

June 13, 2008

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Eric J. Leeds, Director */RA/*
Office of Nuclear Reactor Regulations

SUBJECT: RESOLUTION AND CLOSURE OF PETITION FROM
SCOTT PORTZLINE, THREE MILE ISLAND ALERT

Your approval and signature are requested on the enclosed letter to petitioner (Enclosure 1) and the related *Federal Register* Notice (Enclosure 2). The Notice of Resolution and closure of a Petition Signed by EDO is also provided (Enclosure 3).

The Commission received a petition from Scott Portzline, on behalf of the Three Mile Island Alert, dated September 12, 2001. This petition for rulemaking (PRM) was assigned the docket number PRM-73-11. The petitioner requested that the U.S. Nuclear Regulatory Commission (NRC) amend its regulations governing physical protection of plants and materials to require NRC licensees to post at least one armed guard at each entrance to the “owner controlled areas” (OCAs) surrounding all U.S. nuclear power plants. The petitioner stated that this should be accomplished by adding armed site protection officers (SPOs) to the security forces—not by simply moving SPOs from their protected area (PA) posts to the OCA entrances. The petitioner believes that its proposed amendment would provide an additional layer of security that would complement existing measures against radiological sabotage and would be consistent with the long-standing principle of defense-in-depth.

The notice of receipt of the petition was published in the *Federal Register* on November 2, 2001 (66 FR 55603). The comment period closed on January 16, 2002. Eleven comment letters were received.

The NRC has determined that the issues raised in PRM 73-11 are appropriate for consideration, and in fact the issues are already being considered in the ongoing “Power Reactors Security Requirements” rulemaking. The NRC staff will address the comments filed in PRM-73-11 as part of the “Power Reactor Security Requirements” rulemaking. The proposed rule was published in the *Federal Register* on October 26, 2006 (71 FR 62664). That rulemaking proposed extensive revisions to the NRC regulations in 10 CFR Parts 50, 72, and 73 that address security requirements for nuclear power reactor licensees which cover the topics of PRM 73-11. The comment period on that proposed rule expired on March 26, 2007.

As indicated above, the staff has concluded its evaluation of PRM-73-11 and included it for consideration as part of the proposed rule “Power Reactor Security Requirements.” Therefore, PRM-73-11 is considered resolved and closed.

Enclosures:
As stated

CONTACT: Lauren Quiñones, NRR/DPR
(301) 415- 2007

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