petition in each of the Federal Register notices and on its own web site devoted to RIN 3150-AG63.

If proper notification and solicitation for comments on entrance guards had been published now that the NRC has re-examined security measures, it would be consistent with the "NRC's desire to receive high quality comments from external stakeholders" and consistent with the NEI's position that a "top to bottom" review was needed first.<sup>4</sup>

It is not clear if Three Mile Island Alert will be sent copies of all comments to RIN 3150-AG63 as is the policy if we had proposed RIN 3150-AG63. We believe that the NRC **must** send us all comments now that our proposed rule is being addressed by RIN 3150-AG63.

Scott D. Portzline  
Security Consultant  
Three Mile Island Alert

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<sup>3</sup> [http://ruleforum.llnl.gov/cgi-bin/library?source=html&library=secreq\\_info&file=background&st=prule](http://ruleforum.llnl.gov/cgi-bin/library?source=html&library=secreq_info&file=background&st=prule)

<sup>4</sup> NEI comment to TMIA petition #PRM-73-11 "Placing armed security officers at entrances to nuclear power plants may be appropriate depending on the threat that exists; however, such a decision should not be made in isolation; rather, it should be based on the results of the integrated top-to-bottom review."

## Three Mile Island Alert

### **Power Reactor Security Requirements (RIN 3150-AG63)**

Now that the NRC has performed its “top to bottom” review of security, we submit six additional comments specifically addressing our entrance guards proposed rule. We present another 13 general comments on RIN 3150-AG63 beginning with Section “B” (page 8). Four of these 13 comments are new topics in regards to this rulemaking. Please note two attached appendices which provide further supportive rationale.

#### **Section A: Comments on Entrance Guards**

1. A requirement for entrance guards would be consistent with RIN 3150-AG63 concerning main entrance and alternate routes.

“Owner controlled area. The licensee shall establish and maintain physical barriers in the owner controlled area to deter, delay, or prevent unauthorized access, facilitate the early detection of unauthorized activities, and control approach routes to the facility.”<sup>1</sup>

Also:

“The proposed regulations would require an integrated security plan that begins at the owner controlled area boundary and would implement defense-in-depth concepts and protective strategies based on protecting target sets from the various attributes of the design basis threat.”<sup>2</sup>

Also:

“Limit and control all approach routes.”<sup>3</sup>

Also:

“Licensees shall describe the site-specific factors affecting contingency planning and shall develop plans for actions to be taken in response to postulated threats. The following topics must be addressed:

(B) Approaches. Particular emphasis must be placed on main and alternate entry routes for law enforcement or other offsite support agencies and the location of control points for marshaling and coordinating response activities.”<sup>4</sup>

At Three Mile Island there are only two entrances. All travel to the island is by these two routes which are composed of bridges. In order to preserve a viable response plan for offsite responders (including fire fighting vehicles etc.) the bridges must be protected.

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<sup>1</sup> Federal Register / Vol 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62696

<sup>2</sup> Ibid p. 62669

<sup>3</sup> Ibid p. 62853

<sup>4</sup> Ibid p. 62830-62831

Currently the bridges have been in effect, conceded to the terrorists. A guarded and closed vehicle barrier is needed to control these emergency response routes which are mandated by the NRC.

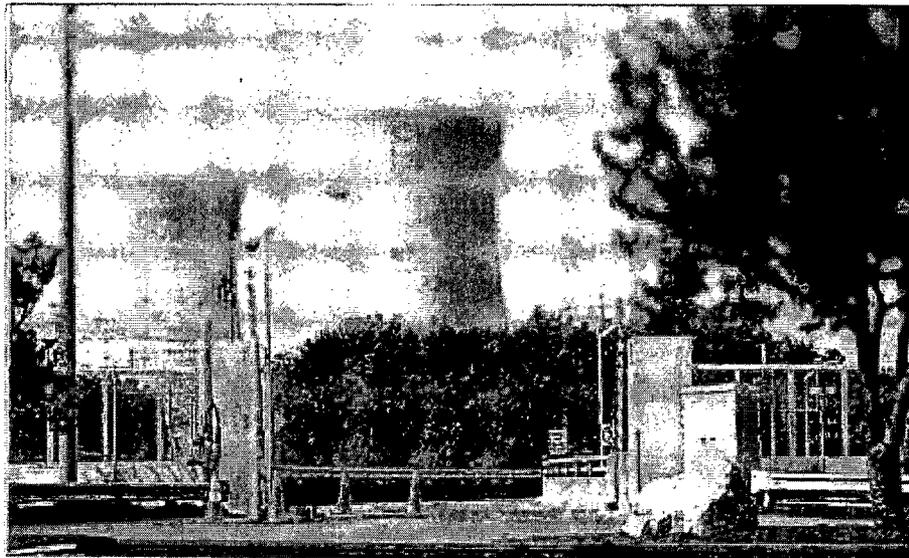
Figure 1



**CHECKPOINT** - Security at TMI was recently reconfigured to position guards island side of the access bridges. Critics of the move charge that the realignment of those bridges at risk and may increase the plant's vulnerability.

*This view is from the island looking outward toward the north entrance. Behind the van is one of the bridges and beyond that is the unguarded north entrance. A public spokesman for TMI told reporters, "The real security begins at the vehicle barrier and check point." (Middletown Press and Journal 9/14/2005)*

Figure 2



**PROTECTION ENOUGH?** The entrance to the Three Mile Island nuclear power plant is under surveillance, but the front gate is unmanned and wide open.

*This photo was taken two weeks before the 9/11 attacks and published in the US News & World Report Magazine on 9/17/2001.*

Although contingency plans call for watercraft and aircraft to transport personnel to the island, it does not account for bad weather times where operating these craft is impossible. (River ice can prevent watercraft usage for months at a time.) Nor do contingency plans account for transport of large equipment in a timely manner.

This shortfall is **in-consistent** with RIN 3150-AG63 mandated response capabilities.

“Licensees shall identify the personnel, equipment, and resources necessary to perform the actions required to prevent significant core damage and spent fuel sabotage in response to postulated events.  
(3) Licensees shall ensure that predetermined actions can be completed under the postulated conditions.”<sup>5</sup>

Also:

“Administrative and logistical considerations. The safeguards contingency plan must contain a description of licensee practices which influence how the licensee responds to a threat to include, but not limited to, a description of the procedures that will be used for ensuring that all equipment needed to effect a successful response will be readily accessible, in good working order, and in sufficient supply to provide redundancy in case of equipment failure.”<sup>6</sup>

There need’s to be a clear definition of what constitutes an entrance. As one licensee commented to our petition for rulemaking, “It is unclear the scope of types of entrances that would require an armed guard. For example, waterfronts, footpaths and roadways may be perceived as entrances.”<sup>7</sup>

If there is no clear line of demarcation, then security will have a mission with blurred lines and responsibilities. Furthermore, the public has been adversely affected by these blurred lines.

At TMI, members of the public (and even employees of the NRC) have been detained for crossing an inconspicuous blue line painted on the macadam at the north entrance to TMI. There was no sign or any other indicator that an individual or vehicle should not cross the line. All appearances gave the impression that the guard shack and the vehicle barrier another 60 feet further ahead were the control points. Citizens were detained, photographed and interrogated for nearly an hour as the FBI ran background checks.

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<sup>5</sup> Ibid p. 62872

<sup>6</sup> Ibid p. 62872

<sup>7</sup> Duke Power, January 14, 2002 comment to Three Mile Island Alert’s #PRM-73-11

So, we are bewildered as to why, following the 9/11 attacks, the NRC and law enforcement considered it necessary to stop any vehicle for crossing the blue line at TMI, but currently is not denying travel beyond the north entrance, to the north bridge and the island? (see figure #3 on page 8)

The current strategy of defending from “closer in” is not sufficient. It does not assure that the access routes will be kept open for emergency responders. The bridges are vulnerable from the road and waterway.

**2. A requirement for entrance guards is also consistent with RIN 3150-AG63 regarding observation.**

“To facilitate initial response to a threat, licensees shall ensure the capability to observe all areas of the facility in a manner that ensures early detection of unauthorized activities and limits exposure of responding personnel to possible attack.”<sup>8</sup>

Also:

“Licensees description must begin with physical protection measures implemented in the outermost facility perimeter, and must move inward through those measures implemented to protect vital and target set equipment.”<sup>9</sup>

Also:

“Licensees shall ensure early detection of unauthorized activities and shall respond to all alarms or other indications of a threat condition such as, tampering, bomb threats, unauthorized barrier penetration (vehicle or personnel), missing or unaccounted for nuclear material, escalating civil disturbances, imminent threat notification, or other threat warnings.”<sup>10</sup>

A requirement for entrance guards would be consistent with the NRC's strategy of “defense in depth.” Many terrorist attacks around the world have a common element; surveillance by the attackers. Entrance guards provide a visual deterrent and send the message of multiple layers of defense.

Furthermore, entrance guards are able to provide the front line for observation of suspicious activity near an entrance. Humans provide a level of observation which does not now exist even with surveillance cameras in place.

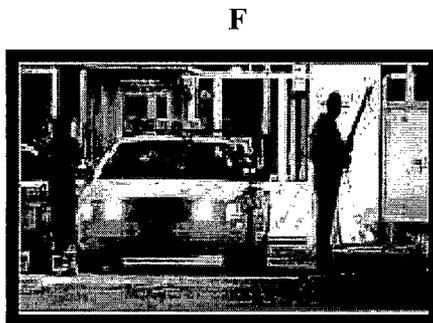
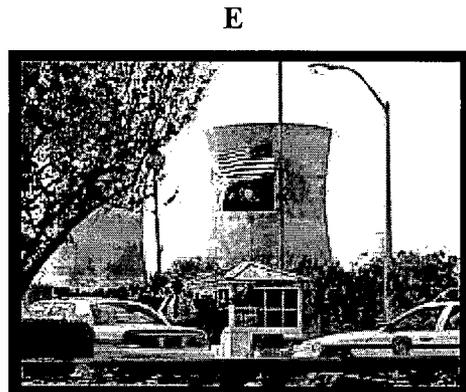
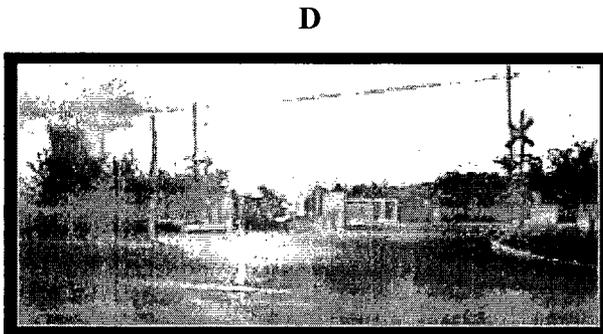
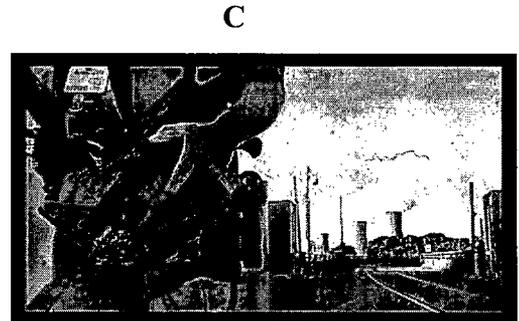
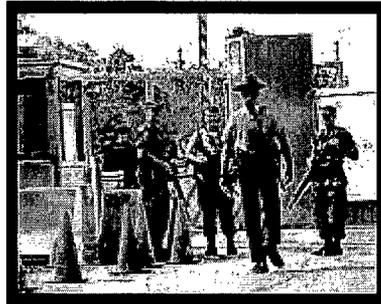
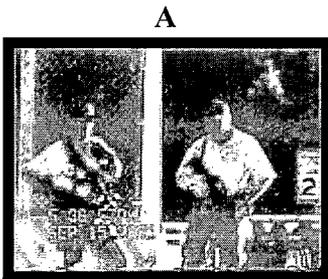
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<sup>8</sup> Ibid p. 62872

<sup>9</sup> Ibid p. 62872

<sup>9</sup> Ibid p. 62829

**Question:** Which of the following photographs taken at Three Mile Island portray(s) a protected entrance to would-be attackers or recognizance teams?



The correct answer is **A, B, E and F**. Photograph **C** shows an open vehicle barrier. Although photographed on September 8, 2001 (three days before the attacks), photograph **D** is the current condition of the north entrance at Three Mile Island -- once again wide open and unmanned. (see figure 2, page2)

Currently, at TMI attackers would be able to drive up to the vehicle check point to launch an attack, open or disable the vehicle barrier (including the remote control system), and drive close enough to the Protected Area to destroy vital equipment with a large truck bomb. It is the shock wave propagated through the ground which can overcome earthquake proofing measures and fracture reactor coolant pipes.<sup>11</sup> The NRC is still not protecting against large (real world) truck bombs.

"Licensees shall generally describe how the primary security functions are integrated to provide defense-in-depth and are maintained despite the loss of any single element of the onsite physical protection program."<sup>12</sup>

Also:

"Because of changes to the threat environment, the Commission views stand-off distances to be a critical element of the onsite physical protection program and which require continuing analysis and evaluation to maintain effectiveness."<sup>13</sup>

Also:

"Because of changes to the threat environment, the Commission views the vehicle bomb consideration to be a critical element of the onsite physical protection program which requires continuing analysis and evaluation to maintain effectiveness."<sup>14</sup>

Allowing vehicles to approach the vehicle check point without knowledge of the occupants' intentions, does not satisfy the proposed rule since the loss of a single element, specifically the vehicle check point barrier, could allow for a catastrophic radioactive release or meltdown.

"Unacceptable damage to vital reactor systems could occur from a relatively small charge at close setback distances, and from larger but still reasonable-sized charges at large setback distances, greater than the protected area for most plants."<sup>15</sup>

Additionally, attackers may have the cooperation with an insider who is able to destroy, incapacitate or otherwise render the vehicle checkpoint barrier worthless. Therefore, a second barrier farther out from the plant is necessary.

Entrance guards are the "first alert" for certain scenarios such as the aforementioned. They allow time for interior guards to take action. Without this "alert," control of the Protected Area can be compromised faster and with less difficulty. Specifically, remote control vehicle barrier systems can be destroyed during the very first seconds of an attack.

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<sup>11</sup> "Blast Evaluation for High-Risk Facilities"

<sup>12</sup> Federal Register / Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules 62872

<sup>13</sup> Ibid p. 62699

<sup>14</sup> Ibid p. 62699

<sup>15</sup> "An Analysis of Truck Bombs Threats at Nuclear Facilities" Sandia National Laboratories 1984

3. A requirement for entrance guards would be consistent with RIN 3150-AG63 regarding site specific factors, which by mandate, must be taken into account.

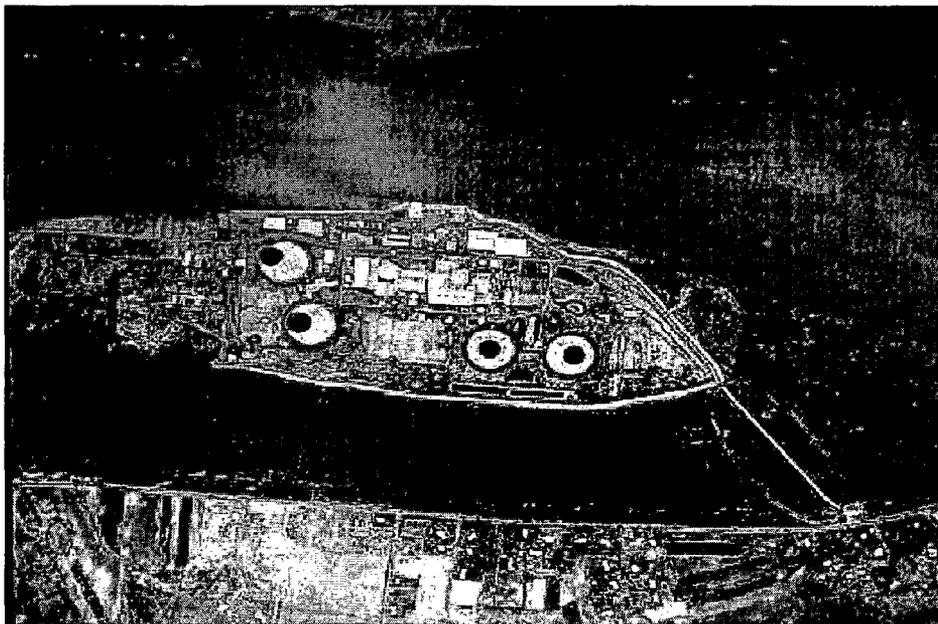
"Licensees shall describe the site-specific factors affecting contingency planning and shall develop plans for actions to be taken in response to postulated threats." <sup>16</sup>

Also:

"The safeguards contingency plan must include a site description, to include maps and drawings, of the physical structures and their locations. (A) The site description must address the site location in relation to nearby towns, transportation routes (e.g., rail, water, air, roads), pipelines, hazardous material facilities, onsite independent spent fuel storage installations, and pertinent environmental features that may have an effect upon coordination of response operations.

"Approaches. Particular emphasis must be placed on main and alternate entry routes for law-enforcement or other offsite support agencies and the location of control points for marshaling and coordinating response activities." <sup>17</sup>

Figure 3



*This overhead photograph highlights the north entrance bridge at TMI*

<sup>16</sup> Federal Register / Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62872

<sup>17</sup> Ibid p. 62872

4. As evidenced by the public comments to our petition, confidence in the NRC's present-day security regulations is lacking. The vast majority of public comments to our petition, and now to RIN 3150-AG63, support a requirement for entrance guards.<sup>18</sup>

5. In order to satisfy limiting exposure of entrance guards to attack, bullet resistant enclosures, or enclosures of even greater armored capability should be employed.

"To facilitate initial response to a threat, licensees shall ensure the capability to observe all areas of the facility in a manner that ensures early detection of unauthorized activities and limits exposure of responding personnel to possible attack."<sup>19</sup>

6. I have toured TMI and questioned site protection management if they had experienced any emergency vehicle delays caused by the new barriers, isolation zones or serpentine barriers. They responded that there were no problems. With proper planning, vehicle barriers will not interfere with emergency responders.

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Three Mile Island Alert

Section "B" begins on next page

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<sup>18</sup> see [http://ruleforum.llnl.gov/cgi-bin/library?source=\\*&library=TMI\\_PRM\\_public&file=\\*&st=p petitions-a](http://ruleforum.llnl.gov/cgi-bin/library?source=*&library=TMI_PRM_public&file=*&st=p petitions-a) and [http://ruleforum.llnl.gov/cgi-bin/library?source=\\*&library=secreq\\_public&file=\\*&st=prule](http://ruleforum.llnl.gov/cgi-bin/library?source=*&library=secreq_public&file=*&st=prule)

<sup>19</sup> Federal Register / Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62872

## Power Reactor Security Requirements (RIN 3150-AG63)

### Section B: Generalized Comments



1. There must be a requirement to identify certain bridges as “targets.” Access bridges, which if lost, would adversely affect or even negate the offsite responders’ capabilities. Since the NRC is requiring licensees to “identify target sets” and “to include analyses and methodologies used to determine and group the target set equipment or elements,” and because numerous emergency scenarios rely upon offsite responders as one of those “elements” to prevent “significant core damage or spent fuel sabotage,” bridges must be identified as targets.

“The safeguards contingency plan must include a site description, to include maps and drawings, of the physical structures and their locations.”<sup>20</sup>

Also:

“The licensee shall document in site procedures the process used to develop and identify target sets, to include analyses and methodologies used to determine and group the target set equipment or elements.”<sup>21</sup>

Also:

“The Commission has determined that because of changes to the threat environment the identification and protection of all target sets would be a critical component for the development and implementation of the licensee protective strategy and the capability of the licensee to prevent significant core damage and spent fuel sabotage, therefore, providing protection against radiological sabotage and satisfying the performance objective and requirements stated in the proposed paragraph (b) of this section.”<sup>22</sup>

2. We agree that there should be a requirement for backup electricity or for a manual closure capability of vehicle barriers, and periodic tests of their operability. This was one of the lessons learned at TMI on 9/11 when guards could not close the entrance barrier because there was no electricity to power it shut.<sup>23</sup>

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<sup>20</sup> Federal Register / Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62872

<sup>21</sup> Ibid p.62700

<sup>22</sup> Ibid

<sup>23</sup> Middletown Press and Journal September 12, 2001

“Periodically check the operation of active vehicle barriers and provide a secondary power source or a means of mechanical or manual operation, in the event of a power failure to ensure that the active barrier can be placed in the denial position within the time line required to prevent unauthorized vehicle access beyond the required standoff distance.”<sup>24</sup>

3. We agree that regulations should mandate cyber security. There should be a rule prescribing the timeframe in which a licensee shall determine that a cyber attack is occurring or has occurred. It takes time to determine if problems are hardware or software related. Therefore licensees must demonstrate a plan of action to detect cyber attacks and differentiate between the two problems.

There have been occurrences of public documents listing phone numbers for the licensee’s emergency call out systems and response call systems. Misuse of these numbers could cause serious problems or a denial of usage during emergencies. All licensees should be required to change their current-day emergency call out and response phone numbers and categorize them as safeguarded data.

It would be prudent if a third party advised the NRC whenever a generic cyber-security upgrade is needed rather than relying solely on a licensee’s judgment. New computer threats can develop overnight. Perhaps an NRC systems analyst and the National Institute of Standards and Technology Computer Security Division would fit the bill.

“The licensee shall periodically evaluate the cyber-security program for effectiveness and shall update the cyber-security program as needed to ensure protection against changes to internal and external threats.”<sup>25</sup>

 4. The NRC must protect against vehicle bombs with a force of up to 20,000 lbs of TNT and account for the ground shock wave which can overcome earthquake proofing measures.<sup>26</sup> We understand that this rule would have to be changed within the Design Basis Threat. Doing so would affect vehicle barrier locations and support the need for entrance guards.

 5. The NRC should require that during any security event or imminent threat, a licensee must open and maintain a continuous communications channel with its prescribed State Emergency Management Agency. The State Emergency Management Agency should in turn notify all local officials within 15 minutes.

<sup>24</sup> Federal Register/ Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62853

<sup>25</sup> Ibid p. 62727

<sup>26</sup> “Blast Evaluation for High-Risk Facilities”

The NRC rule states that it might request of the licensee to open a continuous communications channel with the NRC. It would be prudent to mandate that the licensee open a continuous communications channel with its State Emergency Management Agency. After all, that is where the initial offsite responses are generated.

Additionally, under Department of Homeland Security protocol, the Federal response will be determined in part by the local responders' ability to handle the incident(s).

"The level of Federal response to a specific incident is based on numerous factors, including the ability of State, local, and tribal officials to respond; the type and/or amount of radioactive material involved; the extent of the impact or potential impact on the public and environment; and the size of the affected area."<sup>27</sup>

A bureaucratic cycle of delayed actions could ensue without an open line from the licensee to the State. That is to say; the Federal response from DHS determinations won't be made solely upon continuous communications with the licensee or NRC, but rather in concert with the local responders' abilities to address or account for all aspects of an actual emergency; or in the case of a threat, State and local responders state of readiness (manning emergency operations centers, call out alerts etc).

**For example:** A State might have limited but sufficient assets to respond a water craft threat. Never the less, as an attack develops, the licensee might discover through surveillance cameras or other means, a second group of water-borne attackers which could overwhelm State and local responders. The licensee would report its observation to the State Emergency Management Agency and then the State could request assistance from Federal responders in the form of the US Coast Guard which operate under the auspices of DHS. This level of communication cannot be assured to be timely without an open and continuous line between the licensee and the State Emergency Management Agency.

So, it is the licensee which must maintain an open line with State and local responders in order to prevent another "Katrina like" cycle of "hand-sitting." (For details of a similar dilemma involving the NRC see "Whose job is it, anyway?")<sup>28</sup> The NRC has the authority to issue such a requirement for continuous licensee's communicability with the State.

The citizens and government officials living near Three Mile Island were frightened by an air threat on October 17, 2001.<sup>29</sup> An e-mail threat from Al Qaeda operatives in Spain stated that Three Mile Island would be hit with an explosive laden plane later that evening. The threat said someone working at the plant would disable the cooling system at the same time.

Three F-16 fighter jets were scrambled to orbit the plant. The airspace around Harrisburg was shutdown for nearly four hours. The threat was determined to be "not credible" and airspace was reopened.

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<sup>27</sup> National Response Plan, December 2004 Department of Homeland Security, Incident Annexes p. NUC-2

<sup>28</sup> <http://www.efmr.org/archives.php?ID=239> York Daily Record December 16, 2003.

<sup>29</sup> CNN "Threat at Three Mile Island closes airports"

<http://archives.cnn.com/2001/US/10/18/gen.three.mile.island/index.html>

The public was not made aware of these events until later (except for the roar of jet engines). More importantly, local officials were also left in the dark and were angered by the lack of communication.<sup>30</sup>

The NRC must review and learn the lessons from this incident to avoid communications delays. For a comprehensive timeline of the October 17, 2001 threat against TMI see: "Post-9/11 threat tested TMI."<sup>31</sup>



6. National emergency response drills have identified communications as being a persistent problem. Satellite phones provide a solution. Commercial phone lines and cell phones are unreliable and problematic during emergencies. Therefore, licensees should be required to have at least three satellite telephones.

7. We agree that regulations should mandate that licensees provide protection from watercraft. The only way that this can be realistically handled is with water craft barriers.

"The licensee shall control waterway approach routes or proximity to any area from which a waterborne vehicle, its personnel, or its contents could disable the personnel, equipment, or systems necessary to meet the performance objective and requirements described in paragraph (b) of this section.

The licensee shall delineate areas from which a waterborne vehicle must be restricted and install waterborne vehicle control measures, where applicable.

The licensee shall monitor waterway approaches and adjacent areas to ensure early detection, assessment, and response to unauthorized activity or "proximity, and to ensure the integrity of installed waterborne vehicle control measures where applicable."<sup>32</sup>

Watercraft barriers can delay entry into restricted waterways. Buoy lines are not sufficient. Monitoring is not sufficient. We recognize the hardship this places on licensees which

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<sup>30</sup> "Exelon should be extremely sensitive to the concerns of the residents who live in the area of Three Mile Island. We went through this 22 years ago and nothing has changed. I hope I never have to be critical again because I hope that they change their ways and include the notification of local governments in the process." PA Representative Bruce Smith, *York Daily Record* October 19, 2001.

<sup>31</sup> <http://www.efmr.org/archives.php?ID=240> York Daily Record December 16, 2003

<sup>32</sup> Federal Register / Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62853

would have to replace floating barrier systems damaged by ice. It may be cost effective to deploy permanent barrier systems.

We are attaching a letter from Harrisburg PA Mayor Steven R Reed supporting the need for watercraft barriers. It was originally submitted to the US Coast Guard for ruling.

8. We agree that regulations should mandate vital equipment be located only in vital areas. At TMI the control room air intake building has been located in the Protected Area. The licensee was able to rationalize this over a conflict of what constitutes "vital equipment." Control room operators must be protected from incapacitating agents.

"Vital equipment must be located only within vital areas, which in turn must be located within protected areas so that access to vital equipment requires passage through at least two physical barriers designed and constructed to perform the required function, except as otherwise approved by the Commission in accordance with paragraph (f)(2) of this section." <sup>33</sup>

9. We agree that onsite and offsite communication systems should be tested no less than daily. This requirement should never be relaxed.

"Communication systems between the alarm stations and each control room, and between the alarm stations and offsite support agencies, to include backup communication equipment, must be tested for operability at least once each day." <sup>34</sup>

10. We agree that a Protected Area guards' sole responsibility is inside the Protected Area. This is a lesson learned during the February 7, 1993 intrusion at TMI.

"Armed responders shall be available at all times inside the protected area and may not be assigned any other duties or responsibilities that could interfere with assigned response duties." <sup>35</sup>

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<sup>33</sup> Federal Register / Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62853

<sup>34</sup> Ibid p. 62729

<sup>35</sup> Ibid p. 62720

11. We agree that there should be no relaxation of unescorted access authorization during cold shut-down.

"Because of an increased concern with a potential insider threat, as discussed in Section IV.3, the NRC has determined that the relaxation of UAA requirements permitted in the current provision does not meet the Commission's objective of providing high assurance that Individuals who have unescorted access to protected areas in nuclear power plants are trust-worthy and reliable. Therefore, the current permission to grant unescorted access to an individual without meeting all of the requirements of proposed § 73.56 would be eliminated from the proposed rule." <sup>36</sup>

**NEW**

12. We believe that every delivery of fuel oil for supplying the emergency diesel generators should be tested onsite before it is pumped into the storage tanks. Saboteurs could deliberately foul fuel oil thereby clogging the fuel line and engines.

If saboteurs are able to disable the emergency diesel generators in conjunction with causing a station blackout (from offsite) a meltdown is possible. There must be a vigilant quality assurance program monitoring fuel oil. There is a higher risk of core damage associated with station blackout. <sup>37</sup>

**NEW**

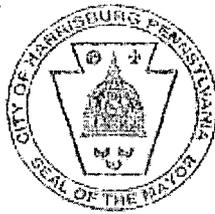
13. There should be a requirement for a portable set of truck mounted emergency diesel generators, parked far enough away from the site to remain protected by an accidental or deliberate air crash into the reactor site. If for any reason the permanent emergency diesel generators are inoperable, the truck mounted generators could plug into one of several strategically placed emergency electrical buses to restore power to the vital areas. This scenario would factor in the loss of the switchyard caused by an air crash and the resulting fires.

Scott D. Portzline  
Security Consultant  
Three Mile Island Alert

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<sup>36</sup> Ibid p. 62755

<sup>37</sup> "In recent years, NRC probabilistic risk assessments have made it clear that a "Station Blackout" at a nuclear power station is a major contributor to core damage frequency." NRC Chairman Dr. Shirley Ann Jackson, November 16, 1998, speech to the American Nuclear Society



## Office of the Mayor

### The City of Harrisburg

City Government Center  
10 North Market Square  
Harrisburg, PA 17101-1678

Stephen R. Reed

(717) 255-3040

Mayor

December 1, 2003

United States Coast Guard  
Marine Safety Office Philadelphia  
One Washington Avenue  
Philadelphia, PA 19147

Re: Docket Number CGD05-03-116

Dear Sir or Madam:

The City of Harrisburg is in receipt of the November 12, 2003, correspondence sent to your office by Three Mile Island Alert of Harrisburg, Pennsylvania, on the matter of proposing additional safety measures to prevent water borne penetration of the Three Mile Island Nuclear Power Station situated on Three Mile Island in Londonderry Township, Dauphin County, Pennsylvania.

The City of Harrisburg has long been concerned regarding the prospect of unauthorized and dangerous penetration of the island and facility, particularly from its western side.

It is clear that the establishment of buoys and lines would be an insufficient deterrent to anyone with a terrorist or criminal intent. We therefore concur in the recommendation that watercraft barrier systems, such as those made by "Wave Dispersion Technologies," be deployed, especially on the western side of Three Mile Island. As was noted in the November 12, 2003, from Three Mile Island Alert, even this would not be a year-round solution as the barriers would have to be removed during periods of very cold weather in the winter season to prevent their being damaged or destroyed by ice. Nonetheless, we believe it to be an appropriate additional precaution at this nuclear power facility which is worldwide known because of the 1979 accident at the site.

United States Coast Guard  
December 1, 2003  
Page 2

We therefore commend this recommendation to the United States Coast Guard for its favorable consideration.

Yours sincerely,



Stephen R. Reed  
Mayor

SRR:lmh

cc: Chief Donald H. Konkle  
Steven Dade, Esq.  
Randy King  
Scott D. Portzline



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WAR ON TERROR

Fri., Oct. 19, 2001

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# TMI threat response criticized

**Airports were closed and fighter jets were scrambled. But few local officials were notified.**

By SEAN ADKINS, SHARON SMITH and TERESA ANN BOECKEL

*Daily Record Staff*

One day after federal officials received a threat on Three Mile Island nuclear power plant, some lawmakers criticized how officials handled the potential crisis while others said they thought the plan worked.

In the wake of what the U.S. Nuclear Regulatory Commission termed a "potential terrorist threat," the plant notched up security.

The Federal Aviation Administration halted flights from Harrisburg International Airport and Lancaster Airport for about four hours Wednesday night.

Military jets patrolled the skies within a 20-mile radius of the plant. Officials alerted the state Emergency Management Agency and other state and federal authorities.

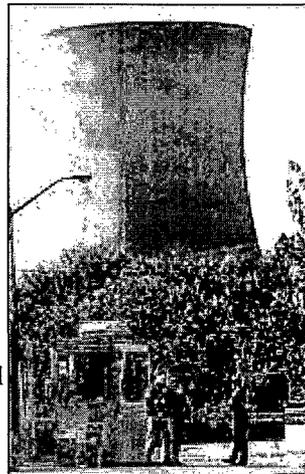
By 1 a.m. Thursday, officials said the threat had passed. The FBI is investigating and security remains tight at the plant. Officials would not describe the threat Thursday.

On Oct. 9, the plant shut down for routine, scheduled maintenance. It was unclear Thursday when the plant would resume operations.

Some, including a Londonderry Township supervisor who criticized TMI management after the Sept. 11 attacks, said the plan to deal with the threat worked Wednesday night.

However, if state Rep. Bruce Smith, R-Dillsburg was grading, those responding to the threat would be disappointed.

The Exelon Generation Co. owns and operates three Pennsylvania plants, including one unit at TMI. Exelon officials contacted Smith



YDR / CHRISTOPHER GLASS

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Security officers and a Pennsylvania state trooper guard the entrance to Three Mile Island Thursday morning after an undisclosed threat was made against the nuclear power plant.

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- History



Wednesday night about the threat. Smith's statehouse district encompasses the parts of York County that would most be affected by a problem at the power plant.

"They didn't spell out what it was except it was a threat they were taking seriously," Smith said.

While Smith was pleased that he was notified, he was upset that the same courtesy was not extended to the York County communities closest to the plant.

"Not all my local governments on the West Shore were notified," Smith said.

Smith asked an Exelon representative which local governments the company had called. Newberry Township, Goldsboro, Fairview Township, Lewisberry and York Haven all are within a short distance from the plant.

"Newberry and Goldsboro were notified," Smith said. "That's not good enough."

On Thursday, Smith fielded calls from angry constituents and a supervisor from Fairview Township.

Smith could relate to the supervisor's plight. He was a supervisor in 1979 when TMI had a partial meltdown.

"All of the York County municipalities were ignored in 1979," Smith said. "And now half of them are being ignored once again."

Smith told Exelon officials that they should notify all local governments.

"Exelon should be extremely sensitive to the concerns of the residents who live in the area of Three Mile Island," Smith said. "We went through this 22 years ago and nothing has changed. I hope I never have to be critical again because I hope that they change their ways and include the notification of local governments in the process."

The irony of the situation, Smith said, was that in June, representatives from local companies told Exelon's officials they were concerned about the plan to move Three Mile Island's emergency operations facility from Dauphin County to Coatesville in Chester County.

"They assured us that we would be notified adequately even if they went to (Coatesville)," Smith said. "We weren't. We warned them and they screwed up."

State Sen. Gib Armstrong, R-Lancaster, also was not satisfied in how the threat was handled.

"I do have some concerns about everything," he said. "I think we should be briefed on it. Still, I would like to know the process if there is a threat of attack."

U.S. Rep. Todd Platts, R-York County, was alerted, but was not given the details of the threats.

He was more understanding of the decisions made by those in charge.

"They can't share everything they know," he said. "That would help the terrorists."

Eric Epstein, chairman of Three Mile Island Alert in Harrisburg, said

he was impressed that the NRC notified him so quickly.

Created in 1977, TMI Alert is a group of activists concerned about the state and national regulation of the nuclear-power industry.

“This just goes to prove that the (emergency operations facility) should remain here rather than going to Coatsville,” he said.

Doug Gellatly, a supervisor in Londonderry Township, where TMI is located, said he was pleased with Wednesday night’s performance.

He said Dauphin County officials were notified and kept informed about the potential problem. That was a switch, he said, from last month when he tried to get answers about TMI security issues.

“We were definitely in the loop,” Gellatly said.

Dauphin County fully activated its emergency operations center, commissioner Lowman Henry said. Police, firefighters and emergency personnel were told to stand by to help if something did happen.

York County Commissioners were notified as well, commissioner James Donovan said. York County’s emergency services director Pat McFadden stood by as well.

While emergency and local officials were informed, federal officials had asked them to keep mum about what was going on.

Federal officials were hoping to catch the perpetrators, and local officials honored the order to keep quiet, Gellatly said.

Few people in the small borough of Goldsboro, just across the river from TMI, knew about the threat until they woke up Thursday morning and learned the news.

One woman, who declined to give her name, said it was scary. Others, though, took it in stride.

“I’m not going to let my life be dictated by it,” 61-year-old Patricia Moore said.

It’s like President Bush said: You have to go on with daily life, she said.

At the Goldsboro Marina, office manager Cindy Gross said she heard the military jets roar over her Springettsbury Township home Wednesday night.

She figured something was happening, but she never thought of TMI at the time.

Then Thursday morning, she heard about the threat on the radio while driving to work.

“I figure we’re well protected,” she said. “They know what they’re doing.”

The person who issued the threat could face federal prison time and fines for any economic loss to the community, according to Linda Vizi, spokeswoman for the FBI’s Philadelphia bureau.

Neil Sheehan, a spokesman for the NRC, said he could not talk about the threat because details could be used against the plant.

In this case, the lowest level of emergency was not even declared, he said.

"It was only a threat," he said.

Sheehan said the NRC plans to review security at the TMI and Peach Bottom nuclear power plants.

In 1993, both power plants put up extra barricades to protect against car bombs after the World Trade Center bombing.

That same year, TMI tightened security after a man drove past the front gate guard, rammed an alarmed fence and crashed through the turbine building's aluminum garage door. He eluded authorities on the island for four hours, but caused no damage.

Now TMI officials will take a look at protecting against airborne threats, Sheehan said.

State emergency management officials said they did not think the public needed to be notified immediately.

"The precautions felt sufficient to deal with any situation as far as last night's threat," said Pennsylvania Emergency Management Agency Ron Ruman.

If the agency determined the public must know about a threat or incident the broadcast media would be informed, he said.

"That wasn't deemed to be necessary last night," he said. "Once the information was received the appropriate steps were taken. Obviously, the situation was monitored constantly throughout the evening."

Officials at Harrisburg International Airport said they were contacted by the Federal Aviation Administration between 9:30 p.m. and 9:40 p.m. Wednesday. That is when the FAA shut down airspace, said Scott Miller, spokesman for the airport.

The FAA did not, he said, go into the details of the TMI threat and airport officials did not ask, either.

"We don't question the FAA," he said.

Airspace was reopened at 1 a.m. Thursday, Miller said. In all, five flights were affected by the threat, Miller said. Two flights were diverted — one to Allentown and one to Philadelphia, he said. The other three flights were not allowed to take off from the cities they were in.

There were a few delays Thursday morning, Miller said.

Typically, the planes used in the early morning flights would have spent the night at HIA so they would be available. Because of Wednesday night's threat that didn't happen, he said.

F-16s were brought in to patrol the airspace over the power plant. Pennsylvania does not have F-16s, according to the Pennsylvania Air National Guard. The planes are under the control of the North American Aerospace Defense Command.

Representatives from NORAD's public affairs department could not provide specific details of any intercepts or scrambles its planes may engage in.

However, the office did say that it has more than 100 fighter planes. Its 25 bases throughout the country are all on alert. Those planes continue to patrol the skies over New York and Washington, D.C., according to NORAD, and any one of those planes could have responded to TMI.

Reach Teresa Ann Boeckel at 771-2031 or [teresa@ydr.com](mailto:teresa@ydr.com). Reach Sharon Smith at 771-2029 or [smith@ydr.com](mailto:smith@ydr.com). Reach Sean Adkins at 771-2047 or [sadkins@ydr.com](mailto:sadkins@ydr.com).

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**From:** Carol Gallagher  
**To:** SECY  
**Date:** Mon, Feb 5, 2007 10:26 AM  
**Subject:** Comment letter on Power Reactor Security Requirements proposed rule

Attached for docketing is a comment letter on the above noted proposed rule from Scott Portzline that I received via the rulemaking website on 2/2/07.

Carol

**Mail Envelope Properties** (45C74C8E.116 : 5 : 35764)

**Subject:** Comment letter on Power Reactor Security Requirements proposed rule  
**Creation Date** Mon, Feb 5, 2007 10:26 AM  
**From:** Carol Gallagher  
**Created By:** CAG@nrc.gov

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