

September 12, 2007

Ms. Annette Vietti-Cook
Secretary
US Nuclear Regulatory Commission
Washington, DC 20555

Re: Petition For Rulemaking Requiring Periodic Comprehensive NRC Review Of
Emergency Planning Around U.S. Nuclear Power Plants During The License
Renewal Process

Dear Ms. Vietti-Cook,

Pursuant to the NRC's §2.802 rulemaking process, I'm writing to submit a petition
for rulemaking.

This petition seeks new NRC rulemaking requiring periodic comprehensive NRC
review of emergency planning around U.S. nuclear power plants during the
license renewal process for the purpose of making a new finding of reasonable
assurance of adequate protection of the population.

Also pursuant to NRC Regulations Section (D) of §2.802, this petition requests
the Commission immediately suspend all licensing proceedings throughout the
United States until validation of "reasonable assurance of adequate protection of
the population" has been re-established by the NRC for all US Licensees.

Thank you for your assistance with this issue.

Sincerely,

Eric Epstein
Three Mile Island Alert
4100 Hillsdale Rd.
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(717) 541-1101

Petition For Rulemaking Requiring Periodic Comprehensive NRC Review Of
Emergency Planning Around U.S. Nuclear Power Plants During The License
Renewal Process

**PURSUANT TO NRC §2.802 PETITION FOR RULEMAKING THIS
PETITION SHALL:**

(1) Set forth a general solution to the problem or the substance or text of any proposed regulation or amendment, or specify the regulation which is to be revoked or amended;

(2) State clearly and concisely the petitioner's grounds for and interest in the action requested;

(3) Include a statement in support of the petition which shall set forth the specific issues involved, the petitioner's views or arguments with respect to those issues, relevant technical, scientific or other data involved which is reasonably available to the petitioner, and such other pertinent information as the petitioner deems necessary to support the action sought. In support of its petition, petitioner should note any specific cases of which petitioner is aware where the current rule is unduly burdensome, deficient, or needs to be strengthened.

(d) The petitioner may request the Commission to suspend all or any part of any licensing proceeding to which the petitioner is a party pending disposition of the petition for rulemaking.

(1) SET FORTH A GENERAL SOLUTION TO THE PROBLEM OR THE SUBSTANCE OR TEXT OF ANY PROPOSED REGULATION OR AMENDMENT, OR SPECIFY THE REGULATION WHICH IS TO BE REVOKED OR AMENDED

GENERAL SOLUTION:

This petition seeks new NRC rulemaking requiring periodic comprehensive NRC review of emergency planning around U.S. nuclear power plants during the license renewal process for the purpose of making a new finding of "reasonable assurance of adequate protection of the population."

(2) STATE CLEARLY AND CONCISELY THE PETITIONER'S GROUNDS FOR AND INTEREST IN THE ACTION REQUESTED

GROUNDS FOR INTEREST:

The current regulations are deficient because the NRC only issues a comprehensive affirmative finding that both onsite and offsite emergency plans are in place around a nuclear power plant, and that they can be implemented, only at the time it grants an initial operating license. The NRC does not perform periodic reviews of emergency planning around nuclear power plants for the purpose of making a new finding of a "reasonable assurance of adequate protection of the population."

The NRC should not re-license any nuclear facility without first making a new comprehensive finding that the public is protected in the event of a radiological emergency each time it re-licenses a nuclear facility to insure that each licensee continues to meet NRC emergency planning requirements.

(3) INCLUDE A STATEMENT IN SUPPORT OF THE PETITION WHICH SHALL SET FORTH THE SPECIFIC ISSUES INVOLVED, THE PETITIONER'S VIEWS OR ARGUMENTS WITH RESPECT TO THOSE ISSUES, RELEVANT TECHNICAL, SCIENTIFIC OR OTHER DATA INVOLVED WHICH IS REASONABLY AVAILABLE TO THE PETITIONER, AND SUCH OTHER PERTINENT INFORMATION AS THE PETITIONER DEEMS NECESSARY TO SUPPORT THE ACTION SOUGHT. IN SUPPORT OF ITS PETITION, PETITIONER SHOULD NOTE ANY SPECIFIC CASES OF WHICH PETITIONER IS AWARE WHERE THE CURRENT RULE IS UNDULY BURDENSOME, DEFICIENT, OR NEEDS TO BE STRENGTHENED.

SPECIFIC CASE & STATEMENT IN SUPPORT:

The statement in support of this rulemaking petition are best supported by the Honorable Gregory B. Jaczko, U.S. Nuclear Regulatory Commission Commissioner, in his July 18, 2006 comments at the Tri-State Emergency Management Meeting in Danvers, MA in which he stated, "The NRC only issues a comprehensive affirmative finding that both onsite and offsite emergency plans are in place around a nuclear power plant, and that they can be implemented, at the time it grants an initial operating license. We do not perform periodic reviews of emergency planning around nuclear power plants for the purpose of making a new finding of a "reasonable assurance of adequate protection of the population."

This situation is not helpful for your organizations. I am absolutely certain that state and local emergency managers and first responders are entirely dedicated to protecting their citizens. But because there is a lack of specificity in our regulations and guidance, and because there are no opportunities to periodically assess how all of the pieces fit together, there is little incentive for DHS or the NRC to provide new guidance and support for you as your community and the world we live in undergoes dramatic changes.

I understand the argument that emergency preparedness requirements are in effect at all times. But considering emergency preparedness during the license renewal process would be good public policy and a very valuable exercise. It would provide you with a forum to raise concerns, analyze and point out the changes that have occurred in your communities over the intervening decades, and suggest improvements. It also represents a huge opportunity to improve public confidence in the licensees and all levels of government by demonstrating how seriously we take these issues. (Please see enclosure.)

(D) THE PETITIONER MAY REQUEST THE COMMISSION TO SUSPEND ALL OR ANY PART OF ANY LICENSING PROCEEDING TO WHICH THE PETITIONER IS A PARTY PENDING DISPOSITION OF THE PETITION FOR RULEMAKING.

REQUEST TO IMMEDIATELY SUSPEND ALL LICENSING PROCEEDINGS

Pursuant to NRC Regulations Section (D) of § 2.802, this petition requests the Commission to immediately suspend all licensing proceedings throughout the United States until validation of “reasonable assurance of adequate protection of the population” has been re-established by the NRC for all US Licensees to insure and confirm each licensee is up to date and current with all NRC emergency planning requirements.

Thank you for assistance regarding this petition.

Respectfully submitted,

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