

PRM-50-85  
(72FR37470)



RIVERKEEPER

DOCKETED  
USNRC

13

September 24, 2007 (4:30pm)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

September 24, 2007

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

Re: *Docket No. PRM-50-85, Petition for Rulemaking by Eric Epstein*

Dear Mme. Secretary:

Riverkeeper is hereby filing the following comments in support of the above-referenced petition for rulemaking filed by Eric Epstein of Three Mile Island Alert. The petition was submitted to the Nuclear Regulatory Commission (NRC) on April 17, 2007, and docketed by NRC on July 10, 2007 (*See* 72 FR 37470). Riverkeeper joins with the petitioner in calling on the NRC to amend its regulations regarding emergency preparedness, specifically by requiring that all host school pick-up centers be located at a minimum distance of five to ten miles beyond the radiation plume exposure boundary zone to ensure that all school children are protected in the event of a radiological emergency. In addition, Riverkeeper hereby incorporates by reference the comments submitted to the NRC on September 10, 2007 by Mary Lampert of Pilgrim Watch and eight other citizens' groups in support of the rulemaking petition.

Current regulatory requirements regarding the location of reception centers and pick-up centers for schoolchildren are inadequate because they are based on the outdated and dangerous notion that a large, potentially catastrophic radiological release could only occur as the result of a slow moving accident scenario premised on a series of operator errors, and would only involve a reactor accident. However, the 2005 National Academy of Sciences' study of spent fuel pool risks concluded that a successful terrorist attack could result in a zirconium cladding fire that, within a few hours, would spread toxic smoke containing high levels of cesium-137 for hundreds of miles, well beyond the arbitrary limits of the typical ten-mile emergency planning zone that surrounds most nuclear power plants (Safety and Security of Commercial Spent Nuclear Fuel Storage Public Report, National Academy of Sciences, April 2005).

In addition, the 2003 report by James Lee Witt & Associates on the workability of the Indian Point emergency plan found that the existing plan would not adequately protect the public in an actual emergency, particularly in the event of a fast breaking release caused by a terrorist attack. While Indian Point is located in the most densely populated metropolitan region in the United States, there are several other plants located in highly populated areas, including Three Mile Island, Oyster Creek, Millstone and Limerick, all of which face challenges regarding the ability of the population living within the 10-mile EPZ to be evacuated in the event of an emergency.

Children are the most vulnerable members of society, and should be accorded the most rigorous protections possible when planning for a radiological emergency. The NRC should require that

host Schools, as well as well Reception Centers, are located well outside the expected plume exposure pathway where exposure is expected to be harmful, at least five to ten miles from the reactor. The purpose of a relocation center is to provide a "safe haven;" and this means that they must be located outside the likely-to-be impacted geographic area where harmful levels of exposure can reasonably be expected to occur as a result of an accident requiring protective actions. Studies show that harmful exposures from an accident requiring evacuation are likely to be in areas beyond 10-miles. Further we know from the National Academies of Sciences BEIR VII that radiation is harmful at lower doses than NRC currently assumes in its consequence models; therefore the determination of what is a "safe" distance must be redefined and then extended.

The scientific understanding of the risks posed by nuclear power plants to populations living in their vicinity has changed since the NRC promulgated its emergency preparedness regulations following the Three Mile Island Accident. The attacks of September 11 and the federal government's failure to build a permanent waste repository require a complete reanalysis of these risks, with the understanding that existing nuclear power plants often operate in densely populated areas, under increased risk of sabotage, and with thousands of tons of nuclear waste onsite that could contribute to a significantly worse radiological release than was originally predicted. Continuing to locate reception centers for schoolchildren at the outer edge of an arbitrarily determined EPZ simply does not make sense, and must be changed.

Sincerely,

A handwritten signature in black ink, appearing to read "LR", followed by a period.

Dr. Lisa Rainwater  
Policy Director

**From:** "Lisa Rainwater" <lisa@riverkeeper.org>  
**To:** <SECY@nrc.gov>  
**Date:** Mon, Sep 24, 2007 3:29 PM  
**Subject:** PRM-50-85

September 24, 2007

Secretary

U.S. Nuclear Regulatory Commission

Washington, DC 20555-0001

VIA ELECTRONIC MAIL

Re: Docket No. PRM-50-85, Petition for Rulemaking by Eric Epstein

Dear Mme. Secretary:

Riverkeeper is hereby filing the following attached comments in support of the above-referenced petition for rulemaking filed by Eric Epstein of Three Mile Island Alert. The petition was submitted to the Nuclear Regulatory Commission (NRC) on April 17, 2007, and docketed by NRC on July 10, 2007 (See 72 FR 37470).

We will be sending a hard copy via the U.S. Postal Service as well.

Sincerely,

Lisa Rainwater, PhD

Policy Director

Riverkeeper, Inc.

828 S. Broadway

Tarrytown, NY 10591

P: 914-478-4501 x. 221

F: 914-478-4527

<<http://www.riverkeeper.org>> [www.riverkeeper.org](http://www.riverkeeper.org)

Riverkeeper---Defending the Hudson. Protecting Our Communities.

This message contains information that may be confidential or privileged and is intended only for the individual or entity named above. No one else may disclose, copy, distribute or use the contents of this message. Unauthorized use, dissemination and duplication is strictly prohibited, and may be unlawful. All personal messages express views solely of the sender, which are not to be attributed to Riverkeeper, Inc. and may not be copied or distributed without this disclaimer. If you received this message in error, please notify us immediately at [info@riverkeeper.org](mailto:info@riverkeeper.org) or call 914-478-4501.

**Mail Envelope Properties** (46F80FEA.C55 : 5 : 27733)

**Subject:** PRM-50-85  
**Creation Date** Mon, Sep 24, 2007 3:28 PM  
**From:** "Lisa Rainwater" <[lisa@riverkeeper.org](mailto:lisa@riverkeeper.org)>  
**Created By:** [lisa@riverkeeper.org](mailto:lisa@riverkeeper.org)

**Recipients**

nrc.gov

TWGWPO02.HQGWDO01  
SECY (SECY)

**Post Office**

TWGWPO02.HQGWDO01

**Route**

nrc.gov

Files	Size	Date & Time
MESSAGE	1485	Monday, September 24, 2007 3:28 PM
TEXT.htm	4875	
Sept 24 07 Rk Comments to PRM-50-85.pdf		46272
Mime.822	72108	

**Options**

**Expiration Date:** None  
**Priority:** Standard  
**ReplyRequested:** No  
**Return Notification:** None

**Concealed Subject:** No  
**Security:** Standard

**Junk Mail Handling Evaluation Results**

Message is eligible for Junk Mail handling  
This message was not classified as Junk Mail

**Junk Mail settings when this message was delivered**

Junk Mail handling disabled by User  
Junk Mail handling disabled by Administrator  
Junk List is not enabled  
Junk Mail using personal address books is not enabled  
Block List is not enabled