

October 17, 2009

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USNRC

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October 19, 2009 (11:15am)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

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Three Mile Island Alert
Harrisburg PA

Secretary U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

ATTN: Rulemakings and Adjudications Staff
Docket Nos. NRC-2008-0122 and FEMA-2008-0022

We are concerned that the US Nuclear Regulatory Commission has failed to remedy a circumstance that could have devastating consequences for nuclear plant workers, emergency responders, and finally the citizens and the economic assets near nuclear plants.

In order to preserve a viable response plan for offsite responders (including fire fighting vehicles, law enforcement etc.) the bridges at nuclear plants must be protected so that control of approach routes can be maintained as per the original proposed new power reactor security rules. Currently, the bridges are not protected. The proposed rule states:

"Limit and control all approach routes." ¹

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." ²

¹ Federal Register / Vol. 71, No. 207 / Thursday, October 26, 2006 / Proposed Rules p. 62853

² Ibid p. 62830-62831

However, due to pressure from licensees, a last minute change to the final rule now eliminates that goal.

“The Commission received several comments on proposed § 73.55(e)(8)(ii) that to control vehicle approach routes is broader in scope than protecting against vehicle bomb attacks and preventing vehicle use as a means of adversary transportation as was stated in the proposed rule. In lieu of a specific requirement to control vehicle approach routes, §73.55(e)(10) provides general vehicle control requirements. The Commission acknowledges that the control of vehicle approach routes is generally accomplished through the establishment of vehicle control measures such as a vehicle barrier system designed for protection against vehicle bomb assaults or a protected area barrier that prevents unauthorized personnel from gaining proximity to protected areas or vital areas.”³

The NRC has erroneously swapped the goal of “marshaling and coordinating response activities” of offsite emergency responders to a specious argument about truck bomb protection of Protected and Vital Areas.

Furthermore, in the past we have tried to close this security and preparedness gap by meeting with the NRC and by filing a petition for rulemaking. You should be alerted to the fact that TMI Alert’s petition (#PRM-73-11) was never accepted or denied during its 7 years lifetime.⁴ So it is with utmost emphasis that we stress this point: The NRC and FEMA must re-examine this fundamental failure in accordance with its goals of this emergency preparedness review.

“(1) Review security and emergency plans to maximize compatibility between the plans;”⁵

³ SECY 08-0099 p. 49-50

<http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2008/secy2008-0099/enclosure1.pdf>

⁴ On more than 40 occasions the NRC has deliberately mishandled our proposed rule for entrance guards until they found a way to make it vanish from their proceedings. See the report on how the Nuclear Regulatory Commission bungled an effort to create a new rule to require entrance guards.

http://www.efmr.org/files/Bungled_TMIA.pdf or <http://www.tmia.com/entranceguards>

⁵ Federal Register / Vol. 74, No. 94 / Monday, May 18, 2009 / Proposed Rules p. 23254

The Emergency Response Routes Problem

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

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

The NRC's justification for not requiring protection of these bridges was ridiculous.

"In addition, the Commission has determined that local roads and bridges that are not subject to licensee control are equally important and vulnerable to attack with regards to the capability of offsite support agencies to respond to any site." ⁶

Although contingency plans call for watercraft and aircraft to transport personnel to the island, it does not account for times of bad weather where operating these craft is impossible. (River ice can prevent watercraft usage for months at a time.) Furthermore, contingency plans cannot account for the transport of large equipment in a timely manner via air and water craft.

The most recent tactics used by vehicle bombers include multiple vehicles attacking a single facility minutes apart. Variations of this tactic allow terrorists further penetration and/or the blockage of emergency responders. ⁷

For further information regarding the "response routes problem" see these previous records issued by TMI Alert.

[TMI Alert Entrance Guards Petition for Rulemaking 2001](#)

[TMI Alert additional comments Entrance Guards Petition for Rulemaking 2007](#)

[How the NRC Bungled the Entrance Guards Proposed Rule](#)

[Boat Exclusion Zones](#)

⁶ NRC Power Reactor Security Requirements Integrated Comment Responses p.63, (enclosure 3 of SECY-08-0099)

<http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2008/secy2008-0099/enclosure3.pdf>

⁷ France has experienced spectacular prison attacks where burning vehicles were used to divert, delay and block responders. See link above "Boat Exclusion Zones" page 6.

Communications Problems

Every Homeland Security response drill has shown that telephone service is not reliable during an emergency. Therefore, licensees should have at least three satellite telephones. The NRC rejected our proposal for requiring satellite phones as a solution. They spuriously argued that this rule would require “updating every time a new technology becomes available.”⁸

Cyber Security Reporting Delay

There should be a rule prescribing the timeframe in which a licensee shall determine that a cyber attack has or is occurring. Timely reporting is needed so that the NRC is able to assess if a concerted cyber attack is occurring and then warn other plants and other utility sectors through FEMA and DHS. The NRC ignored our rationale in its analysis of our proposal for its new power reactor security requirements.

Emergency preparedness and responses will be delayed without remedying this flaw.

Scott D. Portzline

⁸ NRC Power Reactor Security Requirements Integrated Comment Responses p. 117-118, (enclosure 3 of SECY-08-0099)
<http://www.nrc.gov/reading-rm/doc-collections/commission/secys/2008/secy2008-0099/enclosure3.pdf>

Rulemaking Comments

From: Scott D. Portzline [sdportzline1@verizon.net]
Sent: Monday, October 19, 2009 10:50 AM
To: Rulemaking Comments
Cc: sdportzline1@verizon.net
Subject: comments for Rulemaking
Attachments: TMI Alert comments 10-17-2009 for docket NRC-2008-0122.pdf

Please add TMI Alert comments to the record for docket

NRC-2008-0122

file attached

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Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.393.1; Mon, 19 Oct 2009
10:50:50 -0400

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X-MID: 7283285

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X-IronPort-Anti-Spam-Result:

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with ESMTP; 19 Oct 2009 10:50:49 -0400

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vms173011.mailsvcs.net (Sun Java(tm) System Messaging Server 6.3-7.04 (built
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<0KRR00JUENW0K4N6@vms173011.mailsvcs.net> for Rulemaking.Comments@nrc.gov;
Mon, 19 Oct 2009 09:50:25 -0500 (CDT)

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Date: Mon, 19 Oct 2009 09:50:24 -0500

From: "Scott D. Portzline" <sdportzline1@verizon.net>

To: Rulemaking.Comments@nrc.gov

CC: sdportzline1@verizon.net

Message-ID: <2093109066.465337.1255963824906.JavaMail.root@vms170003.mailsvcs.net>

Subject: comments for Rulemaking

MIME-Version: 1.0

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