

***SUBJECT: SUBMITTAL OF PETITION FOR RULEMAKING TO
EXTEND THE MINIMUM DISTANCE FROM FIVE TO TEN MILES
FOR HOST SCHOOL PICK-UP POINTS BEYOND PLUME
EXPOSURE BOUNDARY LINES***

April 11, 2007

Secretary
Office of the Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C., 20555-0001.

Dear Secretary:

The enclosed Petition for Rulemaking ("the Petition") seeks to codify and clarify Nuclear Regulatory Commission ("NRC") and Department of Homeland Security ("DHS") and the Federal Emergency Management Agency ("FEMA") relocation requirements by clearly mandating the extension of ALL host school pick-up centers to be at **a minimum distance of five to 10 miles beyond the radiation plume exposure boundary zone** to properly ensure **ALL school children** (1) are protected in the event of a **radiological emergency** (2).

¹ For purposes of this Petition, "**school children**" refers to the definition provided by the Nuclear Regulatory Commission in the Federal Register, Vol. 70, No 242, on Monday, December 19, 2005, pp. 75085-75086:

"Emergency plans for all nuclear power reactors are required under Part 50, as amplified by NUREG-0654/FEMA-REP-1 and applicable FEMA guidance documents, to have specific provisions for all 'special facility populations,' which refers not only to pre-schools, nursery schools, and daycare centers, but all kindergarten through twelfth grade (K-12) students, nursing homes, group homes for physically and mentally challenged individuals and those who are mobility challenged, as well as those in correctional facilities. FEMA GM 24, 'Radiological Emergency Preparedness for handicapped persons,' dated April 5, 1984, and GM-EV-2, 'Protective Actions for School Children,' dated November 13, 1986 provide further guidance."

² Any reference to **emergencies, emergency evacuations, or radiological incidents, radiological emergencies** are referring to any radiological condition that occurs (at any of the licensed nuclear power stations located under the control of the U.S. Nuclear Regulatory Commission) that poses a general threat to the public located within the established evacuation zones.

There is a regulatory gap, and an absence of minimum distance requirements for host school pick-up centers in relation to radiation plume exposure boundary lines. Host-schools are the destination points that children are transported to for “safe keeping” until their parents, guardians or primary caregivers arrive. (3)

Yet according to the NRC regulations listed in NUREG-0654r1, general population relocation centers are required to be at least 5 miles beyond the radiation plume exposure boundary zone.

“Relocation centers in host areas which are at least 5 miles, and preferably 10 miles, beyond the boundaries of the plume exposure emergency planning zone”

– Page 63 from NUREG-0654r1

Current NRC and DHS/FEMA planning requirements fail to meet the safety needs of all school children (4), and do not establish a reasonable standard for the offsite relocation distances to adequately protect the public’s health and safety.

3 Any reference to **host school pick-up centers** is referring to the designated relocation centers ALL school children, attending school (as defined in Footnotes 1 & 3) within the established evacuation zones around any of the licensed nuclear power station located around the nation under the control of the U.S. Nuclear Regulatory Commission, would be relocated to during a radiological emergency so parents or alternates could pick them up.

4 The adverse health effects of exposure to ionizing radiation has conclusively demonstrated that children, adolescents and pregnant women are the most vulnerable populations to radiation exposure.

Aren't children more sensitive to radiation than adults?

“Yes, because children are growing more rapidly, there are more cells dividing and a greater opportunity for radiation to disrupt the process. EPA's radiation protection standards take into account the differences in the sensitivity due to age and gender. Fetuses are also highly sensitive to radiation. The resulting effects depend on which systems are developing at the time of exposure.”

http://www.epa.gov/radiation/understand/health_effects.htm

Without updated NRC and DHS/FEMA requirements designed to relocate all host school pick-up centers to safe distances beyond the radiation plume exposure boundary zone, school children will continue to have inadequate protective measures that fail to ensure their safety during a radiological emergency.

Sincerely,

Eric Epstein, Chairman,
Three Mile Island Alert, Inc.
4100 Hillsdale Road
Harrisburg, PA 17112

Three Mile Island Alert , Inc., is a safe-energy organization based in Harrisburg, Pennsylvania and founded in 1977. TMIA monitors Peach Bottom, Susquehanna, and Three Mile Island nuclear generating stations.

Enclosures:

- *Petition for Rulemaking to Extend the Minimum Distance from Five to Ten Miles for Host School Pick-up Points Beyond Plume Exposure Boundary Lines*
- STATEMENTS IN SUPPORT: A, B, C & D
- ATTACHED SUPPORT MATERIALS: Exhibits 1, 2, 3, 4, 5 & 5b, 6 & 7

***SUBJECT: SUBMITTAL OF PETITION FOR RULEMAKING TO
EXTEND THE MINIMUM DISTANCE FROM FIVE TO TEN MILES
FOR HOST SCHOOL PICK-UP POINTS BEYOND PLUME
EXPOSURE BOUNDARY LINES (5)***

PETITION GUIDELINES

According to the guidelines posted on the NRC's web site:
<http://ruleforum.llnl.gov/nrcforum/petition.html> the petition must as a
minimum:

1) "Set forth a general solution to the problem or present the substance or text of any proposed regulation or amendment or specify the regulation that is to be revoked or amended."

2) "State clearly and concisely your grounds for and interest in the action requested."

3) "Include a statement in support of the petition that sets forth the specific issues involved; your views or arguments with respect to those issues; relevant technical, scientific, or other data involved that is reasonably available to your; and any other pertinent information necessary to support the action sought."

5 For purposes of this Petition, the following applies to the general content:

Any reference to **host school pick-up centers** is referring to the designated relocation centers ALL school children, attending school (as defined in Footnotes 1 & 3) within the established evacuation zones around any of the licensed nuclear power station located around the nation under the control of the U.S. Nuclear Regulatory Commission, would be relocated to during a radiological emergency so parents or alternates could pick them up.

Any reference to **general population relocation centers** is referring to the designated relocation centers for the general population, that resides within the established evacuation zones around any of the licensed nuclear power station located around the nation under the control of the U.S. Nuclear Regulatory Commission, to be relocated to during a radiological emergency to be used as shelters and reunion points.

Any reference to **emergencies, emergency evacuations, or radiological incidents, radiological emergencies** are referring to any radiological condition that occurs (at any of the licensed nuclear power stations located under the control of the U.S. Nuclear Regulatory Commission) that poses a general threat to the public located within the established evacuation zones.

I. SOLUTION TO THE PROBLEM:

The NRC must promulgate and codify regulations that extend of ALL host school pick-up centers to be at a **minimum distance of five to 10 miles beyond the radiation plume exposure boundary zone** to properly ensure ALL school children are protected in the event of a radiological emergency.

II. GROUNDS FOR AND INTEREST:

The NRC must codify and clarify relevant regulations to ensure that standards, pertaining to Radiological Emergency Readiness Planning, properly protect ALL school children are protected in the event of a radiological (4) emergency.

During the core-melt accident at Three Mile Island, a “precautionary evacuation” for pre-school children and pregnant women was issued on March 30, 1979 by Governor Richard Thornburgh.

However, the relocation centers were located in the plumes’ pathways at William Penn High School Harrisburg (north) and the Hersheypark Arena (northeast **just outside of the 10 mile EPZ.** (6) Out of a target population of 5,000, approximately 144,000 central Pennsylvania residents living within **15 miles** of Three Mile Island "evacuated" the area. (Please refer to Exhibits 5a & 5b and Exhibit 6)

6 Sources:

- “Mass Evacuations to Rural Communities,” School of Public Health, *University at Albany Center for Public Health Preparedness*, November 9, 2006.
- “Evacuation Intentions of Parents in an Urban Radiological Emergency,” *Journal Urban Studies: Geography and Planning and Urban Development Issue*, Volume 26, Number 2/April 1989, pp. 191-198.
- “In Response to Nuclear Power Plant Accidents,” *The Professional Geographer*, Volume 36 Issue 2 Page 207, May 1984, Donald J. Zeigler, James H Johnson Jr. “Evacuation Behavior in Response to Nuclear Power Plant Accidents.”)

III. STATEMENTS IN SUPPORT:

This Petition includes the following support statements:

A) West Shore School District: “Care of Students Due to an Emergency” and “School Handbook” information. (7)

B) *The York Daily Record* (September 12, 2002): “Plans for a Quick Exit” by Teresa Ann Boeckel.

C) FEMA FACT SHEET: “Three Ways To Minimize Radiation Exposure.”

D) NUREG-0654r1: Data on radiation plume exposure times.

IV. ATTACHED SUPPORT MATERIALS:

Exhibit 1: West Shore School District: “Care of Students Due to an Emergency” information and “School Handbook.”

Exhibit 2: Overlay of West Shore School District Designated Host School Relocation Centers on TMI’s 10 Mile Emergency Planning Zone.

Exhibit 3: FEMA Fact Sheet: “Nuclear Power Plant Emergency.”

Exhibit 4: NRC NUREG-0654r1.

Exhibit 5a and 5b: March 28, 1979: Hourly Wind Vector TMI-2 and “Reestablishing the Noble Gas Releases from the Three Mile Island Accident,” Jan Beyea and John M. DeCicco, National Audubon Society, August 14, 1990

7 The West Shore School District has provided an exemplary and cogent platform on the web and through hard copy of “how to” distribute information to educators and parents. The School District is not at fault for implementing federal guidelines.

Exhibit 6: Nuclear Regulatory Commission, RIC 2007, "Emergency Preparedness Session," Apex HazMat Incident, Brian McFeaters, Assistant Director, Wake County Emergency Management, March 13, 2007.

Exhibit 7: "Report by James Lee Witt Associates Identifies Improvement Items at Penn DOT, State Police, PEMA, National Guard." (March 27, 2007) A full copy of the report by James Lee Witt Associates can be found at:
<http://www.wittassociates.com>.

V. SUMMARY:

The enclosed Petition for Rulemaking ("Petition" or "the Petition") seeks to codify and clarify Nuclear Regulatory Commission ("NRC") and Department of Homeland Security ("DHS") and the Federal Emergency Management Agency ("FEMA") relocation requirements by clearly mandating the extension of ALL host school pick-up centers to be at **a minimum distance of five to 10 miles beyond the radiation plume exposure boundary zone** to properly ensure **ALL school children** (8) are protected in the event of a radiological emergency.

8 For purposes of this Petition, "**school children**" refers to the definition provided by the Nuclear Regulatory Commission in the Federal Register, Vol. 70, No 242, Monday, December 19, 2005, pp. 75085-75086.

"Emergency plans for all nuclear power reactors are required under Part 50, as amplified by NUREG-0654/FEMA-REP-1 and applicable FEMA guidance documents, to have specific provisions for all 'special facility populations,' which refers not only to pre-schools, nursery schools, and daycare centers, but all kindergarten through twelfth grade (K-12) students, nursing homes, group homes for physically and mentally challenged individuals and those who are mobility challenged, as well as those in correctional facilities. FEMA GM 24, 'Radiological Emergency Preparedness for handicapped persons,' dated April 5, 1984, and GM-EV-2, 'Protective Actions for School Children,' dated November 13, 1986 provide further guidance."

I. SOLUTIONS TO THE PROBLEM:

1) "Set forth a general solution to the problem or present the substance or text of any proposed regulation or amendment or specify the regulation that is to be revoked or amended."

This petition sets forth general solutions to the problem with the NRC and DHS/FEMA oversights in regard to the location of host school pick up centers.

This Petition for Rulemaking seeks to clarify and codify U.S. Nuclear Regulatory Commission (NRC)/Federal Emergency Management Agency (FEMA) requirements to extend ALL host school pick-up centers minimum required distances to 5 to 10 miles beyond radiation plume exposure boundary zone.

These changes are requested and necessary to ensure ALL school children, attending school within the established evacuation zones around any of the licensed nuclear power station located around the nations under the exclusive jurisdiction of the U.S. Nuclear Regulatory Commission, are properly protected in the event of a radiological emergency. (See Exhibit 1)

The current requirements allow host school pick-up centers to be just outside of the 10 mile radiation plume exposure boundary zone, are inadequate, fail to meet the safety needs of school children, and clearly fail to meet any reasonable standard for the offsite plans to adequately protect their health and safety.

Unlike general population relocation centers which, according to NRC and DHS/FEMA regulations, are required to be at least **five miles and recommended to be at least 10 miles beyond the radiation plume exposure boundary zone**, host **school pick-up centers** are only required to be **outside** of the established radiation plume exposure boundary zone.

Due to inadequate guidance and regulations, many host pick-up schools are located within **2.5** miles and some as little as **.5** mile of this boundary line (See Exhibit 1.) The current evacuation scenario defeats DHS/FEMA's recommendations for minimizing radiation exposure to the public.

*“There are three factors that minimize radiation exposure to your body:
Time, Distance, and Shielding.”
(FEMA: Fact Sheet, Exhibit 3.)*

The NRC's regulations are inadequate and contradict DHS/FEMA's recommended safeguards for mitigating radiation exposure, i.e., “Time, Distance or Shielding.” There is no valid public objective or moral imperative that would keep children within a zone of exposure during a radiological emergency.

Furthermore, according to the data cited on page 17 of NRC NUREG-0654r1 (Please refer to Exhibit 4), it could take as little as **one to four hours** for the plume release to reach the 10-mile boundary line. These host school pick-up centers are where children will be waiting for parents, relatives, family members or care-givers to pick them up during a radiological emergency. School children may be at these centers for undetermined periods of time.

This Petition's general solution to the problem of proximity of host school pick-up centers to the radiation plume exposure boundary zone is for the NRC and DHS/FEMA to clarify and codify requirements for host school pick-up centers to be located a minimum distances of **at least five miles and preferably 10 miles beyond the plume exposure boundary zone.**

II. GROUNDS FOR AND INTEREST:

2) "*State clearly and concisely your grounds for and interest in the action requested.*"

This Petition addresses the deficiencies associated with the distance placement of host school pick-up centers and remedies the oversight by providing mandatory standards pertaining to Radiological Emergency Readiness Planning that ensure ALL school children are properly prepared and protected during a radiological emergency.

As previously stated, the current requirements which allow host school pick-up centers to be just outside of the radiation plume exposure boundary zone are inadequate, fail to meet the safety needs of school children and clearly fail to meet FEMA requirements for offsite plans to adequately protect the public's health and safety.

Since 1980, each utility that owns a commercial nuclear power plant in the United States has been required to have both an onsite and offsite emergency response plan as a condition of obtaining and maintaining a license to operate that plant. Onsite emergency response plans are approved by the Nuclear Regulatory Commission. Offsite plans (which are closely coordinated with the utility's onsite emergency response plan) are evaluated by the Federal Emergency Management Agency and provided to the NRC, who must consider the FEMA findings when issuing or maintaining a license.

Federal law establishes the criterion for determining the adequacy of offsite planning and preparedness, i.e., "Plans and preparedness must be determined to adequately protect the public health and safety by providing reasonable assurance that appropriate measures can be taken offsite in the event of a radiological emergency." (Exhibit 3)

These outdated and inadequate requirements also do not take into account a possible 9/11 style terrorist attack, which due to lack of advance warning, would severely truncate the timeframes evacuation plans utilize making the host school pick-up center distance from the plume exposure boundary line an extremely important health factor.

“There are three factors that minimize radiation exposure to your body: Time, Distance, and Shielding.”

The NRC and DHS/FEMA should expeditiously create and implement this Petition's recommendations regulations to expedite emergency planning amongst the states and counties with evacuation zones to properly ensure the safety, health, and well being of all populations residing in these established zones.

The “established grounds” and “interest” focus on the need to fix logistical deficiencies so that the Radiological Emergency Readiness Plans (RERP) meet the established requirements to properly protect the public.

But more importantly, the “established grounds” and “interest” are for the safety of all school age children that are currently not properly protected by the current federal, state or county emergency plans.

III. STATEMENTS IN SUPPORT

3) "Include a statement in support of the petition that sets forth the specific issues involved; your views or arguments with respect to those issues; relevant technical, scientific, or other data involved that is reasonably available to your; and any other pertinent information necessary to support the action sought."

This Petition includes the following support statements:

A) West Shore School Districts: "Care of Students Due to an Emergency," p.1, para. 5, 6 & 7. The information is also accessible through the "School Handbook," pp. 14 and pp. 37-39. (9)

B) The *York Daily Record* (September 12, 2002): "Plans for a Quick Exit" by Teresa Ann Boeckel documented in 1994 experts state it could take over **11 hours** to evacuate the 10 mile Planned Evacuation Zone Area.

C) FEMA FACT SHEET: "Three Ways To Minimize Radiation Exposure."

"Plans and preparedness must be determined to adequately protect the public health and safety by providing reasonable assurance that appropriate measures can be taken offsite in the event of a radiological emergency."

"There are three factors that minimize radiation exposure to your body: Time, Distance, and Shielding."

D) NUREG-0654r1 data on radiation plume exposure times, pp. 16-18 and Tables 1 & 2, pp., and J. "Protective Measures," 60 -65 and Table J-1.

9 The West Shore School District has provided an exemplary and cogent platform on the web and through hard copy of "how to" distribute information to educators and parents. The School District is not at fault for implementing federal guidelines.

IV. ATTACHED SUPPORT MATERIALS:

Exhibit 1: West Shore School Districts “Care of Students Due to an Emergency” information and the “School Handbook.”

According to the map on the West Shore School District web site: <http://www.wssd.k12.pa.us/> the following four schools are the host school pick-up centers for all of the 17 West Shore Schools which are located inside the 10 mile emergency planning zone (See Exhibit 2):

- *Cedar Cliff High School = **less than .5 mile** from Plume Exposure Boundary (PEB) line.*
- *Allen Middle School = **less than 2.5 miles** from PEB line.*
- *Lemoyne Middle School = **less than 1.75 miles** from PEB line.*
- *Washington Heights Elementary School = **less than 1.75 miles** from PEB line.*

The farthest designated relocation center is within 2.5 miles of the plume exposure boundary zone. Cedar Cliff High School is within .5 a mile of the plume exposure boundary zone.

Exhibit 2: Overlay of West Shore School District Designated Host School Relocation Centers on TMI’s 10 Mile Emergency Planning Zone.

The Petitioner respectfully submits that "harm's way" does not end at an imaginary "ten (10) mile line." Investing in the theory that an invisible lead curtain will protect our children is not reality. Host school pick-up centers need to be located at safe distances well beyond the plume exposure boundary line to ensure the health and well-being of all school children in the event of a radiological emergency, and keep frantic parents from clogging vital evacuation routes by making them backtrack into the evacuation zone to pick up their children. Since school children are part of the general population and DHS/FEMA has stated it's the law to properly safe guard the public in the event of a radiological emergency.

- Parents may not be able to reach children in a timely manner due to clogged evacuation routes.
- Parents may not be able to reach children in a timely manner because they may need to travel to several host school pick-up centers to reunite with children of different age groups.
- Parents may not be able to reach children in a timely manner because they may not know where their children have been relocated to due to vague and inadequate instructions, and a general lack of awareness to the evacuation plans.
- Parents may not be able to reach children in a timely manner due to planning criteria that will utilize all evacuation route lanes in outbound only capacities.
- A possible 9/11 style terrorist attack would undermine advance warning and defeat planned time frames for evacuation.
- Incongruent time factors relating to radiation plume release figures as compared to estimated evacuation times.

Exhibit 3: FEMA Fact Sheet, “Nuclear Power Plant Emergency - Three Ways To Minimize Radiation Exposure”

According to the Fact Sheet, *“There are three factors that minimize radiation exposure to your body: Time, Distance, and Shielding.”*

Distance from the radiation plume exposure boundary line is crucial to provide a time and space buffer for host school pick-up centers .

“Depending on the weather and time of year, it could take anywhere from 6 hours and 30 minutes to 11 hours and 10 minutes to evacuate the entire 10-mile radius around TMI, according to a 1994 study.” (Please refer to “Support Statement B)

These estimates (10) are now over 13 years old and the population has grown substantially (especially in northern York County) since 1994. (United States 2000 Census, U.S. Census Bureau Bureau, December 24, 2006. Evacuation time estimates will most likely be longer (11).

Exhibit 4: NUREG-0654r1 data on radiation plume exposure times

According to page 17 of NUREG-0654r1 (See Exhibit 4), travel time for the radiation plume from the release of exposure point to the 10 mile range could take as little as one to four hours.

Distance considerations for host school pick-up centers from the radiation plume exposure boundary line are crucial to provide a time and space buffer.

Statements in support demonstrate the need and importance for these new NRC/FEMA requirements by showing there are risks posed to school children to radiation exposure due to:

10 The *York Daily Record* (September 12, 2002), “Plans for a Quick Exit” by Teresa Ann Boeckel. This article documents that in 1994 experts state it could take over **11 hours** to evacuate the 10 mile Planned Evacuation Zone Area.

11 On February 14, 2007, motorists were stranded for more than **24 hours** in subfreezing temperatures on I-78. This was the latest example of how ill prepared Pennsylvania is to handle an “**announced emergency.**” If PEMA can’t get people off a highway for more than 24 hours due to snow and ice, how is the Agency going to evacuate an entire population living in the 10 mile Emergency Planning Zone around a nuclear power plant? (Please refer to Exhibit 7.)

- The current placement of some host school pick-up centers are as little as .5 a mile from the plume exposure boundary zone.
- Plume exposure release times could be compressed from one to four hours. (12)
- Estimated evacuation times could exceed 11 hours.
- The lack of time and distance currently embedded in a closer proximity.
- Parents may not be able to reach children in a timely manner due to clogged evacuation routes.
- Parents may not be able to reach children in a timely manner because they may need to travel to several host school pick-up centers to reunite with children of different age groups.
- Parents may not be able to reach children in a timely manner because they may not know where their children have been relocated to due to vague and inadequate instructions, and a general lack of awareness to the evacuation plans.
- Parents may not be able to reach children in a timely manner due to planning criteria that will utilize all evacuation route lanes in outbound only capacities.
- A possible 9/11 style terrorist attack, which due to lack of advance warning, would severely truncating the timeframes evacuation plans.
- Current set of disproportionate time factors relating to radiation plume release figures as compared to estimated evacuation times.

12 It is **physically impossible** for federal, state, or local government to verify that any of Pennsylvania's special needs' populations can subscribe to NUREG-0654 J-12 Reception Centers since these facilities have not been assigned a relocation center. These facilities can not "reasonably assure" a **12 hour monitoring standard from an unidentified relocation center** that may (or may not) exist "at least 5 miles, and preferably 10 miles, beyond the boundaries of the plume exposure emergency planning zone."

Exhibit 5a & 5b: March 28, 1979: Hourly Wind Vector TMI-2 and “The Noble Gas Releases From the Three Mile Island Accident, Jan Beyea and John M. DeCicco, National Audubon Society, August 14, 1990.”

Taken together, these exhibits demonstrate that the prevailing wind and plume directions during the March 28, 1979 accident, and “the highest doses were received in the NNW sector...Exposures were concentrated in the areas lying to the north and west...”[of Three Mile Island] (Beyea& DeCicco, p. 20 & pp. 67-68.)

The schools and relocation centers identified in Exhibit 2 are located in the northwest sector.

In the only American community asked to evacuate a nuclear accident, meteorological data, dose trends, regulatory requirements and history dictate that relocation centers must be at **a minimum distance of five to 10 miles beyond the radiation plume exposure boundary zone** to properly ensure **ALL school children** are protected in the event of another radiological emergency.

Exhibit 6: Nuclear Regulatory Commission, RIC 2007, “Emergency Preparedness Session,” Apex HazMat Incident, Brian McFeasters, Assistant Director, Wake County Emergency Management, March 13, 2007.

This presentation and accompanying slides have been posted on the NRC’s web site at <http://www.nrc.gov/public-involve/conference-symposia/ric/slides/BMcFeastersslides.pdf>

For purposes of this Petition, please note that command post locations was moved several times. Although the wind direction never shifted, it was not until the **fourth move** that the command post was placed upwind of the fire and out of the plume pathway. (Slide 2)

Although this event was termed a success, the inability to move the command center out of harm's way until the **fourth relocation** demonstrates that plumes and wind speed can not be contained within a fictitious ten mile zone.

The Apex event demonstrates that **a minimum distance of five to 10 miles beyond the radiation plume exposure boundary zone** to properly ensure **ALL school children** are protected in the event of another radiological emergency.

Exhibit 7: "Report by James Lee Witt Associates Identifies Improvement Items at Penn DOT, State Police, PEMA, National Guard. State Police, PEMA, National Guard. (March 27, 2007) A full copy of the report by James Lee Witt Associates can be found at:
<http://www.wittassociates.com>.

On February 14, 2007, a series of natural and man-made events paralyzed Pennsylvania's emergency preparedness network. Despite recent assurances by the NRC that Pennsylvania emergency planning is sound (13), the Governor of Pennsylvania recently acknowledged major breakdown, and noted some of these issues had been identified **prior** to the Valentine Day's debacle.

¹³ Please refer to SECY-06-01001, "Memo to the NRC Commissioners" from Luis A. Reyes, EDO for Operations, May 4, 2006.

The Memo also revealed **private meetings and communications that had taken place without input from the public**. At PEMA headquarters in Harrisburg on January 26, 2006, a meeting to discuss the Petitioners' rulemaking request was convened. Mr. Epstein was **denied** permission to participate in the meeting by the NRC. Parties represented at the meeting included: PA DPW, PA DEP, DHS-HQ, DHS-Philadelphia, the NRC-HQ and NRC Region I et al, and a representative from Commissioner Jackzo's office. That meeting was followed-up by an NRC HQ teleconference (without public participation) on February 2, 2006 with PEMA, DHS-HQ, DHS-Philadelphia and NRC Region I.

On March 27, 2007, Governor Edward G. Rendell, responded to an independent review conducted by James Lee Witt Associates regarding Pennsylvania's emergency breakdowns during the snow storm that began on February 14, 2007. The Report identified major problems in emergency planning at the Pennsylvania Department of Transportation, the State Police, the National Guard, and the Pennsylvania Emergency Management Agency.

Governor Rendell expressed his disappointment at the state's failure to address the issues outlined in the report (despite the fact that some of these problems had been identified in earlier reports), and accepted responsibility for not acting on these matters.

"The most disturbing part of the report, I find, was its findings that state emergency system management is lacking and is not on par with national standards," said the Governor.

"I take full responsibility for that failing," he said. "As Mr. Witt noted in the report, 'The winter storm was not the first sign of issues with emergency management in Pennsylvania. After action reports on previous emergencies outline many of the ongoing problems with emergency management in the commonwealth.'" (Witt & Associates, Summary, March 27, 2007)

V. Summary

The current requirements which allow host school pick-up centers to be just outside of the 10 mile radiation plume exposure boundary zone fail to meet the safety needs of school children. The current status quo clearly fails to meet any reasonable standard for the offsite plans to adequately protect the health and safety of ALL children.

The NRC and DHS/FEMA must promulgate regulations to extend minimum distances for ALL host school pick-up centers to be located at least 5 to 10 miles beyond the plume exposure boundary lines, to ensure our school children's safety and well being.

FEMA's regulations provide the best summation to grant this Petition for Rulemaking:

“Plans and preparedness must be determined to adequately protect the public health and safety by providing reasonable assurance that appropriate measures can be taken offsite in the event of a radiological emergency.”

“There are three factors that minimize radiation exposure to your body: Time, Distance, and Shielding.”

Respectfully submitted,

Eric Epstein, Chairman,
Three Mile Island Alert, Inc.
4100 Hillsdale Road
Harrisburg, PA 17112

Enclosures:

- STATEMENTS IN SUPPORT: A, B, C & D
- ATTACHED SUPPORT MATERIALS: Exhibits 1, 2, 3, 4, 5 & 5b, 6 & 7

CERTIFICATE OF SERVICE

I hereby certify that copies of enclosed correspondence dated April 11, 2007, were served on the persons listed below by deposit in the U.S. Mail, first class, postage prepaid or electronic mail. Please note that several exhibits were only available in hard copy.

Office of the Secretary
U.S. Nuclear Regulatory Commission
Mail Stop O-16 C1
Washington, D.C. 20555-0001
Attn: Rulemaking and Adjudication's Staff

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Rockville, Maryland 20852
Attn: Rulemaking and Adjudication's Staff

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John F. Cordes, Jr., Solicitor
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